

State of New Hampshire HOUSE RECORD

First Year of the 158th Session of the General Court Calendar and Journal of the 2003 Session

Vol. 25

Concord N.H

Friday, March 21, 2003

No. 25

Contains: Reports for March 25, 26 and 27, Hearings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Tuesday, Wednesday and Thursday, March 25, 26, and 27 at 10:00 a.m. Also, the House will tentatively meet on Thursday, April 3, at 1:00 p.m. and April 9 and 10 at 10:00 a.m.

All House Republican leadership will meet Monday, March 24, at 11:00 a.m. in Rooms 205-207. Lunch will be served following the meeting.

Gene G. Chandler, Speaker

NOTICE

The State House Visitors' Center will soon begin carrying Blue Star Service Banners. These are banners that homes can display, typically in windows, that signify there is a family member or members serving in the Armed Forces.

I know many of you, your constituents and our staff have loved ones serving at this very difficult time in our nation's history. These banners are offered to allow you to purchase them for your constituents or for them to get them directly. They are also available through the American Legion at <http://emblem.legion.org>.

You can also get a printable Blue Star Mothers Flag at www.homeofheroes.com

The Visitors' Center is located off the Hall of Flags on the first floor and can be contacted by phone at 271-2154.

Gene G. Chandler, Speaker

NOTICE

A secure and encrypted wireless access point has been installed in the House Chamber Anteroom. Members that wish to use this service for wireless Internet access need to go to SH Room 31 to have their laptop configured

Gene G. Chandler, Speaker

NOTICE

Operation Volunteer is collecting items for service men and women serving in the current conflict. Items that are needed include baby wipes ("sponge bath"), lip balm, and hard candy. If you are interested in helping out in this effort or you want more information contact Representative Laurie Boyce at 875-7371.

Gene G. Chandler

NOTICE

There will be a Republican Caucus on Tuesday, March 25 and Wednesday, March 26 at 9:15 a.m. in Representatives Hall. Republicans will be contacted regarding the possibility of a Caucus on Wednesday, March 27th.

Rep. David W. Hess, Majority Leader

NOTICE

There will be a Democratic Caucus at 9:00 a.m. on Tuesday, March 25 in Rooms 306-308, Wednesday, March 26 in Rooms 305-307 and Thursday, March 27 in Rooms 306-308 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

TUESDAY, MARCH 25

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 56, establishing a study committee to examine the state foster care system. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Stuart Gile for Children and Family Law: This bill proposed a study committee to examine the state's foster care system. The committee appreciates the intent and concern of the bill's sponsor regarding the safety and well being of children in foster care. However, after a careful review of the Office of Legislative Budget Assistant 2001 Performance Audit Report, the 2000 Task Force Report, a presentation on March 18, 2003 by the Director of DCYF, addressing the agency's progress on findings in both reports, and in consideration of an impending federal audit of the foster care system beginning in June 2003, the committee decided that an additional legislative study at this time would be premature. The committee plans to continue to monitor DCYF's progress on the aforementioned reports' recommendations and will request additional updates from DCYF throughout 2003-2004. **Vote 13-1.**

HB 245, relative to child custody decisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet F. Allen for Children and Family Law: The amendment replaces the bill. The amendment is a housekeeping measure which clarifies the existing statute relative to the controlling consideration in deciding child custody, which is the overall welfare of the child. **Vote 15-0.**

HB 268, relative to motions for contempt of court orders regarding custody, visitation, or nonpayment of child support. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold Jr. for Children and Family Law: The committee felt that this was unnecessary legislation for a problem that is curable by better communication. It is anticipated the problem will be addressed by the Family Law Task Force. **Vote 10-5.**

HB 357-FN, relative to child support insurance settlement intercept. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill, requested by the Department of Health and Human Services, enables the department to contract services to identify insurance settlements to individuals with delinquent child support statements. It also strengthens the protection of insurance settlements for the replacement of real property and payment of past and future medical bills under all liens by the department. **Vote 15-0.**

HB 447, limiting retroactive child support awards under the uniform act on paternity. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: The amendment is the bill. It is a new section in RSA 168-A:3 which sets time limits for retroactive child support. **Vote 13-0.**

HB 486, relative to access to child support enforcement records. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill authorizes the Division of Child Support Services (DCSS) to use the parent locator service to identify and notify the parent that is not living with their children of alleged child abuse and/or neglect. This is at the request of the Division of Children, Youth and Families (DCYF). **Vote 13-0.**

HB 620-FN, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cynthia J. Dokmo for Children and Family Law: This bill serves two purposes. First, it establishes a procedure which insures parents certain rights in various stages of a guardianship proceedings. Secondly, it provides a right to counsel for indigent parents in those proceedings. The committee believes that this proposal will adequately protect the rights of parents. **Vote 17-0.**

HB 674-FN, relative to legal representation for indigent parties under the Child Protection Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill codifies the Shelby R. decision and the provision of an attorney for cases under the Bill F. decision codified last year. This bill greatly strengthens the rights of non-offending parents to obtain custody of their children rather than having them placed in foster care. **Vote 17-0.**

HB 682-FN, relative to dual sentencing of certain juveniles. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret D. Hallyburton for Children and Family Law: The prime sponsor initially requested that the bill be retained in committee to address the concerns raised by various agencies. Given that the subject matter of “dual sentencing” fits within the scope of responsibility of the existing Task Force on Juvenile Justice Service Capacity and Administrative Simplification created by last session’s HB 179-FN, the sponsor agreed with the decision of the committee to find the bill inexpedient to legislate. The committee chairman will refer the subject matter of the bill, by memo, to the Task Force whose chair has agreed to the referral. **Vote 14-0.**

HB 683-FN, relative to escape or attempted escape from a juvenile facility. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: The sponsor of this bill asked the committee not to go forward with this bill. Therefore, the committee agreed to recommend it inexpedient to legislate. **Vote 14-0.**

HB 710-FN-L, relative to the confidentiality of library user records. **INEXPEDIENT TO LEGISLATE**

Rep. Irene A. Pratt for Children and Family Law: The sponsor requested that this bill be found inexpedient to legislate because an understanding has been reached with the New Hampshire Library Association to resolve the concerns of confidentiality, rights and responsibilities that had prompted this legislation. **Vote 11-0.**

COMMERCE

HB 70, establishing a commission to study government actions that contribute to involuntary homelessness. **INEXPEDIENT TO LEGISLATE**

Rep. Randolph Holden for Commerce: This bill was originally a study bill. The committee felt that in its current form it doesn’t directly address the problem. Based on testimony, the problem of government action that contributes to involuntary homelessness deals with zoning laws and municipality regulations, and should be addressed to the appropriate committee. **Vote 18-0.**

HB 207, relative to information required in articles of incorporation. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: The committee feels that this legislation is unnecessary. Currently upon incorporation a resident agent is required to be filed with the Secretary of State. In many cases when the investors/shareholders initially form the company, the directors may not be known. It is required by the Secretary of State that when the company files its annual report it must at that time list all the directors names and addresses. **Vote 17-0.**

HB 259, relative to the regulation of gift certificates under the consumer protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Commerce: This bill was brought forth on behalf of the Attorney General’s Office in an effort to clarify the definition of gift cards. The recent emergence of gift cards and dormancy fees has raised numerous complaints by consumers. This bill will address this concern and make these fees illegal. **Vote 18-0.**

HB 316-FN, relative to insurance coverage for anesthesia for child dental care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: This bill addresses the use of anesthesia in children under the age of six for significant dental work. Current law requires anesthesia coverage for children up to the age of four. The committee heard extensive testimony about the difficulties of treating young children with severe dental problems. This bill helps to ease the fears and pain for young children who need serious dental work. **Vote 20-0.**

HB 404, relative to common trust funds. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would expand the power of banks to co-mingle investments in common trust funds. This co-mingling applies only to banks and their affiliates. Since 1977, banks have been limited to a bank’s own common trust funds. With the ability to co-mingle common trusts in a fund with affiliates, a larger pool is created affording more opportunity to diversify investments and at the same time reduces costs. **Vote 19-0.**

HB 412, establishing a committee to study insurance coverage for alternative medical treatment. **INEXPEDIENT TO**

LEGISLATE

Rep. Matthew J. Quandt for Commerce: After hearing extensive testimony on alternative care and insurance mandates, the committee felt that there is currently not enough proven, tested, factual evidence on alternative treatment, and in particular the treatment that generated this legislation. Currently health insurance companies do cover many forms of alternative medicine so a new study committee is not necessary at this time. Clinical trials are already mandated. **Vote 19-0.**

HB 414, requiring liquor liability insurance for state liquor licensees. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: This proposed legislation would have required all liquor licensees to have liquor liability insurance of limits up to \$1,000,000 for any one person and \$3,000,000 for all persons per incident. This would result in prohibitively high premiums for small “mom and pop” stores. The committee felt the current law that allows liability insurance at the discretion of the liquor commission was just enacted last year and it appears to be working well. **Vote 17-2.**

HB 423, relative to safe deposit boxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation would allow banks a second method of disposing of the contents of an abandoned safe deposit box. Today the law only allows for a public auction. Frequently the contents of an abandoned box are of negligible value, yet the only method of disposal allowed is via public auction that can prove costly. Should this legislation be adopted, the bank can dispose of property by sealed bid. The amendment adds the Internet as an alternative. **Vote 14-0.**

HB 460-FN, relative to property and casualty insurance. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: This bill was introduced at the request of the insurance department. The bill is intended to make technical corrections to various sections of the New Hampshire insurance statutes to bring them into conformity with model legislation proposed by the National Association of Insurance Commissioners (NAIC). The committee believes that the amendments are appropriate and there is value within the industry for conformity of state laws. **Vote 19-0.**

HB 470, relative to health insurance providers. **OUGHT TO PASS WITH AMENDMENT**

Rep. George J. Liebl for Commerce: This legislation as introduced would address “any willing provider” to be accepted by health insurers. The bill also requires health insurers to keep a provider’s personal information confidential. The committee heard testimony that the insurance department opposed the willing provider issue as too broad in scope. As amended the bill does address the confidentiality issue. **Vote 18-0.**

HB 471, relative to cost containment practices and establishing an insurance review and advisory board. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: The committee felt that the sponsors’ intent would conflict with existing law on utilization review and would be a significant expansion of existing mandates. Current utilization review is essential to containing costs. The second piece of the proposed legislation would have established an advisory board on health insurance matters to advise the commissioner of insurance. **Vote 18-0.**

HB 472, relative to health insurance terminology. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: This proposed legislation would have prohibited the use of the term “managed care” or the term “care.” The committee felt that the cost in time and money to change all documents would result in higher premiums to be paid by the policyholder. **Vote 17-0.**

HB 481, prohibiting unfair trade practices in the production and sale of milk and dairy products. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stella Scamman for Commerce: This legislation authorizes the Commissioner of Agriculture to prohibit unfair trade practices in the production, distribution and sale of milk. Testimony from the Commissioner of Agriculture and many dairy farmers showed a need for a fair market and the huge price difference between what farmers get and what people pay for milk at the store. Farmers are at the greatest risk. To support the farmers is also to support prime farmland for future generations to grow food, open space, protection of our New Hampshire forests, and a quality way of life for New Hampshire. **Vote 14-0.**

HB 504, relative to refinancing home mortgages. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The intent of this legislation would be to amend the terms of a mortgage without affording the lender to do all that it normally does in financing a new of a mortgage. The committee was unanimous in believing that if the provisions of the bill and/or the proposed amendment were adopted, lenders would be very reluctant to continue to make loan modifications that save the consumer from a full blown refinancing with its corresponding closing costs. **Vote 18-0.**

HB 506, establishing a committee to study the retention of membership fees in health clubs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: The original bill proposed to study the retention of membership fees in health clubs. The committee felt that we did not need to study the situation because we identified the problem and will attempt to fix the situation. The amendment will ensure that initiation fees shall not exceed 100 percent of an annualized monthly fee. It will also limit the automatic renewal cycle for a period not greater than one month. **Vote 16-2.**

HB 507, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser Jr. for Commerce: This legislation corrects some language in a law enacted in the 2001 Session. Both the

New Hampshire Insurance Department and the insurance companies that are regulated by the 2001 law should be amended. Essentially, the change proposed in this legislation is to remove disability plans from language referenced to Accident and Health Insurance. Disability plans are governed by the Employee Retirement Income Security Act of 1974 (ERISA) and the bill removes the prospect of inconsistencies between state and federal regulations. **Vote 15-0.**

HB 544, relative to the insurance cap on durable medical equipment. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: The committee did not feel this bill would improve benefits by stacking coverages. New Hampshire does not have a mandate for durable medical equipment coverage. Voluntary coverage for this benefit varied by insurance companies and within the variety of plans offered. Per calendar year, maximums per member are attempts to keep premiums affordable and discourage over-utilization. Allowing other members to use benefits would put other members at risk if they required coverage in the same calendar year. **Vote 13-0.**

HB 546, relative to uniform prescription drug information cards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation, as amended, will require all issuers of prescription drug cards to have on the card uniform drug information. This information shall include whatever information necessary for the health insurance provider to process claims in a clean, readable and understandable manner. The card shall include the trademark or logo of the insurer, certificate holder's name and ID number, and the BIN number. During the public hearing the three major insurers in New Hampshire are already providing this information or are in the process of making necessary changes. **Vote 13-1.**

HB 555, requiring condominiums to comply with the Fair Housing Amendments Act and to provide accessible parking.

INEXPEDIENT TO LEGISLATE

Rep. Mark A. Brady for Commerce: This bill attempts to make condominium associations adhere to the FHA regulations via New Hampshire statute. Although well intentioned, the committee concluded after further analysis that the bill would give condominium associations enhanced authority vis-a-vis property owners. Specifically, the legislation would give all condominium associations throughout the state the authority to usurp existing condominium association by-laws to deal with disability issues pertaining to parking spaces. This would be a precedent that the committee felt was not appropriate and therefore believed that the existing system is adequately dealing with such issues. **Vote 16-0.**

HB 557, banning cancellation of or rate increases in homeowners' insurance based on the number of claims and prohibiting motor vehicle insurers from using credit information for underwriting purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser Jr. for Commerce: This proposed legislation, if adopted, would have banned cancellation of homeowner insurance policies or rate increases based on the number of claims and banned insurers of motor vehicles from using credit information for underwriting purposes. The New Hampshire Insurance Department appeared in opposition to this bill and introduced a study prepared by the National Association of Insurance Commissioners concerning the use of credit scoring. The study done by the American Academy of Actuaries concluded that there is a measurable correlation between poor credit and an increased claims risk. The testimony by those who appeared in opposition was quite compelling that this kind of legislation will cause premiums to escalate. **Vote 16-0.**

HB 573-FN, relative to motor vehicle insurance. **INEXPEDIENT TO LEGISLATE**

Rep. George J. Liebl for Commerce: This proposed legislation would have further restricted the use of parts that were not manufactured by the original automobile manufacturer for automobiles that are older than two years. The committee felt that the insurance department has addressed this with a pro-active consumer brochure that informs the policyholder of their rights under RSA 417:4 and Regulations Ins. 1001.02, 1001.03 and 1001.05. Any further restrictions would only increase the costs and be passed to the policyholder in higher premiums. **Vote 12-2.**

HB 596-FN, relative to health plan loss information. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser Jr. for Commerce: This legislation would allow insured clients in groups of fifty or larger to obtain loss information from the insurer. The current law, according to testimony of the New Hampshire Insurance Department, is vague, and does not really allow large employers to have access to this information. **Vote 13-0.**

HB 601, relative to the long-term care insurance act. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: Long term care is becoming more and more of a very sensitive and vital issue and its cost implications. Obviously we as a society are living longer and utilization has increased the cost of long term care which continues to spiral upwards. This bill, introduced at the request of the New Hampshire Insurance Department amends existing statutes by implementing the National Association of Insurance Commissioners Model Bill. This bill regulates the long-term statute by significantly tightening up the regulation of the long term care market place, addresses abuses of past claims indemnity, provides a 30-day free look to consumers. Beyond that, amendments address changes in Health Insurance Portability and Accountability Act of 1996 (HIPPA). **Vote 14-0.**

HB 604, relative to the filing of federal liens under the uniform federal lien registration act. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed legislation was an effort to place in the RSA's a requirement that prior to implementation of a federal lien on property (i.e. IRS). The federal agency must show evidence of due process before the lien is recorded. The committee felt that this proposal would not be appropriate, as it would fly in the face of the Uniform Federal Lien Registration Act, a federal law that would take precedence over the laws of New Hampshire. This proposed legislation was introduced at the request of one New Hampshire citizen who had a lien placed on his property by the Internal Revenue Service

for failure to pay his taxes. **Vote 14-0.**

HB 636-FN, relative to mandatory automobile insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would require mandatory automobile insurance and require the Department of Safety to collect the number plates of those who cancel or non-renew their insurance. The committee feels that New Hampshire has an excellent rate of insured drivers under the laws as they now exist. **Vote 12-2.**

HB 646-FN, relative to liquor licenses and fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis P. Vachon for Commerce: This bill makes a variety of changes in the laws relative to liquor licenses and fees at the request of the liquor commission. The changes include the creation of a rectifier license and carrier vehicle license. The bill also creates new definitions for private clubs and corkage licenses. The bill would also provide for multiple year licenses, combine in fee structure for liquor vendors and wine vendors and adjusting the fee so that the bill remains revenue neutral. **Vote 15-0.**

HB 680-FN, relative to services contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N. Holden for Commerce: The majority felt that the bill in its original form raised numerous complex questions. In an effort to effectively address these questions the committee adopted an amendment, which would establish a study committee. This amendment would also repeal the law regarding legal service insurance in order to start from a clean slate. **Vote 12-2.**

HB 684-FN, relative to the insurance rating law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation, as amended, was introduced at the request of the New Hampshire Insurance Department. It revises several rating laws for property and casualty. There are three changes in the RSA's. First, currently personal lines (auto and homeowners insurance are insurance products that are subject to prior approval. With the proposed changes personal lines would now become file and use. In other words, the insurance company would be permitted to file the new or amended forms and 30 days thereafter would be allowed to commence marketing these new amended products. The 30 days would provide a window for the insurance department to review. Secondly, the bill would permit rates for commercial lines to become line and file. Today commercial lines, usually is for information purposes only. Third, this proposed legislation would address lines such as medical malpractice or liquor liability, rate filings must be reviewed and subject to prior approval. The whole idea of the bill is to address speed to market while at the same time providing the necessary consumer protection. **Vote 15-0.**

HB 694-FN, relative to tobacco product manufacturers not entering master settlement agreements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation intended to deal with tobacco product manufacturers who are not participating manufacturers in the Master Settlement Agreement of 1998. Under the terms of that agreement manufacturers are obligated to pay substantial sums of money to the states in perpetuity. In 1999 the New Hampshire legislature enacted RSA Chapter 541-C affecting manufacturers who did not enter into the Master Agreement. They are required to set aside funds based on volume of sales, in escrow accounts so that sufficient funds will be available in the event of a future judgement on a settlement against non-participating manufacturers. The Attorney General's Office has been vigorously enforcing these provisions. However, over 30 US and foreign non-participating manufacturers of tobacco products were being sold in New Hampshire. Approximately 2/3rds of those companies came into compliance. This proposed legislation is intended to enhance the ability of the state to enforce RSA 541-C by requiring non-participating manufacturers to annually submit detailed certifications under the penalty of perjury concerning their compliance with the New Hampshire escrow statute. **Vote 15-0.**

