

State of New Hampshire HOUSE RECORD

First Year of the 159th General Court Calendar and Journal of the 2005 Session

Vol. 27

Concord N.H.

Friday, March 25, 2005

No. 24

Contains: Reports for March 30 and March 31, Hearings, Meetings and Notices

HOUSE CALENDAR

NOTICE

The House will meet on **Wednesday, March 30th** at 10:00 a.m. If we do not complete our work, we will recess until 10:00 a.m. the following morning.

Chairmen and Vice Chairmen will meet on **Tuesday, March 29th** at 9:00 a.m. in Room 203, LOB.

W.
Douglas
Scamman,
Speaker

NOTICE

There will be a Republican Caucus on **Wednesday, March 30 and Thursday, March 31** at 9:00 a.m. in Representatives Hall.

Rep.
Michael
O'Neil,
Majority
Leader

NOTICE

There will be a Democratic Caucus on **Wednesday, March 30 and Thursday, March 31** at 8:30 a.m. in Rooms 202-204 of the Legislative Office Building.

Rep.
James W.
Craig,
Democratic
Leader

NOTICE OF RECONSIDERATION

This day, Wednesday, the 23rd day of March, 2005, at 5:45 p.m., Representative Kenneth L. Weyler,

having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby it found **HB 323-FN**, relative to excluding social security numbers and other information from documents filed with registries of deeds, Inexpedient to Legislate.

Karen O.
Wadsworth,
Clerk of the
House

NOTICE

There will be an **Education Funding** meeting for all **Representatives** in Representatives' Hall on **Tuesday, March 29th at 9:30 a.m.**

There will be a **GraniteCare (HB 691)** briefing for all **Representatives** in Representatives' Hall on **Tuesday, March 29th at 11:30 a.m.**

Rep. Michael O'Neil

NOTICE

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

Karen O.
Wadsworth,
Clerk of the
House

SHUTTLE SERVICE

For the convenience of members during the winter months I have instituted a shuttle service from the Storrs Street parking garage to the State House complex.

The shuttle will operate **Tuesdays, Wednesdays and Thursdays from 8:00 a.m. to 10:00 a.m. and again from 2:00 p.m. until 4:00 p.m.** or until session is over. The van will drop-off and pickup on North State Street between the State House and LOB. If you have any questions or need any assistance please feel free to call my office or Protective Services at 271-3321.

W. Douglas Scamman, Speaker

LAIID ON TABLE

HB 98, relative to law enforcement authority under the safe schools act. (Pending question is the adoption of the committee amendment.)

HB 219, relative to permitting audio and video recording on school buses. (Pending question is the adoption of the committee report of ought to pass with amendment.)

HB 563-FN-A, increasing the tobacco tax. (Pending question is the adoption of the majority committee report of inexpedient to legislate.)

HR 15, affirming revenue estimates for fiscal years 2005, 2006, and 2007. (Pending question is third reading.)

HOUSE DEADLINES

Wednesday, March 30, 2005

Thursday, April 7, 2005

Wednesday, April 13, 2005

Thursday, May 5, 2005

Wednesday, May 11, 2005

Thursday, May 26, 2005

Wednesday, June 8, 2005

Thursday, June 16, 2005

Wednesday, June 22, 2005 at 3 pm

Wednesday, June 29, 2005

Monday, September 12, 2005

Friday, September 23, 2005

Last day to act on all House bills not in a second committee, except budgets.

Last day to report all House bills for action in 1st year session

Last day to hold public hearing on retained House bills

Last day to report list of retained House bills

Last day to act on House bills. **CROSSOVER**

Last day to report Senate bills going to a second committee

Last day to act on Senate bills going to a second committee

Last day to report all Senate bills for action in 1st year session

Last day to hold public hearing on retained Senate bills

Last day to report list of retained Senate bills

Last day to act on Senate bills

Last day to form Committees of Conference

Last day to sign Committee of Conference reports

Last day to act on Committee of Conference reports

First day to file legislation for the 2006 session

Last day to file legislation for the 2006 session

WEDNESDAY, MARCH 30

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 120, relative to the definition of child abuse and the identity of a person filing a report of suspected child abuse. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Stuart Gile for Children and Family Law: This bill defines the circumstances that indicate or threaten physical harm to a child's life, health or welfare and requires that the person reporting/filing a report provide their name and address. The committee appreciates the sponsor's intent to clarify child abuse and neglect reporting laws, however, the committee decided to support current law which guarantees anonymity to persons reporting because it is in the best interest of the child. **Vote 13-1.**