HB 711-FN, relative to the regulation of retail installment sales of motor vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N. Holden for Commerce: HB 711 as amended and requested by the New Hampshire Banking Department, recodifies RSA 361-A relative to retail sellers and sales finance companies. The bill as amended will not only make it easier to do business in New Hampshire, but will give the department the tools that it needs to improve consumer protections. The bill streamlines the licensing process for retail sellers and sales finance companies by reducing paperwork for license renewal. In addition, the bill provides for a new expanded penalty section allowing the Commissioner to impose monetary penalties for violations of the statute. The bill as amended would create greater efficiency in the department, allowing for more emphasis on the examination and investigation processes. Finally, the amendment changes the effective date of the bill, eliminating the projected revenue loss for fiscal year 2004. **Vote 13-0.**

HB 725, relative to fraternal benefit societies. **OUGHT TO PASS**

Rep. Leo W. Fraser Jr. for Commerce: This bill, introduced at the request of the New Hampshire Insurance Department, is an effort to update laws relating to fraternal benefit societies. The last changes took place in 1973. Over 40 states have adopted uniform statutory language promulgated by the National Fraternal Conference of America in 1983. This legislation brings New Hampshire into compliance. Although New Hampshire has sixteen licensed fraternal, only one is currently active and that is A.C.A. of Manchester, New Hampshire. The changes will (1) allow fraternal to own subsidiary corporations; (2) establish separate accounts for offering life and variable annuities; and (3) enable fraternal to provide new products and keep pace with any new authority granted to life insurers. **Vote 14-0.**

HB 762, relative to the transmission of unsolicited material via facsimile transmission. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Commerce: This bill prohibits the transmission of unsolicited material via facsimile transmission,

and any person who receives unsolicited material may bring action for damages and ask for equitable relief of up to \$1000. The committee felt that in most cases the receiving party has the fax number of the sending party and can ask to be removed from their list. They also felt that the fines were excessive and could lead to unexpected ramifications. **Vote 13-1.**

HB 796-FN-L, relative to the taxation of manufactured housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: At present manufactured housing has a tax lien process and system, separate and distinct from other real estate. This bill provides that manufactured housing shall be treated the same as all real estate for tax purposes. This will simplify the tax lien process and standardize collection procedures. The second part of the committee amendment adds language to RSA 382 A, Article 9 of the Uniform Commercial Code (UCC) which was inadvertently left out when the code was updated in 2002. This correction was requested by the Secretary of State **Vote 13-0.**

HB 798, relative to gifts by fiduciaries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: This bill comes as a request from the Department of Health and Human Services. The purpose of this legislation and its amendments is to clarify the procedure for gifts by guardians or agents pursuant to the durable power of attorney. The Probate Court reviews any gifts that would adversely effect the wards housing options access to care and services, general welfare or quality of life. **Vote 14-0.**

HB 807-FN, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen N. Taylor for Commerce: This bill raises the filing fees for a fund raising counsel and a paid solicitor of a charitable trust. The committee heard testimony that many charities reap as little as 2% from a paid phone campaign after all fees are paid to the solicitor. On one occasion the charity raised nothing and had to pay the solicitor over \$1000. The additional fees will support the hiring of a financial analyst in the Attorney General's Office who will oversee these contracts and educate volunteer boards and executive directors of charities on the fine print contained in the contracts and their possible financial ramifications **Vote 13-1.**

HB 816, making technical corrections to the securities laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser Jr. for Commerce: This bill has been introduced at the request of the Secretary of State's Office. It does the following things: (1) Narrows the definition of agent to exclude certain individuals who provide the Secretary of State with securities notice filings; (2) Defines broker-dealer and agent responsibility with respect to the suitability of recommended securities; (3) Inserts authorization to charge \$100 per diem and other expenses related to a securities broker examination; (4) Shortens the time period in which the Secretary of State may consider a license application withdrawn for lack of information; (5) Clarifies and makes technical corrections to the filing requirements for the registration of securities; (6) Authorizes the Secretary of State, rather than the Attorney General, to perform certain investigatory and enforcement functions relative to securities regulation; and (7) Increases the fine for violation of a cease and desist order. The Attorney General's Office, in its testimony, was only concerned with one section of the bill. This was addressed in the amendment so that in all sections where the Secretary of State was noted, that was changed to the Attorney General or the Secretary of State. The final change is that once the takeover bid filing is complete and accurate, the hearing shall include the offeror and the target company as parties, and shall commence within 25 days after the filing of a registration statement. **Vote 13-0.**

HB 817, relative to the regulation of first and second mortgage brokers and mortgage servicers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser Jr. for Commerce: This bill is a huge effort by the New Hampshire Banking Department to streamline the process in banking. This legislation, as amended, does the following: (1) Adds definitions for branch offices and principal offices; (2) Changes the date the financial statement filings would be due from 60 days to 90 from fiscal year end (FYE); (3) Automatically issues a second mortgage license to a first mortgage banker when it files a notice and pays a fee; (4) Removes the per diem penalties for unlicensed activity; (5) Replaces the requirement to include the license number in mortgage brokers' and bankers' advertisements with a simple unchanging disclosure, "Licensed by the New Hampshire Banking Department"; (6) Adds language to elicit cooperation from licenses and make the examination process more efficient; (7) Allows licensees to request closed hearings to dispute items contained in the report of examination; (8) Provides a detailed list of the possible violations for which the Commissioner, following an opportunity for hearing, may deny, revoke or suspend an application or license; and (9) Changes the effective date from 1/1/04 to "upon passage" to allow the renewal procedures to be in place for the next renewal cycle. **Vote 13-0.**

HB 827, establishing a committee to study the costs and benefits to the state of a state-level community reinvestment act for credit unions and non-bank mortgage lenders doing business in this state. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would create a committee to study the costs and benefits to the state of a statewide level community reimbursement act for credit union non-bank mortgage lenders. So far as credit unions are concerned, they can only lend to their individual depositors and as such being non-profit financial organizations would now be subject to the Credit Reporting Act. Non-bank mortgage lenders do not take deposits so that they too would be exempt from this bill. As both financial institutions identified in the bill would be exempt, the committee felt that legislation to create a study committee was not appropriate **Vote 13-0.**

HB 837-FN, relative to the release of real estate liens. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would have reduced the time for real estate lien holders to record in the registry of deeds the discharge of a lien from 60 to 30 days. The New Hampshire Department of Employment Security (among others) appeared in opposition to the bill, as the section of the law intended to be amended would directly effect them. It became quite apparent that the amendment was not the correct section to be changed. As a result of the hearing and subsequent work session, the committee was satisfied that there are too many different reasons for needing the 60 days, and therefor the recommendation was to report the bill as ITL. The committee is very sensitive to this issue, but this legislation creates more problems than the problem it attempts to solve. **Vote 13-0.**

HCR 4, urging adoption and implementation of a national do-not-call list for telemarketers. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This proposed resolution would have been an effort to raise the level of awareness on the Federal Trade Commission (FTC) in adopting a national do-not-call list. Since this resolution was introduced, the FTC has promulgated legislation and, in fact, fully funded the program. This proposed resolution is no longer necessary. **Vote 18-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 205, relative to the use of criminal records and reports. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald C. Smith for Criminal Justice and Public Safety: This legislation adds the National Crime Prevention and Privacy Compacts to RSA 106-B:14 implementing the national exchange of criminal history records for non-criminal purposes. Currently only NH convictions are available. The Deputy Commissioner of Safety advised, "there can be no changes to the wording of the Compact." Presently 16 states belong and that number is expected to be 45 in the near future. New Hampshire is somewhat of a safe haven for pedophiles, embezzlers, etc. because information is not shared. No one spoke in opposition to this bill. **Vote 12-0.**

HB 208, relative to name changes for inmates and parolees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill was filed at the request of the Department. of Correction. The DOC's concern was that a burdensome and frivolous number of requests for name changes were being received. The DOC also recognized that there are circumstances when an inmate, parolee, or registered sexual offender has a compelling reason to request a name change. The bill, as amended, requires the probate court to issue a copy of any order on a petition for a name change made by an individual who is on probation or parole, or for a person who is required to register as a sexual offender against children, to the DOC or to the Department. of Safety. This bill makes the petition a final procedure and provides for a record of each petition and should reduce frivolous petitions. **Vote 15-0.**

HB 283-FN, establishing the penalty for endangering the welfare of a child or incompetent resulting in death or serious bodily harm. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: this bill would have raised the penalty of endangering the welfare of a child or incompetent which results in death or serious bodily injury from a misdemeanor to a class A felony. The committee felt that this issue was adequately addressed in HB 718 which raises this penalty to a class B felony. **Vote 15-1.**

HB 389, relative to victim impact statements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Constance A. Jones for Criminal Justice and Public Safety: Without this bill, there could be an attempt made to keep information from the court. The bill makes it very clear that the victim shall have the opportunity to be heard, without restriction, before the judge accepts a plea or before imposing a sentence, even if he or she cannot speak for themselves. The wording is such that it leaves no doubt that a victim of a crime, or attempted crime, may designate a representative to assist the victim in making an impact statement to the court and that the impact statement may include injuries, harm, or damages that were not fully determined or discovered at the time the information indictment was filed. The bill also deletes a portion of a 1993 session law prohibiting the funding of certain positions in the office of victim/witness assistance with funds from the victims' assistance fund. **Vote 17-0.**

HB 410, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill establishes requirements for disclosure of information by current or former employers for purposes of background investigations conducted by criminal justice agencies of applicants for police, corrections, and security employment. The bill grants limited immunity to employers, the director of the police standards and training council, and criminal justice agencies for disclosure of employment or criminal history information. This bill was requested by the police standards and training council. The amendment corrects typographical errors. **Vote 17-0.**

HB 418, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation allows a defendant whose case was dismissed, not prosecuted, or such person was found not guilty, to file a petition for annulment of record immediately upon such determination. The court shall inquire of the state if it has no objection. If it does not, the court may immediately act upon the petition for annulment of the record of arrest immediately granting the same if the court deem it appropriate to do so. **Vote 17-0.**

HB 483, relative to expungement of records of protective orders. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was found to be lacking support from most of those who spoke on the bill. It became obvious after careful investigation that the State Police and the Federal Data Base (NCIC) already expunge these records once the protective order expires. The courts, however, retain them. The committee is of the opinion that these records should be kept for accountability of prior history particularly as they pertain to criminal cases. The bill as presented had no standards on how this might be accomplished. In conclusion, the fiscal note on this bill advised it would add to the overall cost of the courts to enact it. **Vote 18-0.**

HB 495, relative to unauthorized access to a wireless computer network. **OUGHT TO PASS**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill came about innocently enough when a gentleman who is well versed in wireless computers and wireless technologies in general was walking near a company while he was using his wireless computer and inadvertently opened the company's computers up onto his hand-held screen while he was using his wireless computer. He went to the company and advised them that their system was not encrypted and told them what could have happened if he was an unscrupulous individual. To make a long story short, the bill simply puts the responsibility of encryption on the owner of the data where it belongs to avoid accidental access to a company's computer system and its files.

Vote 15-0.

HB 524-FN, relative to the annulment of certain domestic violence offenses and offenses committed with a firearm. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill amends RSA 651:5, annulment of criminal records. Any person convicted of an offense may petition for an annulment of such record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and in the instance of a class A misdemeanor for violation of a protective order the time limit to qualify for an annulment shall be six years and a domestic violence misdemeanor shall not be eligible for an annulment. **Vote 14-1.**

HB 580-FN-A, establishing a task force for the promotion of firearm safety and environmental awareness. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill has some laudable ideas but the committee felt that these would be better served in a joint resolution of the House & Senate rather than in its present form. Most of the goals/programs are already to some degree or other in place. The committee strongly endorses a resolution to encourage our school districts to take part in firearm safety just as they do for poison and other accidents. **Vote 15-0.**

HB 615-FN, relative to the requirements for registration of sexual offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill requires the registration of sexual offenders whose victims are under the age of 16. Current law states the age as 13. This bill also requires the name, address, physical description and photograph to be registered in the sexual offender data base. This bill will eliminate the present requirement of the Department of Safety maintaining a list of those requesting information from the offenders registry list. **Vote 13-0.**

HB 630-FN, relative to penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill permits extended terms of imprisonment for persons who commit assaults, against a person who is acting in the line of duty. The new bill would raise it to a Class B felony from the present misdemeanor. The amendment adds firefighters, emergency medical care providers and National Guard members to the present statute. **Vote 17-1.**

HB 637-FN, relative to damages against a defendant based upon the defendant's conviction of a felony offense. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill would lengthen the statute of limitations for civil actions for damages against a criminal defendant convicted of a felony. It would allow a victim to commence an action for damages against a defendant within ten years of the date on which the defendant completed the terms of sentence. This proposal would be a substantial increase in the general statute of limitations which is three years. A great many felony offenders do not have assets to satisfy a judgment. Where assets do exist, civil actions will likely continue to be brought within the current statute of limitations. **Vote 11-1.**

HB 654-FN, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill brought out some very strong concerns. Most at the public hearing came forward for the same reason: tenants and/or guests of the tenants were rendering useless a fire protection device that could in most cases save lives. They were either destroying or disconnecting or in some other way making inoperable smoke detectors in the rental properties. This bill addresses that and it makes it a misdemeanor and holds the tenant or his guest criminally liable for such an act. Those from rental management companies to the individual renter and the state's Fire Marshal all concurred the need for this bill. **Vote 12-0.**

HB 659-FN, relative to penalties for failure to obey a subpoena or summons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill would have increased the current penalty for a non-party witness who either refused or who otherwise had no reasonable excuse not to testify or appear as summoned from a

violation to a class B misdemeanor and added a feature that would have made a second or subsequent offense rise to a class A misdemeanor. The amendment makes the bill “gender neutral”. The amendment also keeps the penalty for the witness as a violation, but adds that “such person may be ordered to pay costs”. **Vote 15-0.**

HB 690-FN, relative to agricultural crop damage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt the farmers deserve the same protection as other businesses when a person intentionally damages their crops. This bill provides civil and criminal penalties. **Vote 16-2.**

HB 718-FN, relative to endangering the welfare of a minor and amending the statute of limitations for sexual assault of a child. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill as introduced, consisted of four parts. The first section removed the statute of limitations for sexual assault and incest where the victim was under 18 years of age when the alleged offense occurred. The amendment removed this section of the bill and retained the current statute which allows prosecution to commence within 22 years of the victim’s eighteenth birthday. Section four of the bill was moved to section one. This section allows prosecution of an adult who is accused of committing a serious crime, so outlined in RSA 628:1, II, when such crime was committed when the person was 13 years of age or older, but was never charged. Prosecution may commence without first certifying the accused as an adult, if such person has attained adulthood. Section two of the bill allows for prosecution of any offense where destruction or falsification of evidence, witness tampering, or other unlawful conduct delayed discovery of the offense, within one year of the discovery of the offense. Section three deals with Endangering Welfare of Child or Incompetent. A person is guilty of a class B felony if the endangerment of the child or incompetent involves the death, serious bodily injury or sexual assault of the child, or incompetent. This penalty may result in a 3-1/2 to 7 year sentence. The current penalty is a misdemeanor which can result in a sentence of not more than one year **Vote 16-0.**

HB 731-FN, relative to penalties for intoxication and under the influence of drug offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was poorly written. It would attempt to bring the weight of the federal Rico law into our driving after revocation offenses by creating a forfeiture of the vehicles used in some of these offenses. It would amend parts of the DWI penalties by eliminating the impaired driver intervention programs as well as the other multiple DWI offender detention center programs and some drug-related intervention program requirements of persons convicted of these offenses. New Hampshire now has some of the best and strongest DWI laws in the nation. To amend or tinker with them at this time, and in this way, would be draconian. From the Department of Health and Human Services and our courts to corrections, all point to increased cost, delays, trials and collections, not to mention that the programs of detention and intervention that are working would be lost. **Vote 17-0.**

HB 749, relative to the statute of limitations in criminal cases where a defendant is identified by a DNA profile. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: Initially this bill was introduced to add a new paragraph to RSA 625:8 which would allow the state to commence prosecution against a defendant within one year after discovery of a match between the defendant’s DNA sample and a DNA record contained in the DNA database defined in RSA 651-C, notwithstanding the statute of limitations. The committee felt that the sponsors’ intent would be better achieved by amending RSA 597-A:7 which allows the commencement of a criminal proceeding begun by complaint which sets forth the name or description of the party accused. The current bill as amended, says, “The description of the accused may include an identifiable ridge skin impression or a DNA profile.” In plain language “an identifiable skin impression” is a fingerprint. In adding this sentence to RSA 592-A:7, the state may obtain a so-called “John Doe warrant” when it is able to identify a defendant by fingerprint or DNA evidence. **Vote 13-0.**

HB 825, establishing a committee to study methods of safely reducing the prison population in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard E. Kennedy for Criminal Justice and Public Safety: This bill, establishing a committee to study methods of safely reducing the prison population, is amended to study any issues concerning prison population. In light of the proposed closing of the Goffstown Prison for Women, and the shifting of male prisoners from the Lakes Region Facility to Berlin and Concord, all our prison facilities will be stressed. It makes sense to monitor this situation. **Vote 18-0.**

EDUCATION

HB 124, relative to the membership on the regional community-technical college board of trustees. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: This bill added one Representative and one Senator to the New Hampshire Technical Colleges board of trustees. House Bill 258 which adds one Representative and one Senator to the New Hampshire Technical Colleges has been passed by the Executive Departments and Administration Committee. Therefore, this bill is not necessary. **Vote 15-0.**

HB 133-L, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The overwhelming majority of the committee felt strongly that this was a local issue

pending court action and not within the committee's ability or purview to resolve at this time. **Vote 15-3.**

HB 267, relative to the collection of data on the status of air quality in public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Sharon M. Carson for Education: The committee felt that this issue, while a very important one to our schools, is already being addressed by other state agencies and legislation at this time is not appropriate. **Vote 19-0.**

HB 362-L, relative to approval of certain capital and operating costs in the Fall Mountain regional school district. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The Committee felt this was a local issue. According to testimony from the Department of Education, the language of the bill would place the Fall Mountain district in a unique position relative to all other school districts. Further court action is pending on the issues in question. **Vote 17-2.**

HB 542, establishing a committee to study replacing the New Hampshire statewide improvement and assessment test with testing which complies with the requirements of the federal No Child Left Behind Act of 2001. **INEXPEDIENT TO LEGISLATE**

Rep. J.D. Colcord for Education: The committee believed that the Legislative Oversight Committee established under the Statewide Education Improvement and Assessment Program could accomplish the actions as required by the No Child Left Behind Act. Because of this, the committee and the sponsor agreed that a new study committee was not required. **Vote 19-0.**

HB 568-L, relative to legal residency for the purpose of public school education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill brings us into compliance with the Federal McKinney-Vento Act and creates a method of final determination in case of dispute by relevant districts. **Vote 18-0.**

HB 662-FN, establishing the New Hampshire volunteer elementary teachers and students program. **INEXPEDIENT TO LEGISLATE**

Rep. James T. Dunn for Education: The majority of the committee was of the opinion that much of what this bill calls for is already being done. It is handled at the local level through parent associations and other school volunteer organizations. The testimony for legislation was not compelling. **Vote 18-1.**

HB 785-FN, requiring the commissioner of the department of education to establish a public school choice initiative. **OUGHT TO PASS**

Rep. John R.M. Alger for Education: This bill was the result of a study bill. The study done last year recommended the Department of Education encourage public school districts to contract together for choices of public school in order to enhance the quality of education within the participating schools. We learned that Maine has such a program and the unanimous vote of the committee would encourage this initiative to address the need of rural school districts by providing school choice. **Vote 19-0.**

ELECTION LAW

HB 119, relative to removing names from the checklist. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Election Law: This bill, as amended, will enable the supervisors of the checklist to remove names from the checklist when reliable evidence is provided that a person has changed their place of domicile. A copy of this evidence shall be retained for a 5-year period. The passage of HB 119 as amended will provide a uniform means of maintaining an accurate up-to-date checklist. **Vote 18-1.**

HB 332-FN, relative to the use of prerecorded telephone messages by candidates and political committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Election Law: This bill, as amended, requires that all pre-recorded political messages shall include the names of the organization that the person is calling on behalf of, and the name of the person or organization paying for the call and the fiscal agent, if applicable. Furthermore, no one shall be called whose name is on a "do not call" list. Violators shall be subject to an administrative fine of \$250 per incident, up to a total of \$50,000. **Vote 16-2.**

HB 364-FN, relative to the use of automatic telephone dialing systems for political advocacy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harriet E. Cady for Election Law: This bill was to prevent negative telephone solicitation of votes but was amended to allow the candidate in their own voice to answer any last minute negative calls. **Vote 18-0.**

HB 605-FN, relative to prohibited election day activity. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Election Law: HB 605, as amended received the unanimous support of this committee because its passage will assure that the blocking of certain phone numbers which took place in the last election will never happen again. **Vote 19-0.**

HB 779, relative to appeals from recounts of legislative elections. **INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: There already exists authority to do a recount of representative and senate races and another bill addresses the sponsors concerns. The committee does not believe we need duplication of laws. **Vote 19-0.**

HB 829, relative to ward boundaries in Manchester and Nashua to be used in state elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane A. Clemons for Election Law: This is a technical change for boundaries in both cities brought forward by the city

clerks. It changes ward boundaries for senate and representative districts in Manchester and representative districts in Nashua as established by their city charters. **Vote 19-0.**

ENVIRONMENT AND AGRICULTURE

HB 529, relative to the New Hampshire seed law. **OUGHT TO PASS**

Rep. Derek Owen for Environment and Agriculture: This bill makes the New Hampshire seed law more consistent and uniform with the National Model Seed Bill. This bill is supported by the industry. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 83, establishing a committee to study penalties for executive department employees for noncompliance with department rules or state statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Albert W. Hamel for Executive Departments and Administration: The committee listened to the testimony, studied the proposal and concluded there was adequate existing legislation at the disposal of the executive branch to handles these situations **Vote 17-0.**

HB 222, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill realigns medical and dental lines of communication and lines of authority/command within the department of corrections. The amendment establishes the effective date of July 31, 2003 **Vote 16-0.**

HB 258, relative to the community-technical college system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill, as amended, will improve the coordination and reduce the redundancy in governing the New Hampshire Community-Technical College System. The governor's appointed board of trustees will have the responsibility for the appointment of the commissioner, deputy commissioner, director of finance and the college presidents and have full authority over these specific positions. This bill also adds a member of the house and senate to the board of trustees for the community-technical college system. **Vote 17-0.**

HB 377, relative to discipline of state employees or officers making willful false statements. **INEXPEDIENT TO LEGISLATE**

Rep. John DeJoie for Executive Departments and Administration: This bill would make it a terminable offense for state employees to make certain false statements. The committee believes that supervision of any necessary discipline of employees is a subject of collective bargaining. Further, the committee determined that the process to discipline state employees currently exists within the collective bargaining agreement and should be utilized as needed. **Vote 16-0.**

HB 383, limiting the disclosure of personal information on government Internet sites and amending the information practices act. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Executive Departments and Administration: The committee felt that the sponsors were well intended on the matters of privacy. However, in hearing testimony, a number of local cities and towns now use the Internet to post property appraisals. Such postings have saved localities a substantial amount of money. In addition, it has provided additional services to the citizens. If a citizen objects, they can register a complaint with the local municipality. In many cases, their name and information was eliminated. In the new age of the Internet, the committee realizes there are many advantages and disadvantages. However, the Internet reaches out beyond the bounds of New Hampshire. **Vote 14-2.**

HB 392-L, requiring a study by the office of state planning of ways to improve the delivery of information and training to planning board and zoning board members. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for Executive Departments and Administration: The bill would create a study to improve the delivery of background information and training to members of municipal planning and zoning boards from the office of state planning. The office of state planning stated that the authority to conduct such a study was already in their jurisdiction and they plan to look at this issue with or without this bill. The committee was also fearful of discouraging potential candidates serving on local boards. **Vote 15-1.**

HB 417, encouraging all state departments to improve efficiencies with the goal of a 25 percent budget reduction, adjusted for inflation, by 2007, and establishing a state government reorganization task force. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill provides two noble goals. However, the committee decided that these issues were more than adequately covered by HB 171, which as of this writing, has passed both the House and Senate. **Vote 16-0.**

HB 505, relative to the membership of the liquor commission when conducting hearings. **INEXPEDIENT TO LEGISLATE**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill expands the liquor commission's hearing board from three to six members appointed by the governor and council. Committee members felt the existing three-member board is working well. **Vote 16-0.**

HB 513, relative to background checks of law enforcement agency employees. **INEXPEDIENT TO LEGISLATE**

Rep. Anne Marie Irwin for Executive Departments and Administration: This bill would require background checks for law enforcement agency employees before being offered permanent employment. The committee determined, as a result of

testimony from Police Standards and Training, that present regulations are more stringent than the proposed regulations. **Vote 16-0.**

HB 525-FN, relative to use of certain out-of-state creditable service for eligibility for payment of medical benefits cost. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill would allow an individual to purchase up to eight years of out of state service to be applied towards creditable service for retirement purposes and used for eligibility toward the medical subsidy. The committee felt that the cost of this benefit coming from the medical trust in the special account would not be reimbursed under this proposal. Therefore, it is deemed unreasonable and could effect other retirees in the long run. In addition, the bill is in direct conflict with RSA 100-A:4. **Vote 15-0.**

HB 526, requiring the governor to provide the legislature with a biennial strategic economic development plan. **INEXPEDIENT TO LEGISLATE**

Rep. John DeJoie for Executive Departments and Administration: This bill would require the governor to provide an economic development plan to the legislature every two years. The office of state planning testified that HB 712 (2002) changed the reporting requirement for economic development plans from two to four years. Since the reporting period was recently changed, the committee determined that it was too soon to assess the effectiveness of these reports. **Vote 16-0.**

HB 543, relative to alternate members of the board of accountancy and appeals of board decisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Bergin for Executive Departments and Administration: The current board of accountancy has five members. It is comprised of three certified public accountants, one public accountant and one public member. The bill, as amended, would increase the board to seven members. The new board would consist of four certified public accountants, one public accountant and two public members. In addition, the appeal process was clarified to fall under RSA 541. **Vote 17-0.**

HB 594-FN-L, relative to the return of employer contributions for retirement system members who terminate employment prior to vesting. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill would require the retirement system to return the employer contributions made on behalf of employees who terminate employment system membership prior to vesting. The committee felt that, if the contributions were returned, the actuary's projection needed to keep the system operating smoothly would require an increase of all employers' contributions creating a 28-A issue. The system assumes there are 2156 employees of political subdivisions who will terminate employment with an average of seven years service and an average compensation of \$27,712. This bill would increase the normal contribution rate for political subdivision employers by .25%, which would require an additional contribution of approximately \$830,000. It would also cost the retirement system between \$75,000- \$100,000 to change the mainframe to deal with these refunds. Based on this information and the fact that the actuary's figures have been terminally funded allowing for reduced rates, the committee felt this bill should be inexpedient to legislate. **Vote 16-0.**

HB 617-FN, relative to the licensure of dentists and regulation by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: The amendment clarifies the eligibility of the board of dental examiners to license an individual by endorsement under statutory conditions. It establishes the opportunity for the board to elect a vice-president, which brings this board to parity with other state boards. These issues were brought by the board and are housekeeping in nature. **Vote 18-0.**

HB 635-FN-A-L, creating a legislative committee to review rules and propose legislation for the repeal of RSA 541-A, and instituting a moratorium on the filing of rules by state agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: The committee listened with interest to the sponsor; however, it became clear that establishing a moratorium on rulemaking would create more problems than it could ever prevent. One standing house committee has established an ad hoc committee to review issues regarding administrative rules, which will be an appropriate venue to discuss some of these issues. **Vote 16-0.**

HB 657-FN, relative to creditable service in the retirement system for the time that teachers were required to take pregnancy and maternity leave. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill would allow teachers in the retirement system, who were required to leave teaching for a period of pregnancy and maternity leave, to purchase that time as creditable service for eligibility for retirement benefits and medical benefits. While the committee was very sympathetic to one individual who had missed the required time to reach eligibility for the benefits, it was felt that the unknown issue of how many others in the past who did not qualify and that we maybe opening a flood gate of applications that the system could not afford. **Vote 11-3.**

HB 665-FN-L, relative to municipal and county audits. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill called for the Municipal Services Division at the Department of Revenue Administration to assume responsibility for conducting county and municipal audits. The DRA has not conducted such audits for more than twenty years. Counties and municipalities currently contract independent auditors for that purpose. **Vote 17-0.**

HB 670-FN, establishing a procedure for release by a state agency of statistical information for research purposes. **OUGHT**

TO PASS WITH AMENDMENT

Rep. Margie Maybeck for Executive Departments and Administration: This bill establishes the process of collecting data for research purposes and preserves the confidentiality of individual information of public information. The amendment covers three areas. First it establishes the cell range in statistical tables when the size is more than 0 and less than five. Two, it provides the agency head the ability to name a designee to respond to the request of a written application for agency data. And three, it gives the agency head the opportunity to write rules under RSA 541-A, to establish a basis and fees for obtaining copies of limited data sets or statistical tables. This bill is important as we enter a new era of data collection and making research information available for study purposes of numerous areas, including education, health care, and numerous other areas of importance. **Vote 17-0.**

HB 696-FN, establishing licensure to forensic counselors. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Executive Departments and Administration: The sponsors of this bill initially wanted to license forensic counselors to the professions regulated by the board of mental health practices. Their rational was that only forensic counselors were really qualified to work with prisoners. However, the committee didn't hear any testimony to indicate this. Also, the committee didn't hear any testimony that the correctional system had any problem with prisoner counselors. Forensic counselors will still be able to practice the profession without this bill in the State of New Hampshire. **Vote 16-0.**

HB 735-FN, relative to prescription drugs and medicaid best practices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anne Marie Irwin for Executive Departments and Administration: This bill was sent to the Executive Departments and Administration Committee as the second committee. The committee found the commissioner did not need rules to implement the medicaid Rx Senior Eligibility Expansion Program or the Medicaid Best Practices or the Chronic Disease Case Management Program. Therefore, the committee amended the bill to remove the administrative rules section of the bill. **Vote 15-0.**

HB 823-FN-L, relative to eligibility of retired teachers for payment of medical benefits. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The original bill would allow retired teachers with out of state service to use said service for purposes of eligibility for payment of medical benefits. The intention of the bill was to encourage teachers to come to New Hampshire. The bill represented a major policy change with respect to the retirement system in violation of RSA 100-4:C,III. It was the feeling of the committee that the retirement system should continue as a reward for service rather than an incentive to serve. **Vote 13-5.**

FINANCE

CACR 4, relating to use of revenues for educational purposes. Providing that all moneys from the education trust fund be used exclusively for state aid to education. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie Smith for Finance: The committee, sympathetic to the sponsor's concerns, nonetheless concluded that this CACR does not address or accomplish what some consider to be a desirable goal – requiring all funds to be raised for a particular purposes to be spent for that purpose. CACR 4 says that money in the education trust fund should be used for education. It does not dedicate a source of revenue to go into the education trust fund nor require the legislature to put any funds into the education trust fund. In addition, since the bonding agencies look at unrestricted general fund revenue in order to determine the state's ability to issue bonds at a favorable rate, one unintended consequence of CACR 4 might be to inappropriately limit our ability to protect our infrastructure. **Vote 22-0.**

HB 286, establishing a committee to study certain proposals to fund education in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The variety of proposals that were submitted to fund education in the previous three legislative sessions is broad and the number large. The committee felt that although the objective of the bill is worthy the task would be daunting and progress on this subject must happen sooner than this study would allow. **Vote 22-0.**

HB 380, requiring legislative approval of any settlement of certain lawsuits against the state. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: The committee heard detailed and extensive comments on the question of settlements of suits against the state of New Hampshire and appreciated the possible future growth of the number and size of settlements. The issue is so complicated that a constitutional restriction on the amount of settlements through legislative approval or financial limits was not practical at this time. **Vote 22-0.**

HB 647-FN-L, relative to payment of autopsy expenses. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The committee heard compelling testimony regarding the history and relationship with the counties over autopsies. It is clear that the ones who request the autopsy pay for it. However, procedurally this should be dealt with in the budget and therefore this bill is not needed. **Vote 22-0.**

FISH AND GAME

HB 60, changing the name of the advisory committee on shore fisheries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill changes the name of the Advisory Committee on Shore Fisheries to the Advisory Committee on Marine Fisheries. The name change better reflects the responsibilities of the committee. The

amendment clarifies the definition of certain shellfish and denotes Fish and Game rulemaking authority for marine species regulated under ASMFC, the Atlantic State Marine Fisheries Compact. **Vote 14-0.**

HB 112-FN, establishing a point system for the annual moose permit lottery. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill authorizes the Fish and Game Department to establish a point system, similar to the system used in Maine, for the participants in the New Hampshire moose lottery. **Vote 14-0.**

HB 372, relative to exceptions for unauthorized use of firearms and firecrackers in cities and towns. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Varrell for Fish and Game: This bill as written is unnecessary at this time. The subject matter is not specifically related to hunting or wildlife activities, but deals with the discharge of firearms. This area is dealt with quite adequately in our criminal code and can be revisited. In addition, the reference to firecrackers is misleading since firecrackers as opposed to fireworks are currently banned by federal statute. **Vote 14-0.**

HB 808, relative to proof of residency and resident tax payment for receiving resident fish and game licenses. **OUGHT TO PASS**

Rep. Dennis Reed for Fish and Game: This bill repeals the need for a person to exhibit a resident tax receipt from the tax collector for proof of residency as most communities have discontinued this tax practice. Now a valid New Hampshire Drivers License or New Hampshire non-drivers picture identification card will serve as proof of residency for Fish and Game Licenses.

Vote 15-0.

JUDICIARY

HB 134-FN, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill changes the procedure for the appointment of marital masters and the qualifications the master must possess. Marital masters are currently appointed by the chief justice of the superior court for a five-year renewable term. This bill changes the authority from the superior court to the governor and council. The bill requires the same selection and approval process as now exists for judges. The authority is granted to the supreme court to recommend candidates to the governor and council. The bill further establishes the qualifications that a candidate must possess in order to be appointed. **Vote 13-2.**

HB 184, relative to distribution upon intestacy. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill updates allocations of the assets of an estate to heirs whenever a person dies without a will. In order to account for inflation over the years, it increases the base amount which the surviving spouse receives from the estate and it also makes alterations in the percentages which heirs other than the surviving spouse will receive from the remainder of the estate. **Vote 14-0.**

HB 185, relative to pretermitted heirs. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill reverses existing law so that a child born or adopted after a will has been drawn up will receive his or her fair share of the estate, as if that child had been named in the will, unless a probate court finds that the omission was intentional and not the result of an accident or a mistake. **Vote 14-0.**

HB 218, relative to the definition of beneficially interested person. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill adds the trustee of a trust which is a beneficiary of an estate to the list of persons who must be notified when the fiduciary (executor) of the estate files papers with the probate court. **Vote 13-0.**

HB 287, establishing a professional malpractice claims study commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill would establish a study commission to look at malpractice claims under RSA 519-A, the medical malpractice review panel. The amendment changes the membership of the commission by appointment of two lawyers from the Trial Lawyers Association and adds two members of the New Hampshire Hospital Association, appointed by that organization. The committee believes an efficient medical malpractice review panel may be a significant step in addressing the escalating malpractice insurance rates. This is an area that needs significant study. **Vote 13-0.**

HB 296, relative to settlement agreements in medical malpractice suits. **OUGHT TO PASS**

Rep. Gregory M. Sorg for Judiciary: This bill would prohibit enforcement of any portion of a settlement agreement in a medical injury action that would prevent disclosure of relevant information to the appropriate state medical licensing board. The committee noted that the civil justice system exists to serve two purposes: to compensate the injured party and to deter future negligence or wrongful conduct. Under current law, where settlement agreements in medical malpractice cases can, and routinely do, forbid disclosure to anyone of the underlying facts, medical licensing boards are denied the information they might need to perform their oversight functions, thereby frustrating the deterrence goal. This legislation would make this feature of such an agreement void and unenforceable. This will enable the Medical Licensing Board to know how many malpractice suits are filed and against whom, and will explain the circumstances of the suit so that poorly performing physicians may be recognized and dealt with. **Vote 14-0.**

HB 390, relative to liability of nonprofit organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary:

This bill is very well intentioned and aimed to promote volunteerism. The committee is very sensitive to this issue and would like to work toward a broader bill with more direct impact on volunteerism. This proposal, as presented, had some severe unintended consequences involving compensable injuries to persons. **Vote 13-1.**

HB 478, establishing a committee to study methods of evaluating judges. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: The committee points out that there is already a system of evaluating judges in place and it appears to be working successfully. There is no need to establish a committee for this purpose at the present. **Vote 14-1.**

HB 672-FN, relative to the notice of appointment of an administrator or executor of an estate in probate court proceedings.