HB 214, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. **OUGHT TO PASS**

Rep. Harriet E. Cady for Children and Family Law: This bill provides that a sexual assault victim age 16 or younger at the child's request and with the prosecutor's approval shall be allowed to have the parents or legal guardians to remain with the victim during the entire court proceedings. This bill gives the necessary support to a child during the court process. **Vote 13-1.**

HB 220, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Stuart Gile for Children and Family Law: This bill establishes a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. Testimony confirmed that the numbers of homeless teens in New Hampshire are increasing for a variety of reasons. The study committee will investigate the accuracy of reports (data), consolidate various studies on teen homelessness, and request evaluations of existing programs and report findings and recommendations for future legislation by November 1, 2005. **Vote 14-0.**

HB 405, relative to discovery depositions in criminal cases of persons under 16 years of age. **INEXPEDIENT TO LEGISLATE**

Rep. Edward P. Moran for Children and Family Law: This bill would permit children under the age of 16 to be deposed in criminal cases. Children would be subject to a wide array of questions under

oath without a judge present. Unless they hire private counsel, the child would be forced to respond without the protection afforded by legal representation. There already are existing means for obtaining information from a child witness. Current law provides for video taped depositions with both a judge and parent present. After review by a judge, confidential documents may be given to the defense. Court rules require that all witness statements made by children be given to the defense. And, of course, a child may be required to testify and be subject to cross examination at trial. This bill is unnecessary and has potential to cause great harm to children. The Attorney General opposes this bill. **Vote 12-2.**

HB 476, revising the definition of adultery. **INEXPEDIENT TO LEGISLATE**

Rep. Anne C. Grassie for Children and Family Law: This bill was initiated pursuant to a Supreme Court decision which rested on the majority interpretation of adultery as defined in RSA 645:3. The committee felt the alternative definition proposed, the language of RSA 649-A:2,III, was inappropriately broad. The committee majority decided, given the options, it concurred with the Supreme Court majority. **Vote 14-1.**

HB 510, relative to financial affidavits in domestic relations cases. **OUGHT TO PASS**

Rep. Barbara Hull Richardson for Children and Family Law: This bill was introduced at the request of the Department of Health and Human Services to correct an unintended consequence of HB 384 which was passed last year. This bill provides that in divorce and custody cases otherwise confidential financial affidavits are accessible to those employees responsible for the administration and enforcement of child support obligations. It is basically housekeeping legislation. **Vote 14-1.**

HB 511, relative to the confidentiality of records pertaining to the support of dependent children. **OUGHT TO PASS**

Rep. Barbara Hull Richardson for Children and Family Law: This bill was requested by the Department of Health and Human Services and the courts. This bill permits the court and its authorized personnel limited access to child support records maintained by the Department for the administration of cases where an application for child support services has been received and accepted by the Department for Social Security Act, Title IV-D services. Currently New Hampshire is failing to maximize on capturing available IV-D funding largely because of limitations in ability to identify IV-D cases for federal reimbursement. **Vote 14-1.**

HB 585, relative to grounds for termination of parental rights. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony P. Matarazzo, Sr. for Children and Family Law: This bill adds to the grounds for termination of parental rights, namely, conviction for felony assault of a sibling. The amendment simply says the bill shall take effect upon passage rather than 1 January 2006. **Vote 14-0.**

HB 586, relative to the periodic review of child support guidelines. **OUGHT TO PASS**

Rep. Harriet E. Cady for Children and Family Law: This bill clarifies that child support guidelines be reviewed by the Department of Health and Human Services not less than once every four years in order to determine appropriate child support awards. It also requests that the department use the review by the commission on child support and related child custody issue to meet state and federal law requirements. HB 586 meets the request of the commission on child support and related child custody issues. **Vote 14-0.**

HB 640, relative to parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill places laws governing custody of children under a separate chapter. The term custody changes to "rights and responsibilities" and requires parents to file "parenting plans" with the court and allows the court to order a session of mediation. **Vote 16-0.**