INEXPEDIENT TO LEGISLATE

Rep. James E. Wheeler for Judiciary: The committee felt that this bill was twenty years ahead of its time. There are a significant number of people who don't know how to use a computer let alone the Internet and to remove the newspaper notification of the appointment of the executor of an estate would do a disservice to the people of New Hampshire. If the courts would like to place a notice on the Webster web-site as well as in the newspaper they are free to do that and the committee felt that that might be an admirable idea. We therefore believe this bill is unnecessary at this time. **Vote 14-0.**

HB 776, relative to emergency medical care for pregnant women. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bette R. Lasky for Judiciary: This bill was introduced as a result of the work of last summer's ad hoc study committee on the rising costs of medical malpractice insurance. Specifically this bill helps obstetricians in the North Country and throughout the state reduce these costs, allowing a more favorable climate to stay in practice in the state. The bill, as amended, protects physicians who are certified to provide obstetrical care in emergency situations and who does so in an emergency licensed facility from liability for any damages or injuries caused to the patient by conduct prior to the rendering of such emergency obstetrical care. This would make the attending physician liable only for actions at the time of the emergency care and releases the physician from liability for the patient's care or lack of care previously. **Vote 17-0.**

HR 8, urging the governor and executive council to consider appointing a non-lawyer to the Supreme Court. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This resolution would urge the governor and the executive council to consider appointing a non-lawyer to the Supreme Court, once a vacancy occurs. The committee was of the opinion that it would be presumptuous for the House to give advice on this constitutional prerogative of the executive branch, and that the resolution was an unnecessary and unjustified attack on the Court and on lawyers generally. Furthermore, there is nothing preventing the governor and council from making such a nomination at this time. The committee also believed that a non-lawyer on the court might quickly find him or herself without sufficient training or background for the rigors of the position. **Vote 13-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 468, relative to enforcement of the labor protection statutes. **OUGHT TO PASS**

Rep. Russell T. Ober, III, for Labor, Industrial and Rehabilitative Services: This bill would give the Department of Labor authority to group claims involving many employees of the same employer into one hearing and allow the issue to be resolved efficiently. It also extends the recovery period from 18 to 36 months. **Vote 18-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 97, relative to eligibility requirements for property tax credits for disabled veterans and veterans' surviving spouses. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Gillick for Municipal and County Government: The committee heard testimony from veterans groups and others and had both sympathy and empathy for the concerns expressed. However, the committee felt that the administration of this bill on the local level would be extremely difficult, arbitrary and subject to confusion with the constantly changing veteran disability situations. **Vote 16-0.**

HB 211, relative to town clerk fee deposit requirements. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees. In the past, town clerks were not required to deposit fees. This bill would provide better financial documentation. **Vote 17-0.**

HB 273, requiring town and city clerks to distribute a list of crisis pregnancy centers to persons issued a marriage certificate. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: The application process for a marriage license is outlined in RSA 457:23. Pursuant thereto, couples applying for a marriage license must be provided by town clerks with brochures about family planning agencies, fetal alcohol syndrome (FAS) and human immunodeficiency virus (HIV); and couples must affirm that they have received and discussed them. This bill would have added a brochure about crisis pregnancy centers to the above listed information. Crisis pregnancy centers are not regulated by the State. The committee recognized potential problems in referring couples to unlicensed entities, and it also felt that the distribution of the above referenced information, however useful it might

be, is intrusive and excessive and should not be done by town clerks. The committee believed such material is readily available from other sources and that town clerks are not the proper means of distributing them. **Vote 17-1.**

HB 365, relative to governmental land uses. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: This bill addresses governmental and non-governmental uses of land and the process those proposed uses have to go through at the local level. The committee has five bills that deal with zoning issues and has decided to retain this subject matter and will discuss it in HB 713. **Vote 15-0.**

HB 371, relative to warrant article recommendations in towns which have adopted the official ballot referendum form of meeting. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The committee received several bills pertaining to warrant articles and the official ballot form of town meeting. The subject matter of this bill will be retained and discussed in HB 285.

Vote 12-1.

HB 407, allowing municipalities the option of appraising property based on assigned values reflecting the current use of property, and requiring the current use board to adopt criteria for such appraisal. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would create a number of variable conditions for evaluating properties and complicate an already complex system. The sponsor would like to have an additional way of appraising property based on the current use of the property that would be residential, commercial, industrial or utility. Within each class of property, subject to the criteria adopted by the current use board under RSA 79-A, there would be further designated types. The process of appraising properties would be enabling which could lead to having different towns within the same school district having a tax rate set on different criteria. The committee felt that assessors would still be needed and that this type of appraisal system would lead to more confusion and higher cost. **Vote 13-0.**

HB 413-L, relative to awarding attorneys' fees and costs in abatement and certain appeals proceedings when the taxpayer prevails. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: The amended bill allows the board of tax and land appeals, and the superior court to award reasonable cost and attorneys' fees when the taxpayer prevails in abatement proceedings. This bill allows reasonable costs and fees to be assessed against the state when a taxpayer prevails in an appeal for payment by the department of revenue administration, provided the taxpayer shows substantially unjustified action. **Vote 15-0.**

HB 424, relative to a net asset qualification and age qualifications for the elderly property tax exemption, and clarifying certain references in property tax exemptions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill clarifies existing statutes dealing with the exemptions for the elderly and disabled, which are basically housekeeping in nature. It also allows municipalities to adopt married persons' net asset qualification for the purposes of the elderly exemption. The sponsors of this bill wanted the three qualifying age groups reduced by five (5) years each. The committee feels that with people living longer now than ever before, the present qualifying age groups are adequate. **Vote 11-0.**

HB 446, relative to building permits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: This bill would have eliminated the requirement that building inspectors withhold a building permit application if the application was filed after the first legal notice of a proposed change in the building code or zoning ordinance. Currently a petitioned article to amend a zoning ordinance has to be submitted within 120 days of an annual meeting. If the amendment proposed might negate a building permit, the building inspector has the authority to withhold the permit. The committee approved an amendment that puts Planning Board proposed amendments on the same time table. **Vote 11-0.**

HB 452, relative to political advertising on public property. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: The placement and location of political advertising has caused concern about sign pollution and the advertising causes annoyance to some citizens. The sponsor of the bill told the committee that the bill as written was not the correct intent, rather that political signs that were not in an allowed location should be able to be removed easily. Since any candidate now needs the consent of the property owner and political signs are not allowed on public property, the committee does not feel that the statute needs changing. **Vote 15-0.**

HB 455, relative to residency requirements for disabled persons applying for a tax deferral of property taxes. **OUGHT TO PASS**

Rep. James E. Twombly for Municipal and County Government: This bill lowers the residency requirement for a disabled person applying for a deferral of property taxes from five (5) years to one (1) year. If the person qualifies as a disabled applicant has owned the homestead for at least one year, they would now qualify for the deferral. This property tax deferral is pursuant to the tax deferral program for the elderly and disabled. **Vote 14-0.**

HB 466, relative to the adoption procedure for property tax exemptions and credits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill is basically a housekeeping measure to clarify the procedure for adopting or modifying property tax exemption or credits in RSA 72, and repeals eight (8) statutes that are repetitive or obsolete. **Vote 16-0.**

HB 467, allowing towns or cities to increase the property tax credit for service-connected total disability, and to adopt an

optional date for filing exemptions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: This bill as amended increases the optional tax credit for service-connected total disability veterans to \$701 - \$2000, up from \$700 or \$1400. The procedural language in Section 1 mirrors the language of HB 108 that deals with the standard and optional credit for the veteran's tax credit. The new language simplifies and uniformly changes the adoption process. Section 3 changes the date for all exemptions and credits to April 15 preceding the setting of the tax rate. The committee noted that deferrals need to have their own timeline and application procedure and those changes are reflected in Section 5. The current law that deals with an optional elderly exemption date is being repealed, and the effective date of April 1, 2005, gives the municipalities time to notify all eligible applicants. **Vote 17-0.**

HB 476, relative to incompatibility of municipal offices. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to expand the incompatibility of municipal offices to include part-time police chiefs and contractors for the town highway department. The committee feels that many small towns have a difficult enough time filling unpaid or under-paid municipal positions without taking others out of consideration. An example of this restriction if this bill passes is a part-time police chief could not be a moderator or a trustee of trust funds. The local municipality also has the authority in RSA 31:39 to create conflict of interest ordinances. **Vote 11-0.**

HB 489, relative to innovative land use controls. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: The subject matter of this bill deals with innovative land use controls and is very similar to the subject in HB 761, which also deals with innovative land use controls, master plans and how to review preliminary subdivisions. The committee decided to consider the issues jointly under that bill. **Vote 14-0.**

HB 494-L, allowing the amendment of default budgets by municipal legislative bodies. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The subject matter found in this bill will be retained with HB 85 since both deal with default budgets. The sponsor of this bill was concerned about the "padding" of default budgets and because the committee did not have ample time to thoroughly review all aspects of this subject. This subject will be studied with HB 85. **Vote 13-0.**

HB 514, relative to business and industrial development authorities. **INEXPEDIENT TO LEGISLATE**

Rep. Roland L. Dupuis for Municipal and County Government: The subject matter "relative to business and industrial development authorities" will be retained in HB 803 that deals with establishing a downtown development program. Since there were three bills dealing with economic development and since the committee did not have the proper time to consider all aspects of the bill, will be considered with HB 803. **Vote 13-0.**

HB 527, relative to the transfer of appropriations for certain expenditures under the municipal budget law. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Gillick for Municipal and County Government: The subject matter in this bill relative to appropriations under the municipal budget law is very similar to HB 493 dealing with the municipal budget act. Since the RSA involved is in the same chapter, the committee voted to retain the subject matter. **Vote 15-0.**

HB 538, relative to the establishment of municipal economic development and revitalization districts by certain municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The committee felt that this bill should be combined with HB 803, a very comprehensive bill establishing the New Hampshire downtown development program. **Vote 13-0.**

HB 588-L, relative to nonconforming residential uses. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: This bill deals with what rights residential land owners have when they live in non-residential areas. HB 713 also deals with zoning issues and non-compatible zoning uses. The subject matter will be studied with HB 713. **Vote 15-0.**

HB 625-FN-L, relative to the interest rate on delinquent property taxes in property redemptions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would lower the interest rate on property tax liens from 18 percent to the annual rate equal to the federal prime rate plus 3 percent. Testimony was received that the tax on a lien would be smaller than the tax on late payments. Eighteen percent is not out of line for the tax lien penalty, since it barely covers the cost for processing the collection of the delinquent taxes. Delinquent taxes increase the cost to the other taxpayer who pay on time. The committee agreed with these concerns. **Vote 11-0.**

HB 639-FN-L, relative to receiving voter approval through warrant articles before a municipality may continue a program initiated under a grant. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill provides that if the governing body of a municipality chooses to continue a grant-funded program or position after the grant has expired or is reduced, and it is not renewed at the level of financial support as when the program or position was initiated, then the appropriation for continuing the program or position shall be made only by a warrant article that is approved by the legislative body of that municipality. **Vote 10-1.**

HB 668-FN-A-L, permitting municipalities to adopt a local addition to the real estate transfer tax dedicated to conservation purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: The committee felt that municipalities are doing a very good job of

voting funds for conservation purposes without the need for additional funds. We as legislators, have voted to increase this tax several times in the past and the original intent was to sunset it. It would place a hardship on first time homebuyers. Additionally, New Hampshire already has the second highest transfer tax in the country. **Vote 13-2.**

HB 673-FN-L, relative to municipal water system connection fees. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: The committee realizes that the Copple Crown Village District, a water precinct in the town of New Durham, faces a problem with paying for upgrades to water lines and that their \$12,000 hook-up fee is quite high, but is concerned that any remedy that might be proposed to address this particular situation could have unintended implications for other water supply systems. However, there was concern that this bill is too broad and could have unintended consequences for other water districts. **Vote 16-0.**

HB 688-FN-L, relative to taxation of property within village districts by municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would change a municipal tax base and thereby restrict a town's ability to do long range planning. A minority of those who may not agree with the majority could opt out of the municipality by forming a village district. The village district could then pick and choose or duplicate services. **Vote 14-1.**

HB 691-FN-L, creating a credit against property tax liability for a portion of the cost of home-educated pupils and pupils attending nonpublic schools. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Theberge for Municipal and County Government: The subject of this bill, to allow a credit for home education and non-public schools, is closely related to HB 756, which proposes an abatement for home education and non-public schools. The committee has voted to retain the subject matter in HB 756. The Ways and Means Committee also has proposed a study committee in HB 773 that will study the benefits of establishing a tuition tax credit program for non-public school. If the study committee bill is passed, the Municipal & County Government sub-committee will ask that the subject matter of both bills be incorporated into the study. If the study bill is not passed, the same subcommittee will study the subject matter of both bills. **Vote 12-0.**

HB 722-FN, relative to land use changes. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill allows 50 registered voters to protest a land use change before the planning board. The committee has five bills that deal with planning and zoning issues. The committee did not have the proper time to consider a thoughtful resolution, so they voted to study the subject matter of this bill with HB 713. **Vote 15-0.**

HB 723-FN-L, relative to the definition of residences in an industrial or commercial zone. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: The committee felt that the subject matter of this bill should be studied by rolling it into HB 713. HB 713, relative to the penalty for violating a zoning ordinance, will be retained. **Vote 13-0.**

HB 740-FN-L, relative to the process for adopting a default budget in official ballot towns, and applying the default budget provisions in school districts having adopted the official ballot method. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The committee received several bills pertaining to the default budget in an official ballot form of government (SB 2). The subject matter of this bill will be discussed in a retained bill. (HB 285). **Vote 13-0.**

HB 782, establishing a committee to study voting membership of municipal boards and commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to study the benefits and consequences of disallowing ex officio members of municipal boards and commissions from voting if he or she is an employee or staff member of a municipality. We heard testimony that there are municipalities that have members on their boards and commissions that are not residents. The committee feels that the municipalities can better address this issue through their own channels. **Vote 15-1.**

HB 806, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill enables municipalities to adopt a minimum property tax exemption of \$15,000 for any deaf person who owns and occupies his/her residential property. To be eligible, the deaf person must have a 71 Db hearing average loss or greater in the better ear, as determined by a licensed audiologist, and also must meet net asset requirements. The committee agreed this is a bill long overdue. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 661-FN-L, relative to Westport Village Road in the town of Swanzey. **OUGHT TO PASS**

Rep. William E. Leber for Public Works and Highways: This bill reclassifies Westport Village Road between Homestead Avenue and New Hampshire Route 10 after the NH Department of Transportation make repairs that have been agreed to by the town of Swanzey. After the repairs the road will be a town road and the town of Swanzey responsible for maintenance. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 339, establishing a committee to study the use of certain state-owned property along the Baker River. **INEXPEDIENT TO LEGISLATE**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: State owned land adjacent to the Baker River was originally purchased for a seventh dam in a series of flood control projects. Some years ago, it was determined that this last dam would not be built, leaving the purpose of the land in limbo. A legislative study committee was proposed to make recommendations for revised use or disposition of the land. The large number of water related study bills introduced would have severely tested available assets. With the agreement of the sponsors some of these bills were combined to improve efficiency and quality of product. The issues raised in HB 339 were incorporated into HB 768. **Vote 15-0.**

HB 352, establishing a committee to study the feasibility of a desalinization plant in the New Hampshire seacoast region. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill provides a study committee to see if desalinization is a viable source of drinking water for the seacoast area, which suffers a chronic shortage of drinking water, especially in the summer months. There is hope that this improving technology will solve this problem. The committee agrees that this study is needed, but plans to address this issue in one of the comprehensive water study bills being worked on by the committee. Therefore, this bill is not necessary. **Vote 10-5.**

HB 420, relative to state-owned trails and parking lots in the town of Windham. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, as amended, prohibits operation of OHRV's on a portion of the Rockingham Recreation Trail when not snow covered. This portion is about 5 miles of the 19-mile trail, and lies in a historical residential zone where operation of OHRV's is not appropriate during the warm months. It frees up this section of the trail for non-motorized use, including bicycling, walking, jogging, and just pushing a baby carriage. This also increases the quality of life of the neighbors of the trail. The bill also restricts parking in the Windham Depot parking lot to daylight hours and requires sanitary facilities to be provided. **Vote 17-0.**

HB 540, establishing a committee to study a fee on withdrawals of water for commercial purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill is one of several study bills involving groundwater before the Resources Committee. The issue addressed by this bill deserves study and the committee plans to address this issue, along with other issues, in a comprehensive study commission as proposed by another bill, which is now before the Resources Committee. Therefore, this bill is not needed. **Vote 10-1.**

HB 676-FN, relative to lake level investigations. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill will establish timelines for the Department of Environmental Services to process lake level investigations on inland public lakes and ponds, requires additional hearing notifications for the public and broadens the ability of the public to petition for such investigations. Further, this bill also adds one member to the water council representing the Department of Agriculture, Markets and Food. The committee amendment allows the Department of Environmental Services to extend their investigation as long as the public is provided with a clear timeline for the investigations to be conducted as well as to identify the time when a final decision will be reached. **Vote 15-0.**

HB 742, establishing a committee to study the relationship between groundwater withdrawals and the ownership of watershed land. **INEXPEDIENT TO LEGISLATE**

Rep. Pierre W. Bruno for Resources, Recreation and Development: This bill would have created a study committee having a limited scope of a broad subject. The intent of the committee is that these concerns will be best addressed by more comprehensive legislation pending in committee. **Vote 11-0.**

HB 768, establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Lake levels in Lake Francis and the First and Second Connecticut Lakes are controlled by a group of contracts between various New Hampshire, Vermont, United States and non-government organizations. These were negotiated with consideration for the needs of a downstream hydroelectric plant. The purpose of the bill is to establish a study committee to review these contracts with an eye to improving undesirably low lake levels at certain times of the year. Because the large number of water related study bills this year would severely test abilities to conduct several study committees, sponsors agreed to incorporating issues from related bills. The amendment incorporates issues raised by HB 339, relative to the Baker River and adjacent state owned land. **Vote 13-0.**

HB 795, establishing a committee to study deaths and injuries caused by OHRV use by minors. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill would establish a six-member legislative study committee to research information on deaths and injuries caused by OHRV use by minors. The committee does not recommend a study committee at this time for two reasons. First, a legislative study committee recently recommended legislation which the Resource Committee has endorsed which includes restrictions on the operation of OHRV's by minors. That legislation should be given time to work before further study is undertaken. Secondly, the committee believes that data regarding the deaths and injuries caused by OHRV use by minors is already being compiled by the New Hampshire Fish and Game Department and they are actively developing education programs to address these problems. **Vote 11-4.**

HB 797, establishing a committee to study methods for the legislature to protect New Hampshire groundwater aquifers.

INEXPEDIENT TO LEGISLATE

Rep. Dennis H. Fields for Resources, Recreation and Development: The bill would establish a study committee to examine ways to conserve New Hampshire groundwater aquifers. The committee believes that this issue is better addressed with a study commission proposed by another bill in the committees possession. **Vote 9-2.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 547, establishing a committee to study public access television. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: Sponsors of the bill were concerned with establishing uniformity in the state for public access television use. Their proposed study committee would review franchise fees, channel location and other access issues associated with public access television. The sponsors concurred with the committee recommendation to include these items in an existing telecommunication oversight committee. **Vote 11-0.**

HB 562, establishing a committee to study air quality monitoring by the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Hatch for Science, Technology and Energy: The committee feels it is unnecessary to establish a new committee to study air quality monitoring. The intent of the sponsors can be effectively accomplished by adding the duties of monitoring air quality to the Air Pollution Advisory Committee. **Vote 11-0.**

HB 675-FN, relative to enhanced 911 reimbursements to commercial mobile radio service providers. **INEXPEDIENT TO LEGISLATE**

Rep. Edward R. Leach for Science, Technology and Energy: This bill would eliminate New Hampshire's existing obligation, which is in current statute, to allow recovery of any reasonable costs to wireless telephone carriers of their expenses incurred in responding to a Federal/State mandate to deploy E911 service. The committee felt that the current RSA, in effect since 1997, allows for reasonable recovery of costs. These costs have to be approved by the 911 Commission and the committee felt there was sufficient protection for the state against unnecessary expenses as well as protection for customers against unnecessary charges. The committee also felt it was not prudent to change the state policy just as the carriers are in the process of deploying E911. As a public safety matter, we want to encourage deployment of E911, not inhibit it. According to a FCC order "mechanisms that cover carrier costs are an effective way of expediting wireless E911 for the citizens, especially in rural areas." The current law in New Hampshire is working; therefore, the committee did not see any need to change the law. **Vote 15-0.**

HB 787-FN-A, relative to renewable energy promotion. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward R. Leach for Science, Technology and Energy: Recognizing that the New Hampshire forest product industry is a key component of the state's economy, the committee held numerous work sessions crafting this piece of legislation to help assure a market for low-grade timber in the State. The roots for this bill go back many years. But the current conjoining began at the end of last session when the House authorized a study committee to investigate methods of supporting the continued operation of wood-fired electrical generating facilities whose output is no longer sold through power sales rate orders. The linkage between wood fired plants and the timber industry is that more than fifty percent of the fuel utilized in these plants comes from low-grade timber. This timber, when removed from the forest, encourages a much faster and stronger regeneration of the forest and also contributes substantially to the economic vitality of the timber and sawmill industries. According to the Department of Resources and Economic Development, the wood plants themselves represent a total annual economic impact to the state's economy of about \$96 million. While recognizing the difficulty for these plants to acutely compete with other, larger, electrical generators, the committee concurrently weighed that against the impact that removal of these plants would have on the timber industry specifically and the state as a whole. Aggressive actions are already underway to identify new and heretofore unexplored possible markets for this low-grade timber. The bill itself underscores the necessity and importance of this by establishing a Task Force to Promote the Low-Grade Forest Products Market. While these new markets are being pursued, the bill provides a funding mechanism to keep eligible wood-fired generation facilities in operation during the term of the program that is approximately five years. Using a carefully calibrated formula that includes numerous measurements such as capacity rating, average rate, and other variables, the bill creates the Forest Product Utilization Program. This program will be primarily funded from the Energy Efficiency component of the Systems Benefits Charges that are already in place for most utilities throughout the state. Utilities and municipal systems not having a systems benefit charge shall collect \$0.0001 per kilowatt-hour distributed to its customers. This small, but widespread revenue stream, will flow into a newly created Forest Products Utilization Fund that will provide the necessary funding to keep the plants viable. The total amount in the fund may not grow in excess of \$1.1 million. Eligibility to participate in the fund will require review by the Public Utilities Commission that has the same requirements that a public utility is subject to in a rate proceeding or an adjudicative proceeding before the Commission. The Commission is also charged with the task of making a public interest determination that will demonstrate that payment under the program will preserve NH jobs related to the low-grade forest products industry. **Vote 13-2.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 15, relative to relaxing air quality standards by the United States Environmental Protection Agency. **OUGHT TO PASS**

Rep. J. Edward Kerns for State-Federal Relations and Veterans Affairs: The committee reconsidered its recommendation on

HCR 15 after further information was presented. The majority feels that sufficient evidence exists to prompt our federal government to oppose the relaxation of air quality standards by the EPA and to hold standards at the level that provides the best protection for New Hampshire's citizens. **Vote 12-4.**

TRANSPORTATION

HB 228, relative to conduct after an accident. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill is an update to the conduct after an accident statute and would require the driver of a vehicle that has been involved in a crash to provide driver and vehicle information to the police. This bill would also establish penalties for failure to report an Off Highway Recreational Vehicle accident where the operator of an OHRV is involved in an accident resulting in death or injury to a person or damage to property in excess of \$500.00. **Vote 17-0.**

HB 402, relative to child passenger restraints. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: Current law on child passenger restraint requires anyone less than four years of age to be properly fastened and secure. The committee has had bills in the past that would have increased the age to eight years and added a weight and height requirement. After much testimony in favor of increasing the child restraint law, the committee amended the bill so that the restraint law increases the age to less than six years or a height less than 55 inches. The New Hampshire Traffic Safety Committee and law enforcement will be working with other organizations to educate the public on the importance of child passenger restraints and their proper installation. **Vote 17-0.**

HB 509, relative to access to motor vehicle records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill would give personal excess liability (umbrella policies) insurance companies the same access to motor vehicle records that is given to automobile insurance companies. This is done on a case-by-case basis with the knowledge of the individual who is applying for the insurance coverage. **Vote 17-0.**

HB 534, relative to properties with 2 or more unregistered motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: The sponsor of this bill was attempting to help clarify the statute already on the books concerning unregistered cars on private property. During discussions the majority of the committee members felt that this bill would cause more confusion than clarity. **Vote 17-0.**

HB 582-FN, increasing the penalty for abandoning a motor vehicle. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: There were three bills concerning abandoned vehicles. The three bills were combined into House Bill 699-FN. **Vote 16-0.**

HB 655-FN, relative to motor vehicle dealer license applications. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: Another bill which is now in the committee is a much more comprehensive bill concerning the subject matter discussed in this bill. It is the committee's intention to look into incorporating language from this bill into another bill. **Vote 16-0.**

HB 699-FN, relative to abandoned vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: For years the committee has been hearing about the problem of abandoned vehicles. These cars are not only being left on private property but more and more are being abandoned on roadsides. It is estimated that 10,000 vehicles a year in New Hampshire could fall into this category. This not only is becoming a real financial burden to many small business owners, but also could become a real environmental problem if these junk cars are not properly disposed. With the help of the NH Towing Association and the NH Auto Dealers Association we feel that the changes will help towing companies locate the owners of these abandoned vehicles. This will help to facilitate the proper disposal of these vehicles. **Vote 15-0.**

HB 822, relative to abandoned vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: There were three bills concerning abandoned vehicles. The three bills were combined into HB 699-FN. **Vote 16-0.**

WAYS AND MEANS

HB 107, relative to bingo. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This is one of 4 bills, including HB 261, HB 262, and HB 558, which seek to simplify and modernize the statutes on social bingo and Lucky 7, which are almost always played in conjunction. The sponsors of HB 107 wished to make it possible for some social clubs not considered to fit the current list of clubs eligible to run bingo games to do so. They also wanted to require some sort of reporting by bingo operators of how they are using their bingo proceeds to benefit the community. The amendment cleans up the language, reduces the burden of reporting to what is appropriate for these clubs, and adds the proceeds from their Lucky 7 sales. **Vote 16-1.**

HB 262, relative to operators of bingo and games of chance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tom F. McCormick for Ways and Means: The sponsors wished to make the laws on bingo and games played at Monte Carlo nights, coherent by ending the prohibition on those convicted of misdemeanors from acts of volunteers and paid operators of these games. In the public hearing it was pointed out that misdemeanors included substantial property theft crimes. An amendment was offered by the sponsors to make the prohibition 10 years after a felony or misdemeanor A, and 5 years for

misdemeanor B. The committee also amended the bill to include Lucky 7 ticket sales. **Vote 16-1.**

HB 280-FN, relative to the poison information center. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peyton B. Hinkle for Ways and Means: The committee agreed with the Science, Technology and Energy Committee that it is important to continue the statewide program for poison information and treatment, and that this program should meet the certification standards set by the American Association of Poison Control Centers. However, the Ways and Means Committee felt that a more appropriate funding mechanism would be a surcharge applied to each licensed medical insurer in the state, and assessed in proportion to the number of its covered lives. Of the 17,000 calls received by the Poison Control Center last year 76% of the cases were managed at home by the center, thus saving the cost of unnecessary ambulance calls and emergency room visits. This results in a savings of \$7.00 in medical care for every \$1.00 spent on a poison control center. The committee felt their form of funding made a logical link to an insurance assessment **Vote 18-0.**

HB 558, relative to financial reports on bingo and lucky 7 operations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tom F. McCormick for Ways and Means: The committee agreed with the sponsor that consultant information should be included in the financial reports of Bingo and Lucky 7 operators. The bill calls for the financial reports to include name, address, business entity of anyone providing consulting, accounting, management or similar services to an organization operating Bingo and Lucky 7. **Vote 17-0.**

HB 638-FN, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kurt J. Roessner for Ways and Means: The increase in fees were required to adequately fund the Department of Environmental Services' various duties relative to underground storage facilities, vapor recovery inspections, and state and federal core program functions. These changes will increase state restricted revenues by \$263,000 per year and increase unrestricted general fund revenues by \$5,000 per year. The bill was supported by the Dept. of Environmental Services as well as representatives from two oil companies and an oil industry trade association. There were no witnesses in opposition to this bill. **Vote 17-0.**

HB 705, establishing a committee to study eliminating the application of the communications services tax to the provision of Internet services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kurt J. Roessner for Ways and Means: This proposed legislation, as amended, will establish a study committee to examine the existing application of the communications services tax to the provision of internet services across distribution channels such as standard telephone, cable, digital subscriber lines (DSL) and satellite. This legislation also extends the current communication services tax at seven percent for the period beginning July 1, 2003 and ending June 30, 2005, and extends the repeal date for exemption of wooden poles and conduits under RSA 72:8-b from July 1, 2003 to July 1, 2005. **Vote 18-0.**

HB 810-FN-A, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Kevin L. Camm for Ways and Means: This bill significantly raises fees on dredge and fill and terrain alteration applications. It also established timeframes for the Dept. of Environmental Services to act on dredge & fill applications. This increase will fully staff the wetlands bureau to their desired levels and add two positions to the terrain alteration staff. The committee still has some concerns regarding assumptions made by the department to warrant this very high increase in fees. The chairman has appointed an ad-hoc committee to substantiate the methodology used by the department. The results of which can be forwarded to the Finance Committee should adjustments need to be made. **Vote 20-0.**

TUESDAY, MARCH 25 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 123, relative to notice given to putative fathers in adoption proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen McRae for Children and Family Law: The amendment replaces the bill. It provides a housekeeping measure which expands and clarifies the responsibility of the court to notify birth fathers in adoption proceedings. This notice will include the State of NH, the state where the child was born and the state where the mother resides. **Vote 14-0.**

HB 177, excluding stepchildren from the definition of "child" in the context of support orders. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill removes "stepchild" from the definition of "dependent child." It also amends RSA 546-A:1, Uniform Civil Liability for Support, that leaves stepchildren liable to support stepparents. **Vote 11-4.**

HB 298, relative to the award of joint physical custody of children. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: The amendment replaces the original bill. The amendment states the legislative findings that it is in the public interest to encourage parents undergoing dissolution of the marriage to continue to share the rights and responsibilities of child rearing and that the court shall make findings relative to an award of physical custody. **Vote 13-2.**

HB 553, relative to same-sex civil unions contracted outside of the state of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for the **Majority** of Children and Family Law: New Hampshire law only recognizes marriages between a man and a woman. The Federal Defense of Marriage Act ensures that no state shall be required to recognize same-sex marriages. NH law defines marriage as a legal union of a man and woman. The wording of the proposed bill could also create unintended problems. **Vote 11-3.**

Rep. Daniel C. Itse for the **Minority** of Children and Family Law: The minority felt that this bill ought to pass with amendment. If amended, this bill would clarify New Hampshire's marriage reciprocity law, RSA 457:3.

HB 572-FN, relative to criminal non-support. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David A. Bickford for the **Majority** of Children and Family Law: The committee decided that the commission created to study child support issues through HB 310 would be a better forum for assessing and recommending changes in thresholds for criminalizing non-support. **Vote 14-1.**

Rep. David M. Bouchard for the **Minority** of Children and Family Law: The minority felt that our children are going without child support for much too long. Currently Class B felony charges can only be filed after one year of failure to pay, or if \$10,000 of arrearages have accrued.

COMMERCE

HB 317, relative to medical insurance for dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: The committee struggled over defining a dependent full time student given the wide variety of credit hours of some out-of-state institutions. Currently insurance companies are covering all dependent full time students attending institutions of higher learning in New Hampshire. The unintended consequences may lead to some dependent student losing their health insurance by the legislature attempting to define what is a dependent full time student **Vote 12-7.**

HB 384, relative to financial affidavits in domestic relations cases, and establishing a private right of action under the right to privacy act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Commerce: Financial affidavits used during divorce, separation, and annulments are statements of a personal nature and should not be made public since it accomplishes no public purpose. Most states do not include financial affidavits in the court file, but are kept by the clerk of courts and available to all. **Vote 17-2.**

HB 398, establishing a committee to study the establishment of a healthy adults corporation. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: The committee feels that the purpose of this legislation is worthy. However, the Healthy Kids Corporation has already been given the task of studying the formation of a Healthy Adults Corporation as they already have expertise in this area. They have been working on this for the last three years and issue annual reports **Vote 18-1.**

HB 431, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leo W. Fraser, Jr. for the **Majority** of Commerce: New Hampshire has no law regarding how many generations a trust can last, therefore the courts rely on an old English tradition dating back to when the king wanted to reclaim estates of former members of his court, and then give them to new members of his court. The Commerce Committee feels that it should be the right of anyone to leave their assets to anyone they want for as long as they want. The committee feels that this issue should not be left up to the courts relying on ancient legal tradition but rather should be in statute that it is the right of any individual if he/she chooses to leave money to future generations. **Vote 11-4.**

Rep. Dennis P. Vachon for the **Minority** of Commerce: The Rule Against Perpetuities originates from the English common law and applies to the interest of a beneficiary under a trust. Under the rule, unless the interest of the beneficiary must vest, if at all, within twenty-one years after some life in being at the creation of the trust, that beneficiary's interest is void. House Bill 431 seeks to eliminate that rule in order to allow for the creation of so-called "dynasty trusts" in the State of New Hampshire, thereby allowing a few extremely wealthy individuals and their bankers to extend control of their assets indefinitely into the future. The minority believes that the rule against perpetuities strikes an acceptable public policy balance between the desires of the super rich and the needs of the remainder of the society by ensuring the availability of those assets to meet the needs of the trustor's current generations

HB 451, relative to terminating rights to business names when transferring ownership of historic buildings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for the **Majority** of Commerce: The intent of this bill is to assure that a trade name, associated with a historic property, is transferable with the title of the property, upon the dissolution of a business. The committee believes that a trade name is an intangible asset that may or may not have value separate and distinct from the real estate, and as such may or

may not be negotiated as part of the sale of the real estate. It would be inappropriate for the state to attach special status for a trade name associated with a historic property. An amendment was proposed in committee but was voted down. The committee recommends inexpedient to legislate by a vote of 17-1. **Vote 17-1.**

Rep. Dennis P. Vachon for the **Minority** of Commerce: Under current law, the Secretary of State is prevented from allowing the purchaser of an historic property from using the name historically associated with the property for a period of two years and four months without the written consent of any individual, corporation or other business entity which had previously obtained the exclusive right to use that name and fails to renew or file their annual report. House Bill 451 would have allowed the purchase of an historic property to immediately assume the use of a trade name associated with the historic property. The minority supports this right as necessary to preserve the economic viability of projects to preserve our historic buildings. The minority's amendment goes one step further to clarify the right of any such individual, corporation or other business entity which purchases an historic property to utilize the name historically associated with the property in its ownership of the property and in the operation of any business activities at the property

HB 535, relative to the definition of billiards/pool hall for purposes of liquor licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: This proposed legislation was introduced at the request of the owner of a billiards/pool hall to reduce the number of tables required to qualify for a full liquor license. Current law allows the owner to sell beer, wine and mixed drinks with alcohol content less than 23 %. The Liquor Commission does not support this legislation. The committee believes we should not make a change in the law to accommodate a single proprietor **Vote 15-3.**

HB 744, relative to motor vehicle accidents involving uninsured motorists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul D. Spiess for the **Majority** of Commerce: The intent of this bill is to prohibit insurance companies from threatening uninsured motorists with a loss of license or legal action if they fail to settle an accident claim. New Hampshire is one of the few states that allow its residents to drive uninsured vehicles. However, if an uninsured motorist is in an accident and a claim is filed with the insurer of the other vehicle, under the right of subrogation, the insurer can pursue a claim directly against the individual. Further, state law requires that if an uninsured motorist is in an accident that results in a claim, the State may revoke the license of the uninsured motorist or require that they post a bond. It is the opinion of the majority of the committee that an uninsured motorist is financially liable for his or her actions, that an insurer possesses the right to seek financial settlement, that failure to reach settlement can be grounds for legal action, and that state law does provide for potential loss of license. It therefore seems reasonable for an insurer to point these facts out when seeking settlement of a claim. **Vote 12-2.**

Rep. Dennis P. Vachon for the **Minority** of Commerce: New Hampshire does not have mandatory automobile insurance. We have chosen to deal with the problem of uninsured motorists by requiring proof of financial responsibility in order for someone to keep their driving privileges if they have caused damage to another through an accident. The minority believes that this policy has provided insurance companies an unfair advantage in dealing with motorists who are unable to afford automobile insurance coverage when making claims on behalf of their insured. We further believe that this advantage has resulted in abuse by some carriers who threaten civil actions and loss of licensure in order to compel uninsured motorists to pay claims for which they may not be legally responsible. HB 744 would have made threatening an uninsured motorist with loss of licensure an unfair claims practice. The minority is proposing a floor amendment which would require insurance carriers to either have a favorable court judgment or a determination from the Department of Safety through the financial responsibility hearing process that they have a reasonable possibility of obtaining such a judgment before pursuing collection actions against uninsured motorists.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 415, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was recommended OTP at our executive session on March 3, 2003. On March 14, 2003 the Criminal Justice and Public Safety Committee held another public hearing to consider a non-germane amendment to attach to the original HB 415. The amendment speaks to the implied consent that is in our Constitution and RSA's. I refer the reader to 109NH, 324, 251, 1A 2D 332 (1969) and 87 NH 64, 174A, 193 (1983). These decisions speak to the fact that we in New Hampshire are not a home rule state, but rather we are an enabling state. This means "the towns have only as much power as is delegated to them by the legislature" see (Jackson v Town Country Motor Inn). In an attempt to explain this further we all know we have 3 levels of government, federal, state and local. As in the federal constitution and our NH Constitution, federal law supersedes state law and state law supersedes local ordinances. In fact, our court decisions have stated, "the fact that an ordinance may be of some public benefit is not enough under the state constitution to give validity. In addition, it must not impair or destroy private rights guaranteed by the Constitution (WOOLF v Fuller, 87NH, 64, 174A 193 (1934). This amendment is not about taking away "local control". It is simply that the towns do not have the authority to regulate firearms and never did, because the state legislature never granted them the power to do so. This amendment is about prohibiting restrictive, complex patchwork-type ordinances which will continue to spring up and confuse all who travel through our state. **Vote 11-0.**

HB 464-FN, establishing a criminal penalty for facilitating a drug or underage alcohol house party. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Elbert I. Bicknell for the **Majority** of Criminal Justice and Public Safety: HB 464 came before the committee via the students of St. Thomas Aquinas school of Dover. The students concern was not only that underage students are consuming drugs and/or alcoholic beverages, but that 60% of the students did so at home, some with parents' consent, some without. All who testified except one spoke in favor of the bill's concept at the public hearing. The bill creates a new section under RSA 644 (Breach of Peace & Related Offenses) and makes it a misdemeanor if the owner of a dwelling or property facilitates a drug or underage alcohol party. Elements of the offense are varied but include 5 or more underage participants of which 1 or more either has drugs or alcohol in their possession. However, the bill does allow for an affirmative defense when the owner either gives a notice to law enforcement of the occurrence of such a party or engages in conduct designed to prevent and curtail such party while exercising due care to ensure the safety of the party's participants. The bill does not apply to the use of alcoholic beverages at religious observances, nor does it apply to drugs given under a physician's care and control. **Vote 14-1.**

Rep. Timothy N. Robertson for the **Minority** of Criminal Justice and Public Safety: It is important to learn how to use alcohol in a responsible manner, just as it is important to learn the rules of polite behavior, the rules of the road, and the rules by which we run our towns, our state, and our country. Our offspring leave home in their late teens. At the age of 18 they are legally old enough to vote, old enough to die for their country, old enough to marry and have children. Yet we as parents or other responsible adults cannot teach them to drink in a typical social or home situation. Therefore, young adults are taught by their peers when in college, or on the "QT", after work or play. Is this a responsible way to provide the rules of social behavior? This proposed bill will create an entire new category of crime. Don't create new crimes – educate.