COMMERCE

HB 104, requiring insurance coverage for infertility treatments. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: The committee has had this issue several times in the past. Testimony was presented that this mandate would increase the cost of health insurance for everyone in the small group market. Although we are very sensitive to the situation of infertile couples, our concern is that the out of control cost of health care is having a devastating impact on our small businesses and their employees. It has reached a crisis situation where companies and/or their employees are being forced to decisions to continue health coverage or not based upon their ability to pay for it. An additional increase will simply push more people out of the insurance market. We should be looking for ways to stabilize the cost of good basic health insurance. This bill

has the opposite effect at a time when our small businesses can ill afford another mandate. **Vote 17-1.**

HB 262, creating a cause of action relative to the discharge of mortgages. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The committee reviewed the existing New Hampshire law with regard to mortgage discharge and found that the mechanism created by the Commerce Committee in a past session is sufficient to remedy this situation. New Hampshire law provides for a discharge by affidavit to clear titles encumbered by mortgages that have been satisfied. **Vote 19-0.**

HB 274, relative to notice of the availability of automobile gap insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This type of insurance, although available through insurance agents, is usually offered by automobile dealers and financial institutions that are aware of the personal financial situation of the buyer. Normally, insurance agents, brokers and salespeople are not aware of the amount being financed by their clients. Although they can and do offer the coverage, it is rarely purchased by their clients and requiring a mandatory written offer and signoff for this type of coverage where such is not required on other perils would be cost prohibitive and unreasonable. **Vote 20-0.**

HB 296, relative to bonding requirements for private detectives. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: The State of New Hampshire requires that private detectives have a \$50,000 surety bond. This legislation allows a private detective to purchase and maintain liability insurance in lieu of a surety bond. Although the sponsor was well intentioned, the committee felt that liability insurance does not have the same protection as a surety bond. **Vote 19-0.**

HB 299, relative to mechanics' liens. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: The bill as introduced sought to make several improvements to RSA 447 regarding mechanics' liens. The testimony at both the public hearing and subcommittee indicated there was not only disagreement about the provisions in the bill, but also other parts of RSA 447. All parties agree that a broader look is necessary and a study committee is the best approach. **Vote 17-0.**

HB 337, establishing a committee to study small group health insurance and the small brokerage health insurance community. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: The committee felt that this bill was unspecific as to its objectives. Testimony provided at the hearing concentrated on areas relating to rebating and unfair trade practices. These areas were addressed in the last session under SB 42 which completely updated both regulations to reflect current practices, and, according to the insurance department, are working well. In addition to this, anything that may need further study can be addressed under other bills currently being considered. **Vote 13-5.**

HB 348, relative to mortgages held by parties to a divorce. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill was amended to provide clarification of a bill passed by this house last session. The Commerce Committee added a requirement to durable powers of attorney that required a disclosure of the grantor of the power that he/she was granting broad powers to the agent named in that document. As an unintended consequence, special limited powers of attorney, used mainly in real estate transactions, were caught up in the change because they contain durable language. This bill corrects that by clarifying the language for those transactions done since the effective date of the change and in the future. **Vote 18-0.**

HB 364, establishing a committee to study adopting the uniform securities act. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: The committee has retained HB 716 which deals with the review and restructuring of the Uniform Securities Act. Therefore the committee felt that HB 364 dealing with the same issue would be redundant and not necessary at this time. **Vote 20-0.**

HB 422, relative to exemptions from the consumer protection act. **INEXPEDIENT TO LEGISLATE**

Rep. James R. Martin for Commerce: This bill would exempt from the Consumer Protection Act any business that is in compliance with the rules and regulations of the Bank Commissioner, Director of Securities Regulation, Insurance Commissioner, Public Utilities Commission and similar regulators of other states or the federal government. The bill changes existing law which exempts only those businesses that are subject to the jurisdiction of those regulators. This bill would exempt any

business not subject to regulations by any of the named regulators. Thus, under this bill, any business not subject to regulation would be exempt from the Consumer Protection Act. **Vote 16-4.**

HB 423, relative to insurance premiums for medical malpractice liability insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill requires malpractice insurance rates in New Hampshire to be based only on New Hampshire malpractice statistics. The committee heard testimony that due to its small size there would be little or no malpractice statistics in many areas of medical practice. It would therefore be impossible to rate these areas for insurance purposes. Although well intended, this bill would have the unintended effect of further restricting the availability of malpractice insurance and of also increasing its cost. **Vote 18-2.**