EDUCATION

HB 139, establishing a committee to study the collection and reporting of school drop-out, suspension, and expulsion data. **OUGHT TO PASS WITH AMENDMENT**

Rep. Debra A. Naro for Education: This bill as amended ensures the uniformity and reliability of the State's student and school performance data system and clarifies the Department of Education's compliance enforcement authority with regard to this accountability issue. It further aligns the state system with the federal reporting requirements. The committee believes accurate, complete, and reliable data on school drop out, suspension and expulsion is essential to school improvement initiatives and the objective evaluation of current educated practices, programming and policies. **Vote 16-3.**

HB 603-FN-LOCAL, requiring school districts to reimburse a portion of per pupil costs directly to parents or legal guardians of pupils who do not attend a public school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Claire D. Clarke for the **Majority** of Education: The majority of the committee felt that this bill was less about choice and more about funding. We believe it would not have had the accountability the sponsor intended. There was a question of the bill constitutionality and lastly, the committee retained a similar bill for further study. **Vote 12-7.**

Rep. Paul Ingbretson for the **Minority** of Education: The minority felt this bill offered a legitimate, effective solution to the education crisis in New Hampshire, both in the quality and cost of education. It will create accountability in public education and promote competition by giving parents or guardians some fiscal power over public schools. It also relieves the enormous pressure and costs involved in building new schools. It provides incentives for all schools to improve. It creates a market for entrepreneurs to open new schools. It overcomes constitutional issues. It puts parents back in control of their children's education and should be done now and not studied to death.

HB 801, establishing a committee to study the implementation of effective student assistance programs in all schools. **INEXPEDIENT TO LEGISLATE**

Rep. John Alger for Education: After extensive discussion, on a third vote, the committee decided the work of the study committee would essentially be funding services of financial support beyond local school districts for the work of drug and alcohol counseling, which work seemed well defined in testimony. Therefore, the sponsors could move forward on a new bill for next session defining the work, sources of funding and plan of implementation without further committee study. Legislative research could surely be helpful in locating charitable and federal programs interested to help in this effort. **Vote 12-7.**

HB 804, establishing a committee to study the certification of New Hampshire public schools in accordance with International Organization of Standards 9001 guidelines. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: Although the implementation of ISO seemed very interesting, and the sponsor presented detailed information on the process, the majority of the committee agreed that a study could fall under the existing charter of the Education Oversight Committee and did not need an independent committee study. **Vote 14-5.**

ELECTION LAW

HB 257, relative to nomination of political candidates. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Lou Flayhan for Election Law: The committee believes that the voters right of choice would be impinged at the primary level and freedom to choose your candidate no matter the party is an important voters' right. **Vote 10-8.**

HB 306, relative to the procedure for determining the order of names on the general election ballot. **MAJORITY:**

INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Mark S. Derby for the **Majority** of Election Law: This legislation would change the manner in which candidates are listed on the general election ballot. The only evidence presented by the sponsors in favor of this legislation was a study by a Professor Krosnick suggesting that ballot placement confers an automatic advantage upon candidates. The Krosnick study was deeply flawed both in its statistical conclusions and assumptions about voter behavior. Professor Krosnick seems to suggest that ballot placement is more important to voters than things such as candidate qualifications, a candidate's stand on the issues, party affiliation and so forth. This is not so. In addition, the great weight of authority cited in the Krosnick study suggests that a challenge to RSA 656:5, as it now reads, would be unsuccessful. The majority also believes that RSA 656:5, as it now stands, is a great convenience to the voter, to the extent that it allows a voter who wants to split his or her ticket in one or more races, but then identify and select candidates of his or her party on the rest of the ballot in the other races. The committee has retained HB 176, which would bring back the "Indiana" style ballot in which candidates are listed in columns according to party, rather than office by office. If the committee is satisfied that Help America Vote Act (HAVA) funds are available to make sure that appropriate ballot scanners are available, HB 306 would be moot. **Vote 12-6.**

Rep. Charles F. Weed for the **Minority** of Election Law: The minority believes that elections should be free and fair and that democracy requires a level playing field. Careful juried research has found that in 170 two-candidate races, the advantage goes to the first listed by 1.4 to 6.3%. In races with more than two candidates, an advantage of 1.36% accrues to the first listed. In the California presidential contest, where half of the ballots listed George Bush first and half listed Al Gore first, up to 9.4% points advantage went to the first listed. Random selection of the letter of the alphabet that begins the ballot list would remove this distorting structural advantage.

HB 627-FN, relative to domicile for voting purposes and penalties for voter fraud. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for the **Majority** of Election Law: This bill was a result of a study committee's work to clarify the meaning of the word "domicile" for voting purposes. At sub-committee sessions the secretary of state's office and the attorney general's office recommended that penalties be increased and that this legislation was an opportunity to clarify other sections of the election laws. The amendment brings the original bill into compliance with the requirements of Help American Vote Act (HAVA). **Vote 13-6.**

Rep. Raymond Buckley for the **Minority** of Election Law: This bill, as amended, is nothing more than the Voter Intimidation Act of 2003. The minority believes that discouraging eligible Americans from exercising their right to vote is wrong, especially during this time of war.

ENVIRONMENT AND AGRICULTURE

HB 162, relative to remedies and penalties for injuries to domestic animals caused by dogs. **OUGHT TO PASS WITH AMENDMENT**

Rep. David N. Scott for Environment and Agriculture: This bill defines "protected domestic animals" and allows any person to kill an aggressive or vicious dog under certain circumstances. **Vote 17-0.**

HB 367, relative to cats and dogs. **INEXPEDIENT TO LEGISLATE**

Rep. Derek Owen for Environment and Agriculture: This bill would put an undue burden on non-profit animal shelters. Applications for current health certificates is difficult to enforce for certain domestic animals. The bill offers no advantage to the current system. **Vote 15-2.**

HB 593-FN-L, relative to solid waste facilities in small towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Omer C. Ahern, Jr. for Environment and Agriculture: The proposed legislation, as amended, will exempt towns with a population of 5000 or fewer people from cleaning up a closed public solid waste facility as long as the closed public solid waste facility is properly monitored, the monitoring shows no damage, pollution, or other adverse impact on the surrounding environment, and a "closure plan" is filed with the New Hampshire Department of Environmental Services. A town which complies with these requirements shall not lose its grant funding under RSA 149-M, dealing with solid waste management. **Vote 18-0.**

HB 599-FN-L, relative to hazardous waste liability. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Environment and Agriculture: With this bill no municipality, solid waste district, or regional planning commission would have any liability for release or threat of release of hazardous waste. The committee found that there have been no problems in recent years and believe that limited liability increases careful handling. **Vote 13-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 302-FN, relative to disability retirement benefits for group II members injured in the performance of duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The original bill would have amended RSA 100-A to grant a portion of the employees on disability certain benefits not available to all disabled employees in the system. The committee considered this to be unfair. In addition, the bill would be quite expensive if it considered all disabled employees. The

committee amended the bill to provide safeguards for all employees in the retirement system covered by RSA 100-A in the following manner. As of July 1, 2003, the special accounts, which are now divided into the four retirement system classifications, shall henceforth be further subdivided proportionally between employees of the state and employees of the political subdivisions of the state. The balance of the special account attributed to each component as of June 30, 2003 shall be subdivided between state and political subdivision classifications based upon the actuarial liabilities of the members and the retiree groups. In addition, attention is called to the 3 year 5% COLA reserve to insure COLA's to our retirees. This reserve is an agreement between the parties and their lobbies to insure COLA money is available when it's authorized. Finally with respect to the additional benefits provided from time to time by the special accounts, the amendment authorizes these benefits only with the specific approval of the appropriate policy committee of the house and final approval by the general court. **Vote 16-0.**

HB 554, relative to the procedure for assignment of juvenile probation and parole officers. **INEXPEDIENT TO LEGISLATE**
Rep. William R. Zolla for Executive Departments and Administration: This bill would have provided that juvenile probation and parole officers shall be assigned to judicial districts based on the workload formula established by the department of health and human services in consultation with the presiding judge, thus removing the specific and ultimate approval authority of the presiding justice from the process. The bill gives the authority to the commissioner to make rules pursuant to RSA 541-A to possibly undermine the judge's authority in his own court. The committee disagreed with this approach considering that the ultimate responsibility for a court's action is the responsibility of the presiding justice and to diminish this role would result in the clouding of responsibility to the detriment of the client. **Vote 13-4.**

HB 671-FN-A, establishing a contributory defined benefit judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**
Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill is the result of a study committee and reflects input and consensus from the legislature and judicial branches of government. The bill establishes a contributory defined benefit judicial retirement plan. The future cost savings to the state become significant because regular contributions of both, members (full time judges) and employer (State of New Hampshire), will provide adequate funding of the actuarial demands of the fund. The bill provides for a one-time adjustment to judicial salaries equal to the contribution required by the plan. The bill recognizes the need to continue funding the retirement plan of currently retired judges and in no way alters the provisions of their current retirement plan. **Vote 15-2.**

HB 753, establishing the fourth Monday in April as General John Stark Day. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James Fitzgerald for the **Majority** of Executive Departments and Administration: This bill would establish a day of recognition to honor a true New Hampshire hero, General John Stark. General Stark, whose statue stands in front of the Capitol and whose famous words "Live Free or Die" are found on our license plates, was a great military hero of the Revolutionary War. This bill would require the governor to proclaim the fourth Monday in April "General John Stark Day". This would not be a legal holiday. At the public hearing, the sponsor and members of the "Sons of the American Revolution" spoke in favor of the bill. No members of the public spoke in opposition. After a spirited discussion in committee, it was voted to pass the bill. **Vote 12-7.**

Rep. Anne Marie Irwin for the **Minority** of Executive Departments and Administration: The purpose of this bill is to recognize the accomplishments of General John Stark. It is a commendable idea. The minority suggests that it is also right and just to include Molly Stark in this honor. Molly Stark took an active part in the tumultuous times of New Hampshire's early years. Known for her fierce devotion to her husband, Molly Stark fought alongside her husband and son at Bunker Hill. Molly Stark also "bore the weight of the war and met danger in every quarter." Molly and John displayed devotion to each other, family and state. We should remember and celebrate this intrepid partnership.

FINANCE

HB 210-FN-A, making an appropriation for the purpose of hiring a recreational ride and lift inspector. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The amendment provides funding for this bill from revenues derived from fees proportional to the work of the inspector on recreational rides and ski lifts. **Vote 22-0.**

HB 360-FN-A-L, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The amendment replaces the entire bill. It establishes a New Hampshire Legal Assistance office in Nashua and also includes a pilot project serving near-poor in the Nashua/Hillsborough County area. For purpose of the pilot project, the office will raise its net income eligibility ceiling from 125% to 187.5% of the federal poverty guidelines. New Hampshire Legal Assistance shall report on this project on December 1, 2004 to the Judicial Council, House and Senate Finance Committees, as well as others. To fund this Nashua office, the bill establishes a \$6.00 surcharge on entry fees collected in the Supreme, Superior, District, Family, and Probate Courts which will generate \$368,640. The committee was particularly supportive of this Nashua office and pilot project based on the benefits to state and local government from legal assistance cases in large part documented by the North Country Office, including significantly increased social security benefits,

medicare coverage and child support. **Vote 19-3.**

HB 566-FN-A, making an appropriation for Welfare-to-Work state matching grants. **INEXPEDIENT TO LEGISLATE**
Rep. Fran Wendelboe for Finance: This bill as originally proposed would have appropriated \$250,000 per year for Welfare-to-Work programs through Southern NH Services. An amendment was brought forward, due to application eligibility requirements, to change the source from Southern NH Services to the Postsecondary Education Commission. It became apparent that the original application/request to the Department of Labor was flawed and the department indicated that the future funding of the request was in doubt. While the intent of the bill is laudable, the committee was not confident the funding would become available. **Vote 22-0.**

FISH AND GAME

HB 515, exempting a landowner's written permission for the setting of traps from the right to know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy McKinney for Fish and Game: This bill as amended exempts agreements between landowners and trappers from the Right to Know Law. This bill was filed in response to landowners who were receiving harassing phone calls from animal rights activists who had obtained lists of trapping activities on their land. Since the 1930's landowner permission with trappers has been provided to the local Conservation Officer for the purpose of information. The landowners feel this information should remain private as it is an agreement between two non public parties and the information is given to the Fish and Game Department to help with the department's enforcement duties. This bill was supported by landowners, Trappers Association, New Hampshire Wildlife Federation, and Fish & Game Department. **Vote 11-4.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 709-FN, relative to nursing homes in receivership. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill as amended establishes a procedure for the orderly receivership temporary of a licensed nursing home or residential care facility found to be in an emergency status. Emergency, as referenced in the bill, means a situation or condition, which presents imminent danger or death or serious physical harm to patients including imminent or actual abandonment of an occupied facility. That State would have up to a 90 day period, with review of the court, to put in place appropriate management to get the facility back on its feet or to facilitate the orderly transfer of the patients to other facilities. While the committee hopes this receivership procedure will never be necessary, it is prudent and responsible to have in place protections for our most vulnerable citizens. **Vote 14-0.**

HB 758-FN, relative to the criteria for medicaid eligibility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: This bill prohibits the use of certain monetary devices as a method of sheltering wealth for the purpose of medicaid eligibility. The sub-committee studied various methods of sheltering funds used on occasion by some individuals (or personal estates). Annuities was one of the identified shelters. HB 758 reveals and describes this type of annuity and provides for the State of New Hampshire as a secondary or contingent beneficiary insuring payment of the amount of the medicaid expenditure. Also, this bill intends to assure that otherwise ineligible individuals are prevented from artificially impoverishing themselves to receive benefits from the State, for which they are not entitled. Several identified loopholes are closed with this bill. **Vote 13-0.**

JUDICIARY

CACR 11, relating to legislative acts as expressions of the sovereign will of the people. Providing that every act of the legislature enacted in accordance with the procedures of the constitution shall be conclusively presumed to be constitutional as the expressed will of the people. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter E. Franklin for the **Majority** of Judiciary: This constitutional amendment would make the laws passed by the legislature equal to the constitution. The balance between the three constitutional branches of government would be lost. **Vote 13-2.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: Judicial review, the supposed power of the judicial branch of the government to interpret the constitution with bending effect on all three branches of the government had no precedent in English jurisprudence and was not practiced in England or in any of the United States at the time of adoption of the New Hampshire Constitution in 1784. It was a post ratification invention of the courts themselves, first used in defense against very clear legislative encroachments on the judicial process, but gradually extended, case by case, precedent by precedent, to the point where today, supreme courts routinely seize upon alleged ambiguities in constitutional language to frustrate the basic constitutional principle of majority rule and to usurp the core policy-making function of the legislative branch, thereby to trivialize elections and enervate representative government. It is the sworn duty of the members of this legislature to defend its constitutional turf, and they will not be doing so until they overcome their awe of the supreme court, face the fact and source of usurpation of their authority, and stop allowing the political process to be emasculated on the basis of a fairy tale.

CACR 12, relating to citizen review retention elections for judges. Providing that a judge shall be subject to a citizen review retention election at the biennial election next occurring after he or she has served for 2 years and subsequently at regular

intervals which depend on the court in which the judge serves. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terri C. Dudley for the **Majority** of Judiciary: The sponsor of this CACR presented a comprehensive explanation and history on the subject of “retention election” of judges and left the committee well versed on the subject. The proposition was that such elections by the people would be held during the first biennial election next occurring after a judicial officer had been appointed for three years, then every eight years thereafter for supreme court justices, every ten years for district court judges and every eight years thereafter for all other judges. The committee seriously questioned the ability of voters in one area of the state to “judge” the effectiveness of a justice in a distant area of the state. Furthermore, the committee and the legislature have made it clear on many occasions that the election of judges was never a viable option in any judicial reform proposal. The cost of these elections was considered as a further detriment to any serious consideration of this proposal. **Vote 15-1.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: This CACR was one of two before the Judiciary Committee dealing with post-appointment control of judges. The other, CACR 9, which would have provided that, “All judges appointed on or after January 1, 2005 shall be duly commissioned and sworn to 7-year terms and shall hold their offices during good behavior...A judge appointed after January 1, 2005 may be re-appointed, commissioned and sworn to subsequent 7-year terms” and which was sponsored by a member of the Judiciary Committee, was voted to be retained the day before the committee voted to kill this one. The sponsor documented the successful use of retention elections in many other states and members received extensive documentation submitted by the sponsor. It is the minority’s view that CACR 12 should have been retained for further study.

HB 122, relative to an informed jury. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for the **Majority** of Judiciary: Under common law, the juries have had the right to refuse to return a guilty verdict where doing so would offend their good conscience. This right was used by jurors in refusing to convict patriots during the revolutionary period. The juries, relying on this power, refused to convict those who aided and housed runaway slaves. The independent tradition of juries continued during the civil rights movement. This right currently exists in all fifty states including NH. Presently, however, the juries are not consistently informed of this right- nor are any rules or guidelines regulating the circumstances under which this information may or may not be passed on to the jury. This arbitrary practice has created different practices in different regions. The majority of the committee favors equal treatment of all jurors, and defendants throughout the state. **Vote 9-7.**

Rep. James W. Craig for the **Minority** of Judiciary: The minority agreed with the Attorney General’s office and the Grafton County Attorney’s office that this bill will cause irreparable harm to the NH criminal system. The jury now has the right to nullify- however, this bill would further grant the accused the ability to always request it and deny the judge from ever refusing that request. Currently, each trial judge has the discretion to give any jury instruction. This bill would mandate only one instruction- jury nullification no matter how heinous the crime. The minority feels that an occasional abuse of discretion by a judge would cause less harm than this one mandatory jury instruction. The abuse of discretion can be cured on appeal.

HB 175, relative to the admission to practice law and to bar association membership for attorneys. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS**

Rep. John M. Pratt for the **Majority** of Judiciary: This bill is the same bill which passed both houses of the legislature last session but did not survive the governor's veto. It requires the New Hampshire Bar Association to hold a plebiscite once every five years on the question of whether the Bar should remain a unified Bar (i.e., membership in the Bar Association being mandatory for every attorney practicing in New Hampshire) or whether it should become a voluntary Bar Association. A majority of the votes cast by members of the Bar would be required for the Bar to continue as a unified bar. **Vote 14-2.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: The amended bill empowers a majority of the New Hampshire bar to require the entire bar to be members of the New Hampshire Bar Association. Although this is preferable to the present situation, whereby the supreme court by rule requires such membership without regard to the wishes of any bar member, the minority believes that the original bill, which would have ended compulsory membership on any basis, would have been better. The state has a legitimate interest in seeing to the regulation of admission to the practice of law and to the discipline of attorneys, but these functions can be handled by the supreme court outside the structure of the bar association. In every other respect, the New Hampshire Bar Association is a club, or fraternal or benevolent organization not unlike the Elks, Rotary or VFW, and there is no more justification for any element of compulsion in the joining of the Bar Association than there is in any other organization.

HB 491, relative to unlawful discriminatory practices in public accommodations. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill sought to amend the statute regarding the state commission for human rights which makes it unlawful to discriminate against people on the basis of age, sex, race, color, marital status, physical or mental disability, creed, national origin or sexual orientation. This bill would have included in that list the right to keep and bear arms as enumerated in Part 1, article 2-a of the New Hampshire Constitution. The majority believes that one has to balance the rights of the owners of public accommodations against the rights of their establishments. Nine members of the Judiciary Committee felt that these owners should not be forced to accept people bearing arms into their places of business. Finally, in these times of heightened prevention against terrorist activity, it is not good policy to mandate the right to have arms in places

of public accommodations, which include restaurants, barber shops, theaters, golf courses, sports arenas, music halls and other public places. **Vote 9-6.**

HB 707-FN, relative to the statute of limitations in sexual assault cases. **INEXPEDIENT TO LEGISLATE**

Rep. Terri C. Dudley for Judiciary: This bill would have extended the statute of limitations for civil suits for sexual assault cases under RSA 632-A and 639:2 from the present three years to 22 years following the victim's 18th birthday (to the age of 40); the same as in the criminal process. The committee felt that the purpose of a statute of limitations is to bring a case to a reasonable closure and to allow persons to get on with their lives. To allow possible civil suits to hang over our citizenry's heads for such a long period of time when evidence becomes stale, evidence is lost, and memories fade while jeopardizing the reputations and financial resources of respondents is unjust. It would further open the doors for fraudulent accusations late in life with monetary considerations the primary impetus for the suit. **Vote 13-1.**

HB 763-FN, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Phyllis L. Woods for the **Majority** of Judiciary: The majority of the committee believes it's time to return parental rights to parents. Abortion is the only constitutionally protected medical procedure. That is why, in the absence of parental involvement law, abortion providers may perform secret abortions on minors without notifying the parent. This is, therefore, one of those circumstances where the state must be proactive in order to insure parental rights for our families and protection for our daughters. If we are to hold parents to the responsibilities and duties of parenthood, then it follows that we must not withhold information and knowledge about, and input into, decisions that affect their minor children's health care. This bill, with this language, has been upheld by the US Supreme Court which stated, "The medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature. An adequate medical and psychological case history is important to the physician. Parents can provide medical and psychological data..." A girl, age seventeen or younger, who finds herself in a crisis pregnancy, may not possess the emotional stability, knowledge of crucial family medical information, and the ability to comprehend long-term consequences of her actions. She is too young to make important life altering decisions on her own behalf without the benefit of a parent or guardian's counsel. While we recognize that some girls will talk to their parents in times of crisis, this bill is for the more typical girl who has a fairly good relationship with her parents but is anxious and afraid because she is pregnant. For those girls who are determined not to involve their parents the bill provides for an exception, which is required by the Supreme Court, for a judicial bypass. **Vote 10-9.**

Rep. Nancy M. Ford for the **Minority** of Judiciary: The minority believes that a young woman who confronts an unplanned pregnancy will seek guidance and counsel from those adults who care for her most and know her best, including her parents. We also recognize that most young women (almost 2/3) do turn to their parents- whether or not mandatory notification laws have been enacted. However, we are compelled to protect the health and safety of teenage girls who live in family situations that are troubled and abusive and not open to healthy communication at the time of a crisis pregnancy. There is no magic formula for healthy parent-teen communication and we, as legislators, do not believe that enacting this law will improve these relationships at the time of a crisis pregnancy. Nor do we believe that a young woman should be subject to the intimidation and complexity of navigating the court process and placing her future in the hands of a judge. Current law recognizes that mature minors have the capacity to make important health decisions, including consent to prenatal care, to cesarean section and to other pregnancy services. Today in New Hampshire, young women faced with an unplanned pregnancy are provided with thorough, unbiased counseling and information by health care providers about their options. They are encouraged to involve their parents and other supportive adults in decision-making and medical treatment. When abusive situations are presented to health care providers and counselors, they are reported to child protection officials, as current law requires.

HB 811, relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof, and relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill will protect firearm manufacturers and dealers from suit over the criminal use of the manufacturers' non-defective product. There have been suits in other states that have put dealers out of business with the legal fees even though they may prevail. While there have been no direct cases here, the committee believes that it is only a matter of time before a suit will be brought in this state. Already the suits in other states have affected New Hampshire manufacturers. The president of one New Hampshire company testified that it has cost his company almost a half a million dollars to defend just two claims against his company, both of which have been dismissed. The committee believes that this bill must pass to protect the firearms industry in New Hampshire. **Vote 9-6.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 821, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Corey E. Corbin for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill basically would prevent the assessment of agency fees upon non-members of a labor union. The non-members, however, have an obligation to pay their fair share of the costs associated with contract negotiations and collective bargaining, as they enjoy all the wages and benefits as full

dues-paying members, negotiated for them by the unions. This bill was comparable to a citizen stating they should not have to pay the education property tax because they have no kids, despite the benefit we all receive from well-educated kids. As a result, and the overwhelming show of opposition to this bill (nearly 10-1 in testimony) the bill was reported ITL. **Vote 13-6.** Rep. Jarvis M. Adams for the **Minority** of Labor, Industrial and Rehabilitative Services: There is a fundamental first amendment right of free association that is violated when government regulates the private lives of workers by forcing them to financially subsidize unions against their wishes. In addition, this bill, if passed, would improve the health of unions and our economy by making unions more user-friendly.

MUNICIPAL AND COUNTY GOVERNMENT

HB 282, relative to granting solid waste management facility permits. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The legislation proposed by HB 282 seeks to restore a provision in state law that was removed by Chapter 251 Laws of 1996 because it placed the Department of Environmental Services in the position of making determinations about local land use matters and disputes. The process of issuing a standard facility permit by the Department under the provisions of RSA 149-M:9 and Part Env-Wm 314 of the New Hampshire Solid Waste Rules is a time consuming process designed to protect our groundwater and environment. At the current time, the Waste Management Division determines the terms and conditions of the permit based on representations made in the application. Every Solid Waste Management Facility Standard Permit issued contains a statement that the permit "shall not eliminate the permittee's obligation to obtain all requisite federal, state or local permits, license and approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility". Currently North Country Environmental Services Inc. operates a double lined landfill for disposal of certain types of waste as listed in their permit. The sponsor of this bill would like to change RSA 149-M:9 to require that a "permit for a private facility shall not be effective unless and until the applicant submits evidence that the facility has received all applicable local approvals". In essence, this would put the waste management division back in the business of determining what local ordinances or approvals are required and satisfied. The director told the committee that the waste management division does not have the expertise or authority to make those determinations. The towns in the Pemi-Baker Waste District all voiced their opposition to this change in the process. Some citizens of the Town of Bethlehem would like to have an avenue to close the landfill, have their issues be heard and find someplace else to locate the landfill. At the moment the avenue is in the courts and the committee believes that this is the best place to leave it and voted the bill Inexpedient to Legislate **Vote 10-5.**

HB 301, relative to the property tax exemption for certain pollution control facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald L. Dupuis for Municipal and County Government: This bill is one of two bills introduced this session on behalf of the Town of Bethlehem. Since 1971, the state has sought to encourage the construction of pollution control facilities by exempting such facilities from real property taxes pursuant to RSA 72:12-a. This bill would modify RSA 72:12-a to eliminate this incentive for owners of landfills and solid waste incinerators. However, it was the majority opinion of the committee that this legislation targeted a particular industry in a particular area and passage would have state-wide impact and would be detrimental to the important objective of RSA 72:12-a. The committee also concluded that the Department of Environmental Services has the expertise to continue to investigate and determine the percentage of exemptions allowed for any business that invests in any devices or appliances installed wholly or in part for the purpose of reducing, controlling, or eliminating any sources of air or water pollution as currently stated in RSA 72:12-a. The section of the bill that allows local municipalities to vote on an annual basis to continue any exemptions would unfairly penalize businesses that have made long range investments in such pollution control devices in reliance on the statute. The committee does not recommend the bill because (1) it is not the legislature's role to intervene in disputes between municipalities and property owners and (2) it is important to maintain across-the-board incentives to control pollution for the well-being of the state as a whole. **Vote 10-5.**

HB 311, repealing the distribution of family planning service lists by the town clerk. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Kenneth H. Gould for the **Majority** of Municipal and County Government: Town clerks have been required to supply certain brochures to marriage license applicants. This has been an encumbrance for town clerks. The committee has amended the bill so town clerks will not be required to hand out any brochures with marriage licenses. Three brochures are affected: 1) family planning; 2) fetal alcohol syndrome; and 3) human immunodeficiency virus. Since the information is readily available from many community health centers, and the committee heard testimony that very few referrals have come from the town clerk's distribution, this bill was amended to remove that distribution. **Vote 10-1.**

Rep. Jessie L. Osborne for the **Minority** of Municipal and County Government: In the belief that the distribution of information on fetal alcohol syndrome and auto immune deficiency disease through the town clerk upon issuance of a marriage license should not be removed from RSA 457:28-a, the minority feels that this amended bill will strip the people of New Hampshire of a primary valuable source of health information. This information may help to prevent the spread of AIDS and the health and education problems found in infants and children. This bill should be passed as introduced.

HB 315, establishing a committee to study methods for accelerating appeals of denials of residential development permits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kenneth H. Gould for the **Majority** of Municipal and County Government: Some folks are concerned about a housing shortage. Some folks are concerned about too many children to educate. Some folks want to study methods of accelerating the appeal process for denials of residential development. Some folks want to free marketplace to be allowed to work. The committee was split and after three failed motions, finally recommended against this study committee. **Vote 8-6.**

Rep. Nancy K. Johnson for the **Minority** of Municipal and County Government: The minority felt that establishing a committee to study methods for accelerating appeals of denials has merit. Currently, civil cases to Superior Court, due to denials of residential development at the local level, come last on the docket. This causes delays that cost applicants additional money. The lack of housing development, especially affordable housing in the state, impacts businesses and our ability to stimulate economic development.

HB 335, relative to the regulation of the operation of OHRVs. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to address the operation of any OHRV that “unreasonably” disturbs “the quiet enjoyment of persons in a residential area.” The bill also provided a penalty section and permitted the local legislative body of a city, town or county in which there are located unincorporated towns or unorganized places to adopt a zoning ordinance to regulate or control of highway recreational vehicle use. Most of the committee feels that RSA 644:2,III,(a) already provides more than sufficient statutory authority to prevent the unreasonable disturbance and any other health risk that may be associated with the operation of OHRVs. RSA 644:2,III,(a) states a person is guilty of disorderly conduct if he purposely causes a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities. **Vote 10-5.**

HB 399, establishing the town of East Derry. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Priscilla P. Lockwood for the **Majority** of Municipal and County Government: This bill as introduced would have enabled the residents of East Derry to vote on establishing a separate Town of East Derry apart from the town of Derry. The solutions proposed in this bill mirrored a Weirs Beach succession attempt in 1991. The Municipal and County Government Committee at that time re-referred the issue, spent time listening to input from the local level, and put forth possible specific solutions. In the end, the Senate killed the bill. The current Derry delegation overwhelmingly opposes this bill (10-1), even with the possibility of having the whole town of Derry vote, and the town councilors from East Derry are also opposed. The problems brought forth were ones the committee felt could be handled within the town itself through its charter, making legislation necessary. **Vote 10-6.**

Rep. David L. Buhlman for the **Minority** of Municipal and County Government: The minority of the committee feels that the voters in Derry deserve to make the choice about their municipal boundaries at the voting booth in Derry. A significant effort was made by those who favor secession, and such an effort should be honored in Concord by allowing the vote to take place in Derry on this local issue. Clearly such a serious effort, that involved so much hard work on the part of many citizens, was not undertaken lightly. Let the local voters have their say.

HB 411, allowing municipalities to adopt a property tax exemption for owners who permit snowmobile use. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roland L. Dupuis for the **Majority** of Municipal and County Government: It was the majority opinion that the bill was flawed in that there were no restrictions as to the size of land, no definition of “use and reasonable access,” and a great discrepancy in the amount of exemptions proportional to the size of land in question. This reduction of property assessment would also be in addition to any other exemption or credit the landowner is entitled to, such as current use. RSA 79-A:4 already allows a 20% reduction in current use value if a landowner’s property is open to the public 12 months a year for recreation. This type of additional exemption for winter recreational use could be extended to horseback riding, snowshoeing, hiking, dirt biking or any other type of recreational use and in the end, the cost of the exemption is shifted to other members of the community. The committee feels that the existing program of current use, and availability of an additional 20% reduction for recreational use is adequate compensation for the use of one’s land. **Vote 14-1.**

Rep. Laurie J. Boyce for the **Minority** of Municipal and County Government: This bill enables a town or city to give an extra exemption/credit for a small percentage (10%) of the property taxes on residential real estate on which is used as the principle place of abode, and which would allow snowmobiling activity on the property for a five year period, renewable every five years.

HB 439, allowing municipalities the option to tax land values at a different rate than buildings and improvements. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Testimony was received that this concept has some merit. However, implementation of this concept could cause a serious reduction of vacant land throughout the state due to the higher tax rate on non productive vacant land, causing the owners to sell prematurely and may contribute to an expansion of “sprawl” that this legislature is trying to shift to “smart growth.” The committee agreed this bill is unworkable at this time. **Vote 12-3.**

HB 552, establishing a committee to study the Hillsborough County Nursing Home employment practices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Buhlman for the **Majority** of Municipal and County Government: The committee was impressed with the

testimony from several employees from Hillsborough County. However, this is an issue that is more appropriately handled outside the legislature through established procedures. A performance audit by the county delegation could be worth considering. **Vote 10-4.**

Rep. Peter B. Schmidt for the **Minority** of Municipal and County Government: The minority feels that serious questions have been raised regarding employment practices at the Hillsborough County Nursing Home. Efforts to address these issues at the county level have not resolved the matter. While the minority agrees with the majority that Hillsborough County should deal with this question, the minority strongly feels that the New Hampshire House should maintain oversight, so that it can be sure that justice ultimately prevails.

HB 774-L, enabling municipalities to expend funds to plow private roads. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Municipal and County Government: The case of “Clapp vs. Jaffrey” would suggest that a town cannot spend tax monies on private property. It appears to be a constitutional issue. Towns would be exposed to unnecessary liability. However, present statutes allow plowing of “emergency ways.” **Vote 9-7.**

HB 778-L, relative to the city of Manchester school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marc P. Pappas for Municipal and County Government: This bill is simply enabling legislation that would allow the City of Manchester to put a referendum question on the ballot allowing the citizens of Manchester to decide whether or not to return the school district to a city department. The referendum question would need to be passed by a two-thirds super majority, which will clearly state the will of the people of Manchester. In a previous referendum on this issue, 61% of the citizens of Manchester voted to return the school district to a department of city government. However, because the city did not first obtain permission from the legislature, the initiative was deemed invalid. This bill is not unlike similar legislation that was passed three years ago, in which the City of Nashua sought to return control of its school district to a city department. It should be noted that in addition to the majority of Manchester’s legislative delegation, twelve of the fourteen city aldermen whole-heartedly support the goal of this legislation. **Vote 11-3.**

PUBLIC WORKS AND HIGHWAYS

HB 25-FN-A, making appropriations for capital improvements. **WITHOUT RECOMMENDATION**

RESOURCES, RECREATION AND DEVELOPMENT

HB 401, relative to approvals under the groundwater protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the **Majority** of Resources, Recreation and Development: This bill will streamline the process of approving large groundwater withdrawals by providing more structure to community input procedures. The change in statute will move the public hearing so it occurs after, rather than before the technical feasibility studies have been completed, ending time-consuming speculative discussions between the Department of Environment Services (DES) and the public. In addition, a review committee consisting of representatives of potentially impacted communities may be formed to provide a single vehicle for municipalities to discuss applications and make recommendations to DES. Appeals will go to the water council rather than directly to court. **Vote 10-8.**

Rep. Pierre W. Bruno for the **Minority** of Resources, Recreation and Development: This bill, even as amended, uses scientific words in a loose manner, creating far-reaching unintended consequences. The “zone of contribution” of groundwater is dependent upon geologic assumptions and may be limited to a local watershed or expanded to a regional watershed—larger even than the whole State. The criteria for selecting the size of the watershed is not defined in this bill. This language will essentially enable any municipality to join action committees for large groundwater withdrawal applications. Passage of this bill encourages public stonewalling of any large groundwater withdrawal application. The minority feels this issue merits study and oversight of the current process.