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: This bill is the product of many hours of work by a subcommittee, the Attorney General's Office of Consumer Protection and the homebuilder industry, and was introduced to address the concerns of the numerous contractor scams that New Hampshire homeowners have experienced in the recent past. The legislation mandates a written contract between a homeowner and contractor outlining basic terms of their agreement. The law also provides the Attorney General's Office with the enforcement tools they need to prosecute those contractors that prey on consumers. The final version addresses the desire of the homebuilders to protect the reputation of the majority of the good contractors working in New Hampshire, while also allowing the attorney general to pursue those whose intent are to defraud. **Vote 20-0.**

HB 490, relative to law enforcement access to financial records under the New Hampshire right to privacy act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran M. Egbers for Commerce: This bill clarifies law enforcement access to financial records under the New Hampshire Right to Privacy Act. The amendment removes Sections 2 and 3 from the bill. The committee believed the subpoena powers in these sections were reaching too far into the financial privacy of individuals. **Vote 20-0.**

HB 575, establishing a committee to examine a restructuring of the state health insurance programs. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: In the public hearing on HB 575 the sponsor wanted to accomplish a number of things. It appeared from the testimony that the sponsor needed to take several additional steps before this study committee would be needed and could be effective. As the old saying goes, this bill would be putting the cart before the horse. **Vote 20-0.**

HB 577, relative to requirements for debt collection by telephone. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although this bill was well intentioned, there are already a significant number of laws on the book regulating collection companies. Many, if not all, of the complaints we heard concerned activities that violate existing laws. The real issue is about the enforcement of existing laws not the creation of new ones. In addition, this law would have the same enforcement problem current laws have; that is, they only cover those collection companies located within the State of New Hampshire. As we all know most collection companies are located outside of New Hampshire and increasingly outside of the United States. The committee felt this law was unnecessary. **Vote 19-0.**

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: The amendment to this bill more clearly defines how the Medical Malpractice Insurance Oversight Committee would be formed and more clearly defines what its charge would be. This amendment addresses a concern about the committee's ability to collect all of the data. Under this amendment the insurance department would collect the data. This amendment is supported by both the sponsor and the insurance department. Everyone is in agreement that we need a legislative committee to study the information and determine what legislation might be needed to correct the situation. **Vote 20-0.**

HB 615-FN, relative to insurance coverage for court-ordered counseling services. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Clark for Commerce: This bill would prohibit carriers from denying coverage for mental health services on the basis that there is a court order for counseling or a psychiatric evaluation as part of a divorce or custody proceeding. In order to be covered, these services still must meet medical necessity criteria. The committee notes that in many instances psychiatric

evaluations ordered as part of custody proceedings would not meet medical necessity criteria. For example, in order for psychological testing to be considered a medical necessity, it must be intended to move an individual's medical treatment forward in some way, as opposed to only meeting some other need to help a court determine custody issues. **Vote 18-2.**

HB 631-FN, relative to the time after which certain unclaimed property is presumed abandoned. **INEXPEDIENT TO LEGISLATE**

Rep. James F. Headd for Commerce: The committee met with a representative of the consumer protection division of the attorney general's office, and with the state treasurer. Both indicated their objections to reducing the holding period of securities to one year, but would not object to a three year holding period which would bring it in line with federal statutes. Otherwise, they saw no benefit to the general public to change existing rules. There is no statute of limitation on claiming unclaimed property so heirs, successors or assignees of the property can claim it at any time. **Vote 20-0.**

HB 714-FN, adopting the Uniform Partnership Act (1997). **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: This bill attempts to update our current version of the Uniform Partnership Act to reflect the most recent version of the model act promulgated by the Commissioners on Uniform Law. Our current statute includes many changes made to the prior version of the Uniform Law. The updated Uniform Law presented did not include these New Hampshire nuances. The Secretary of State Corporate Division stated the bill as presented required extensive review and revision to adapt it suitably for New Hampshire, and this currently is a low priority for them. The committee expects an improved version of this bill will be filed in an upcoming session. **Vote 20-0.**