HB 748, making changes to the laws governing off highway recreational vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill is a recommendation of a legislative study committee and makes various changes to laws governing OHRV’s and the statewide trail system. It reduces the allowable noise level for trail bikes and includes that same restriction on all terrain vehicles. The bill, as amended, requires adult supervision for the operation of OHRV’s by minors under age 14. This bill, as amended, will also restrict the operation of OHRV’s by minors under age 14 by requiring them to be accompanied by an adult when operating off of their own families lands. The bill will make it easier to conduct commercial OHRV events or contests by exempting certain OHRV requirements. Further, the committee amendment restricts expenditures on wheeled OHRV trails to those which are developed using the Department of Resources and Economic Developments best management practices for trail development. And the amendment also references the existing municipal authority to regulate nuisance noise and encourages cities and towns to use this tool to address noise complaints relating to wheeled OHRV operation. **Vote 18-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 613-FN-L, relative to incineration and air quality. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence C. Ross for Science, Technology and Energy: This bill, as introduced, restricted the operation of the municipal waste combustor facility in Claremont. It would have required the shut down of the facility on those days declared as “air quality action days” by the Department of Environmental Services (DES), and for a period of 24 hours after the air quality action day had been lifted. Testimony by DES indicated that such action would have no appreciable effect due to the fact that most air quality alerts are triggered by circumstances outside the state and motor vehicle emissions. The committee decided, after discovery, and discussion that such closures would be costly in terms of economic impact while achieving no significant environmental impact. **Vote10-4.**

WAYS AND MEANS

HB 261, relative to lucky 7 licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Langone for Ways and Means: The committee agreed to increase the Lucky 7 license application period to 12 consecutive months and amended the bill to allow financial reports to the commission relative to Lucky 7 within 105 days from the date of issue and every 90 days thereafter. **Vote 12-4.**

HB 370-FN, relative to the dispensing of lucky 7 tickets. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Daniel M. Hughes for the **Majority** of Ways and Means: This bill would allow the playing of electronic Lucky 7 games through mechanical video display means utilizing cartridge-based, computerized gaming systems. All player stations would be linked to a central computer network that distributes the electronic Lucky 7 tickets for each cartridge to all player stations within a site network. The Sweepstakes Commission is unable to estimate the fiscal impact of this bill although many current Lucky 7 outlets did testify that this system would greatly enhance their sales. Testimony from the office of the Attorney General stated that this bill effectively legalizes a form of video gambling and would lead to many social and criminal problems associated with gambling. **Vote 10-8.**

Rep. Christopher C. Pappas for the **Minority** of Ways and Means: The minority of Ways and Means disagrees with the majority’s assertion that this bill expands gambling. To the contrary, HB 370 only allows for Lucky 7 tickets to be played in video form at charitable gaming halls. This bill permits charities to have up to five touch screen machines on which players can open Lucky 7 pull tab tickets. The minority strongly believes that this is not, and could never be, a slot machine. The internal mechanism draws electronic tickets out of a cartridge, which is analogous to the boxes of Lucky 7 tickets.

HCR 14, declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for the **Majority** of Ways and Means: HCR 14 is a rejection of judicial activism. In its Claremont decision the court set out guidelines defining and for funding an adequate education. The Legislature should find that the court has set such standards not found within the Constitution. This resolution is not a rejection of the judicial responsibility to measure the constitutionality of legislation relating to education or tax policy. It, in fact, makes clear that the Legislature understands and respects the separation of powers. This resolution takes the pulse of the Legislature. The minority questions the purpose of the resolution. That purpose is to make it clear that we find the lines of responsibility between the judicial and legislative branches have been crossed in the Claremont decisions. HCR 14 can be seen as a measure of our resolve to defend our constitutional responsibilities in the future. Justice Horton said it best when in his dissent he stated: “My problem is that I was not appointed to establish educational policy, nor to determine the proper way to finance the implementation of this policy...Those duties, in my opinion, reside with the representatives of the people... My job is to determine whether the structures for providing and financing education.....meet the mandates of the Constitution. **Vote 11-7.**

Rep. Christine C. Hamm for the **Minority** of Ways and Means: In declaring that the directives of the judicial branch are not binding upon the legislative and executive branches, this resolution defies the concept of a tripartite, co-equal division of governmental authority, the system of checks and balances established by the framers of the United States Constitution and reaffirmed in The Federalist Papers and by more than two centuries of court decisions. The resolution questions the judicial branch’s most basic responsibility, the right to interpret the state’s constitution. Members of the committee believe that, carried to its logical conclusion, such an assertion threatens the basic rights of all members of society to seek judicial redress. Passage of the resolution, while non-binding in law, is an impediment to effective governance and an unworthy use of legislative power.

LAID ON TABLE

HB 836, certifying that John Coughlin was elected as county attorney for Hillsborough county at the 2002 general election. (Adoption of the majority committee report of ought to pass.)

HOUSE DEADLINES

- Friday, December 13, 2002, 3:00 p.m.
- Last day to file LSR’s with complete information.
- Friday, January 17, 2003, 12:00 p.m.
- Last day to sign-off on all House bills, including redraft

Thursday, January 30, 2003	requests. Last day to introduce all House bills.
Thursday, March 6, 2003	Last day to amend House Rules by majority vote. Last day to report all House bills being referred to a second committee.
Thursday, March 13, 2003	Last day to act on all House bills being referred to a second committee.
Thursday, March 20, 2003	Last day to report all House bills not in a second committee, except budgets.
Thursday, March 27, 2003	Last day to act on all House bills not in a second committee, except budgets.
Thursday, April 3, 2003	Last day to report all remaining House bills. Last day to hold public hearings on all House bills retained in committee. Last day for committees to report list of retained House bills.
Thursday, April 10, 2003	CROSSOVER -Last day to act on all remaining House bills.
Tuesday, April 22, 2003	Supplemental LSR filing period opens.
Thursday, April 24, 2003, 3:00 p.m.	Last day to file supplemental LSRs with complete information.
Thursday, May 8, 2003	Last day to report Senate bills being referred to a second committee.
Thursday, May 15, 2003	Last day to act on Senate bills being referred to a second committee.
Thursday, May 29, 2003	Last day to report all Senate bills for action in the first-year session. Last day to hold public hearings on all Senate bills retained in committee. Last day for committees to report list of retained Senate bills.
Thursday, June 5, 2003	Last day to act on all Senate bills in the first-year session.
Wednesday, June 11, 2003	Last day to form committees of conference.
Friday, June 13, 2003, 3:00 p.m.	Last day to sign-off all supplemental bills, including redrafts
Wednesday, June 18, 2003, 3:00 p.m.	Last day to sign committee of conference reports.
Tuesday, June 24, 2003	Last day to act on committee of conference reports. Last day to introduce supplemental bills.

HOUSE BILLS AMENDED BY THE SENATE

HB 517-L, relative to Keene Road and Main Street in the town of Hillsborough. (House Concurred 3/13/03)

COMMITTEE MEETINGS

MONDAY, MARCH 24

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

9:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Executive session on pending legislation.

FINANCE - (DIVISION I), Room 209, LOB

10:00 a.m. Work and executive session on the budget and pending legislation

FINANCE - (DIVISION II), ROOM 212, LOB

10:00 a.m. Work and executive session on the budget and pending legislation

FINANCE - (DIVISION III), ROOM 210-211, LOB

10:00 a.m. Work and executive session on the budget and pending legislation

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

9:00 a.m. Regular meeting and hearing.

PROBLEMS RELATED TO THE DELIVERY OF LOCAL ASSISTANCE (HB 1109, Chapter 184:1, Laws of 2002), Room 301, LOB

10:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Work and executive session on *HB 25-FN-A*, making appropriations for capital improvements.

TUESDAY, MARCH 25

FINANCE - (DIVISION I), Room 209, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION II), ROOM 212, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

WAYS AND MEANS, Room 202, LOB

Full committee work session on the proposed amendment to *HB 2-FN-A*, relative to state fees, funds, revenues, and expenditures (Sections 1-21, 28, 36, 40 and 44), immediately following the House session.

WEDNESDAY, MARCH 26

FINANCE, Rooms 210-211, LOB (At 1:00 p.m. Finance will meet in Room 103, State House)

9:00 a.m. Executive session on pending legislation.

FINANCE - (DIVISION I), Room 209, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION II), ROOM 212, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

WAYS AND MEANS, Room 202, LOB

Full committee work session on the proposed amendment to *HB 2-FN-A*, relative to state fees, funds, revenues, and expenditures (Sections 1-21, 28, 36, 40 and 44), immediately following the House session.

THURSDAY, MARCH 27

FINANCE - (DIVISION I), Room 209, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION II), ROOM 212, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

WAYS AND MEANS, Room 202, LOB

Full committee work session on the proposed amendment to *HB 2-FN-A*, relative to state fees, funds, revenues, and expenditures (Sections 1-21, 28, 36, 40 and 44), immediately following the House session.

FRIDAY, MARCH 28

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration, Community Services Division Training Room

9:30 a.m. Regular meeting.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Rooms 202-204, LOB

10:00 a.m. Regular meeting.

EXAMINE AND ACCESS THE STATUS OF CIVIC EDUCATION IN NEW HAMPSHIRE (HB 1151, Chapter 188:2, Laws of 2002), Room 207, LOB

10:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

9:30 a.m. Executive session on pending legislation.

FINANCE - (DIVISION I), Room 209, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION II), ROOM 212, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Work and executive session on the budget and pending legislation.

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

6:00 p.m. Work and executive session on pending legislation.

TASK FORCE ON RE-ESTABLISHING THE LAWRENCE, MA TO MANCHESTER, NH AND THE CONCORD TO LEBANON RAIL SERVICE (HB 258, Chapter 271:1, Laws of 2001), Room 203, LOB

10:00 a.m. Regular meeting.

SATURDAY, MARCH 29

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

9:30 a.m. Work and executive session on pending legislation.

TUESDAY, APRIL 1

TRANSPORTATION, Room 203, LOB

10:00 a.m. ***SB 41-FN***, relative to the installation of airbags.

10:45 a.m. ***SB 44***, relative to penalties for vehicle dealers.

11:30 a.m. ***SB 188-L***, establishing a commission to study improving the enforcement of traffic laws in high traffic areas.

1:15 p.m. ***SB 56-FN***, relative to parking for persons with disabilities.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, APRIL 2

EDUCATION, Room 207, LOB

10:00 a.m. Rescheduled public hearing on ***SB 22***, amending the duties of the public higher education study committee.

10:45 a.m. Rescheduled public hearing on ***SB 26***, removing the penalty against teachers who fail to keep registers.

11:30 a.m. Rescheduled public hearing on ***SB 51-FN***, relative to membership on the New England Board of Higher Education.

1:00 p.m. ***SB 68***, authorizing electronic certification of educational credentials.

1:45 p.m. ***SB 76***, relative to the process for nonrenewal of teacher contracts.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

9:30 a.m. Regular meeting

MONDAY, APRIL 7

CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18), Room 203, LOB
4:00 p.m. Regular meeting.

FRIDAY, APRIL 11

GOVERNOR’S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 201-203, LOB
9:30 a.m. Regular meeting.

MONDAY, APRIL 14

ETHICS COMMITTEE (RSA 14-B:2), Room 103, State House
9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
1:00 p.m. Regular meeting.

TUESDAY, APRIL 15

STATE VETERANS’ ADVISORY COMMITTEE (RSA 115-A:2), American Legion Post 79, Manchester
5:00 p.m. Regular meeting.

MONDAY, APRIL 21

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Regular meeting.

FRIDAY, APRIL 25

JUVENILE JUSTICE SERVICE CAPACITY AND ADMINISTRATIVE SIMPLIFICATION (HB 179, Chapter 170:7, Laws of 2002), Room 206, LOB
1:00 p.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB
9:00 a.m. Regular meeting.

OFFICIAL NOTICES

REVISED FISCAL NOTES

The following HBs and SBs have revised fiscal notes: HBs 65, 69, 91, 104, 177, 258, 274, 353, 447, 483, 578, 603, 607, 608, 609, 610, 611, 612, 613, 614, 615, 617, 618, 619, 621, 622, 623, 624, 626, 627, 628, 629, 630, 631, 632, 633, 634, 636, 637, 638, 639, 640, 644, 646, 659, 661, 663, 664, 665, 666, 667, 668, 669, 670, 672, 673, 674, 675, 676, 678, 679, 680, 681, 682, 683, 684, 685, 687, 688, 689, 690, 693, 694, 695, 696, 697, 698, 699, 701, 703, 706, 707, 708, 709, 710, 711, 712, 713, 714, 716, 718, 719, 720, 721, 722, 723, 730, 732, 733, 735, 738, 739, 741, 743, 746, 751, 758, 760, 772, 783, 784, 785, 787, 788, 791, 796, 802, 803, 810, 813, 814, 823, 824, 826, 828 and 830. SB 14.

Karen O. Wadsworth, Clerk of the House

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

Natalie S. Flanagan, PO Box 959, Atkinson, New Hampshire 03811-0959.

Thomas E.P. Rice, PO Box 1006, Laconia, New Hampshire 03247-1006.

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

Karen O. Wadsworth, Clerk of the House

MEMBERS’ NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

From time to time the Speaker receives reports and audits from various committees, commissions, and departments. On the chance that some of these reports might be of interest to a member, I will periodically list the report that are received in the Speaker's office and available for viewing.

Reports most recently received include:

State of NH Management Letter for the State of NH for the YE June 30, 2002

State of NH Single Audit of Federal Financial Assistance Programs for YE June 30, 2002

Gene G. Chandler, Speaker

Members of the NH House are encouraged to utilize the complimentary ski privileges afforded them. Upon presentation of proper credentials at the ticket window, legislative members may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials unless prior arrangement is made with Commissioner Bald. (*Lift tickets are to be picked up at Guest Services or the Ticket Window at Cannon.*)

Gene G. Chandler, Speaker

The House Republican Alliance will meet each Wednesday at 8:30 a.m. at the Upham Walker House, Park Street (across from the State House).

Rep. Michael A. Balboni

The Main Street Republicans will meet every Thursday at 8:30 a.m. at the Upham Walker House, Park Street (across from the State House).

Rep. Paul D. Spiess

Financing Community Based Long Term Care

Guest speaker is David Braddock, Associate Vice President for Research at the University of Colorado and Executive Director of the Coleman Institute for Cognitive Disabilities. This event is sponsored by Rep. Peter Batula and Senator Jane O'Hearn and is funded through NH's Real Choice Systems Challenge Grant. This event will take place at St. Paul's Church, across from the State House, in Concord on Tuesday, **March 25**. There are two opportunities to attend: A breakfast will be served from 7:30 to 9:00 a.m. and a luncheon will be served from noon to 1:30 p.m.

Rep. Peter L. Batula

The Strafford County GOP committee will hold its monthly meeting at the Gateway Restaurant in Somersworth on Tuesday, **March 25th** at 7:00 p.m.

Rep. Phyllis L. Woods

The American Red Cross in New Hampshire cordially invites all legislators and staff to its annual breakfast on Thursday, **March 27**, 8:00 to 9:30 a.m. in the State House cafeteria.

Rep. Elizabeth S. Hager

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court to the annual UNH Legislative Breakfast on Thursday, **March 27** from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Meet NH undergraduate researchers, as well as President Ann Weaver Hart.

Rep. Marjorie K. Smith

In recognition of "Save Your Vision Month", the NH Optometric Association invites legislators and staff to a reception on Thursday, **March 27**, at 4:30 p.m. at the Barley House on Main Street in Concord.

Rep. David W. Hess

On Thursday, **March 27**, at noon the State-Federal Relations and Veterans Affairs Committee and the Military Association of the House and Senate will be having a briefing by General Blair in Rooms 306-308, LOB. Everyone is welcome to attend.

Rep. Lawrence J. Guay

All legislators are invited to attend the next meeting of the Emergency Management System Joint Legislative Oversight Committee to learn more about bioterrorism, public health emergency preparedness initiatives, and the New Hampshire Smallpox Plan. Many efforts have already been made to inform and educate local public health departments, EMTs, fire departments, police departments, health care providers, and the general public regarding these issues. However, more remains to be done if local officials are to understand how state public health officials plan to respond to bioterrorist acts. The next committee meeting is scheduled for Friday, **March 28th** at 10:00 a.m. in Rooms 202-204, LOB.

Rep. Peter L. Batula

Wear your plaid! Tartan Day will be celebrated **on April 3, 2003**.

Rep. Karen K. McRae

Arts Awareness Day for the Legislature will be held on Thursday, **April 10**. There will be a breakfast for legislators at the NH Historical Society, Tuck Library, 30 Park Street, Concord from 7:30 to 9:30 a.m. Theme: The arts are important to NH and to the State's economy. This event is sponsored by NH Citizens for the Arts, a nonpartisan, statewide, grassroots advocacy group. To become a member or for more information, call 225-1998.

Rep. Peter H. Burling

The New Hampshire Department of Cultural Resources will host a luncheon for all Legislators to celebrate the exhibition "Artists At Work 1935-1942 New Hampshire Remembered," featuring WPA paintings and prints by Nathaniel C. Burwash and Herbert Ogden Waters. Please join us at the State Library second floor, on Thursday, **April 10th** from 11:30 a.m.-1:30 p.m.

Rep. Elizabeth Hager

The New Hampshire Order of Women Legislators will meet during the lunch break from session on Thursday, **April 10th** at the Upham Walker House.

Rep. Sandra C. Harris

The 2003 Democratic Leadership Council National Conversation will be held this summer in Philadelphia. The National Conversation is this year's premier gathering of New Democratic elected officials. Democratic legislators who are interested in attending should contact Rep. Peter M. Sullivan at 647-5453 or peter.sullivan@leg.state.nh.us by **April 30**.

Rep. Peter M. Sullivan

The Department of Transportation will hold the following meeting:

March 26 – Randolph Town Hall, 10:00 – noon, Jefferson Town Hall 2:00-4:00 p.m. Informal discussion, Jefferson-Randolph, reconstruction safety improvements and shoulder widening from NH 115 intersection east approximately 5.0 miles to Durand Road.

March 26 – Jefferson Town Hall, 698 Presidential Highway, Jefferson, 6:30 p.m. Public informational meeting, Jefferson-Randolph, reconstruction safety improvements and shoulder widening from NH 115 intersection east approximately 5.0 miles to Durand Road.

April 15 – Hudson Town Hall, 12 School Street, Hudson, 7:00 p.m. Combined public officials/public informational meeting, Hudson, NH 102, West Road and Robinson Road intersection improvements, turn lane, signal and truck lane.

April 30 – Nashua City Hall Auditorium, 229 Main Street (use Elm Street door), Nashua, 7:00 p.m. Public hearing (Commission), Nashua, Park and ride facility and potential for future construction of a rail platform-station to provide commuter rail connections into MA.

Rep. Edwin O. Smith, Chairman
Public Works and Highways Committee

As a convenience to the members of the NH General Court, the Visitors’ Center offers the following schedule of schools and other groups visiting the State House in **March** 2003. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
March 24	10:30	Charlestown Primary School	4/40
March 24	12:30 & 1:45	Stratham Memorial School	4/64
March 25	9:30 & 11:00	Seabrook Elementary School	4/50
March 25	1:00	Hearts For Home Homeschool- Concord	4-8/20
March 26	9:30 & 11:00	Seabrook Elementary School	4/40
March 26	12:30 & 1:30	Paul School – Sanbornville	4/66
March 27	9:30 & 11:00	Symonds Elementary School – Keene	4/57
March 28	9:00 & 10:15	Conant Elementary School – Concord	4/60
March 28	12:30 & 1:45	Stratham Memorial School	4/44
March 31	9:30 & 11:00	Hillsboro Deering Elementary School	4/44
	10:00 & 11:15		
March 31		Bakersville Elementary School – Manchester	4/46
March 31	12:30 & 1:30	Cutler School – West Swanzey	4/60