HB 717, prohibiting cancellation of property and liability insurance on the basis of certain political activities. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: The committee felt this bill was unnecessary as ample markets are currently providing this coverage. Present homeowner policies do not exclude coverage for political activities and umbrella liability policies generally follow form with its underlying policies. Although some companies specifically exclude political coverage due to their underwriting criteria or reinsurance limitations, coverage can usually be obtained by shopping other carriers. In addition to this, elected members of the legislature have constitutional protection while participating in the meetings of the legislature or its committees. **Vote 18-2.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 68, relative to the enforcement of disorderly conduct by reason of noise. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as amended by the committee provides for the enforcement of loud or unreasonable noise when observed by a law enforcement officer. Prior to these amendments, a person other than a law enforcement officer had to be the complainant and this resulted in an often unenforceable situation due to the fear that some form of retribution would result. The complainant might not be willing to go forward due to the fear that some action would be taken against hi or her. The bill holds responsible the person who has control of the place where the loud, or unreasonable noise originates or the actual person creating the disturbance. **Vote 17-1.**

HB 125, requiring ignition interlock devices for certain persons who drive after suspension or revocation. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill requires in the case of that any person who has been convicted of the offense of driving after suspension or revocation, resulting from a conviction for DWI, the court shall order the installation of an ignition interlock on the vehicle registered to or primarily used by that person. The court may order such installation as a condition of bail. It further reinforces that a person ordered by the court to install an interlock device shall not drive any other vehicle not so equipped. **Vote 16-2.**

HB 294, relative to criminal records and evidence. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: The current statute requires a person whose arrest has resulted in a finding of not guilty to file a petition for annulment of the arrest record by paying a fee of \$100.00 and waiting for the Department of Corrections to investigate the facts of the case to make a recommendation to the court whether the arrest records should be annulled or not. The majority of the committee felt that a charge resulting in a verdict of not guilty by a jury or judge should be immediately annulled by the court without requiring a petition or

payment of a fee. The remainder of the statute RSA 651:5, II has been changed to RSA 651:5, II-a. The wording in this section has not been changed and states that any person whose case was dismissed or not prosecuted may petition for annulment of the arrest record at any time in accordance with the provisions of this section. **Vote 10-5.**

HB 440, relative to hearing ear dogs, guide dogs, and service dogs. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill is long overdue and provides that those who interfere, or attempt to interfere, with a service dog, as defined in RSA 167-D: 1, IX, will now be guilty of a misdemeanor. Those who willfully torture, beat, kick, strike, mutilate, injure, disable, or otherwise mistreat a service dog shall be guilty of a class B felony. There was no testimony opposed to this bill. Those who use service dog, gave testimony of how these dogs are their eyes and ears and in some cases they are helpless without their dogs. The amendment takes out the provision in the original bill of a defendant having to make full restitution of a service dog, which included the value of the service dog to the service animals user, any and all veterinary expenses and compensation for wages, or earned income lost by the animal user, which the committee felt was not reasonable. **Vote 14-0.**

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation is proposed to clarify legislative intent after a Supreme Court decision *State v. Kidder* outlining guidelines which must be adhered to by attorneys, or any person on an attorney's behalf, who is representing the defendant in an action brought under the domestic violence statute RSA 173-B, or the stalking statute RSA 633:3-a, where a protective order is in force, and contact by such authorized individual with the plaintiff for a legitimate purpose is desired. Any person who knowingly fails to comply with the requirements of this section when making contact with the plaintiff shall be guilty of a violation of a protective order. **Vote 16-0.**

HB 486, establishing a committee to study firearms confiscation practices in domestic violence matters. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would establish a committee to study firearms confiscation practices in domestic violence matters. The current law is the end result of two years of work where these issues were studied in depth. There was strong testimony from several groups that had participated in the earlier studies that the concerns expressed by the sponsor had been addressed already and that this bill is unnecessary. **Vote 15-1.**

HB 527, relative to protective orders and possession of firearms. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill makes several major changes to the domestic violence statute as it currently exists. These changes would seriously dilute the protection provided in RSA 173-B in particular as it pertains to the confiscation of the defendant's firearms. The law as written provides a showing of immediate and present danger of abuse. The proposed bill would allow confiscation only after a hearing and a finding by clear and convincing evidence that failure to relinquish the weapons places the plaintiff in immediate physical danger. The purpose of a temporary order is to protect the plaintiff from further abuse. Removing weapons as part of a temporary order is both reasonable and prudent. The defendant has opportunity at the final hearing to put forth arguments as to why his or her weapons should be returned. **Vote 16-0.**

HB 531, relative to application for a writ of habeas corpus. **INEXPEDIENT TO LEGISLATE**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill wishes to further provide definition as to who may apply for a writ of habeas corpus by using the term "human being" as opposed to "person" in RSA 534:3. Testimony from the Attorney General's office indicated that the bill is unnecessary. The committee felt that since Black's Law Dictionary defines person as a "Human Being" and the possibility that allowing anyone to file writs on behalf of a person could result in a flood of Habeas Corpus writs being filed unnecessarily, that the current statute should not be changed. **Vote 15-0.**

HB 533-FN, relative to penalties for aggravated felonious sexual assault. **OUGHT TO PASS**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation was proposed by the Department of Justice. In 1992 the penalties for aggravated felonious sexual assault (AFSA) were revised. The legislature was troubled by the high incidence of repeat offenders, noting that on average, convicted rapists have committed seven other rapes for which they were not arrested or prosecuted. In RSA 632-A: 10-a, III we provided that if the court finds that a defendant has

previously been convicted of two or more offenses under RSA 632-A: 2, the defendant shall be sentenced to life imprisonment and shall not be eligible for parole at any time. We defined “previously convicted” as any conviction obtained by trial on the merits, or negotiated plea with the assistance of counsel and evidencing a knowing and voluntary waiver of the defendant’s rights, provided, however, that previous imprisonment is not required. The case of *State of New Hampshire v. Melvin* was heard in the Supreme Court. In 1986, Mr. Melvin pled guilty to two counts of aggravated felonious sexual assault. He was sentenced to four to twelve years for one charge and received a suspended sentence of seven and one-half to fifteen years on the other charge. The offenses occurred on February 13 and April 4 of 1985 charging he sexually penetrated the same eight year old victim. In 2001 he pled guilty to fifteen counts of A.F.S.A. and one count for felony exposure. Based upon the two convictions in 1986, the Superior Court sentenced him to life imprisonment without parole. The 2001 charges involved three different victims between September 1999 and August 2000. The sentence was upheld. The court ruled that when two offenses occurring at different times are consolidated, upon conviction of both, one of the convictions may be used as the prior conviction for the other. A hypothetical question was posed to the court asking the consequences if a defendant assaulted three different victims six separate times in one episode. The court printed out that if this defendant were convicted of a “single criminal episode,” such conviction would only constitute a single conviction for sentencing purposes. This bill should clarify legislative intent. It reads as follows: If the court finds that a defendant has been previously convicted of 2 or more offenses under RSA 632-A:2 or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and at last 2 offenses of which were committed against different victims, neither of whom was the victim of the offense for which the defendant is being sentenced, the defendant shall be sentenced to life imprisonment and shall not be eligible for parole at any time. If the court finds that a defendant has been previously convicted of 2 or more offenses under RSA 632-A: 2 or any other statute prohibiting the same conduct in another state, territory, or possession of the United States, and the prior convictions do not satisfy the requirements of this paragraph, the court may impose a sentence of up to life without parole, but shall impose a minimum sentence of not less than 25 years. **Vote 16-0.**

HB 558, relative to the circumstances constituting sexual assault. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: The current statute, RSA 632-A: 4 on sexual assault, has a loophole that this bill attempts to solve. The statute applies to cases of sexual contact. Current law does not allow prosecution of a case of a victim who is 13 years of age and under 16 years of age, unless by force or coercion. The age of consent is 16. There have been numerous cases we have been told, that if the juvenile permits someone to touch his or her genitalia, no chargeable crime has been committed. The majority of the committee feels that this should be corrected. This bill accomplishes that end. There is a provision in the bill pertaining to sexual contact between the actor and the person who is age 13 or older and under 16 years of age, and the age difference between the actor and the other person is 3 years or less. If charges are brought forth, it shall be a class B misdemeanor which provides for no jail time. Without this provision, it would be a class A misdemeanor which could require jail time. If there was no penalty at all for this age group, it might lead to abuse of the statute. **Vote 14-2.**

HB 643-FN, establishing an integrated criminal justice information system. OUGHT TO PASS WITH AMENDMENT

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill creates the “one network environment for justice,” an integrated criminal justice information system known as J-One, for the following purposes: To promote the efficiency of state government by reducing the cost of collecting, retrieving, and disseminating criminal justice information by criminal justice agencies; improving public safety and domestic security by allowing criminal justice agencies to record, share and retrieve criminal justice information in a timely fashion and providing criminal justice agencies, legislators and the public with statistical information about the criminal justice system for analysis and development of public policy initiatives. The bill further promotes the administration of justice for all citizens by increasing efficiency in the collection and maintenance of criminal justice information and by improving the accuracy, timeliness and transmission of information among criminal justice agencies. The bill will enhance the public’s understanding of the criminal justice system and the development of sound public policy in the area of criminal justice by making available comprehensive statistical information on the arrest, prosecution and disposition of individuals charged with crimes in the state of New Hampshire. The bill specifically strives to

protect personal privacy by restricting access to the database. The amendment requires that on a monthly basis any name in the master index that has had no activity for five years be expunged from the database further protecting personal privacy. **Vote 14-0.**

HB 667-FN, relative to reckless conduct. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill is intended to expand Reckless Conduct with use of a vehicle as a deadly weapon in D.W.I. pursuit, or as a weapon. Though well intended to enhance penalties to help law enforcement, the committee feels RSA 631:3 and RSA 625:11 are adequate to meet this need. **Vote 15-0.**

HB 706-FN, relative to the cost of storage of firearms which are voluntarily surrendered to local law enforcement agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: The committee reviewed existing procedures and found that current practice was what the bill attempted to do. Local police have the ability to sell confiscated weapons in their possession, or turn them over to the New Hampshire State Police. If voluntarily surrendered to the State Police, the local agency does not participate in the proceeds. The local police have the option of undertaking the sale themselves. This bill does not appear to be necessary. **Vote 14-0.**

SB 76, relative to the extension of restraining orders under the domestic violence protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: Persons suffering from domestic violence currently have to return to court annually to petition renewal of court orders protecting them from continued stalking. They are forced to face their persecutors at that time which is both emotionally devastating and financially draining for the victim and psychologically stimulating to the perpetrator, frequently resulting in an increase of the harassment. This bill would give a judge the discretion to renew the no contact order for a period of up to five years without a face-to-face court appearance having to occur every year. **Vote 16-0.**

EDUCATION

HB 248, authorizing semi-annual payments of school building aid. **OUGHT TO PASS**

Rep. Mark S. Carter for Education: This bill comes at the request of the Department of Education. The current method of distribution of school building aid is not working well. HB 248 returns distribution regulation to prior law and is more flexible and more accurate. The education committee unanimously agreed. The vote was OTP, 20-0. **Vote 20-0.**

HB 301-L, relative to parent advisory councils for pupils with educational disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Debra A. Naro for Education: The amended version of HB 301 allows school districts to establish parent advisory councils to advise school boards on matters pertaining to the education of students with disabilities. The committee heard compelling testimony that an active and effective special education advisory council can be a true asset to a school district by providing meaningful parent involvement and input on special education issues. The Parent Advisory Council also provides a mechanism for parent education that can make a positive difference in student achievement outcomes. One study, conducted over a seven year period, found a strong correlation between improved reading achievement and the presence of an active and strong local school council. This is especially significant as the 2004 NHEIAP assessments identified several New Hampshire schools as "in need of improvement," based on the test scores of students with disabilities. While the confidentiality of children and their families is protected by the provisions of FERP, the practices and policies of the school district need transparency to ensure efficiencies and the delivery of a Free and Appropriate Public Education, as required by federal law. The Education Committee believes encouraging districts to establish parent advisory councils will promote dialogue and collaboration among stakeholders, and much needed accountability by the system. The committee voted OTP/A, 20-1. **Vote 20-1.**

HB 341, establishing a committee to study the curriculum content of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Clifford A. Newton for Education: This bill has many ambiguities and seeming inconsistencies, such as being composed of only six members, but has three subcommittees of three to five members. There is a statutory commission on adequate education that can study curriculum content and the committee has retained a bill to define an adequate education. Therefore, this bill, as written, is not necessary and the committee recommends inexpedient to legislate. **Vote 18-0.**

HB 389, relative to the duties of the postsecondary education commission. **OUGHT TO PASS**

Rep. Stephen R. L'Heureux for Education: This bill requires the postsecondary education commission to distribute financial aid to certain individuals based on residency in New Hampshire. Testimony revealed that during a Joint Legislative Committee on Administrative Rules hearing, it was unclear if the commission could determine residency. This bill allows the commission to adopt rules regarding residency and defines residency in New Hampshire as the previous 12 months prior to the distribution of financial aid. **Vote 15-0.**

HB 390, relative to the review and approval of individualized education plans. **INEXPEDIENT TO LEGISLATE**

Rep. Debra A. Naro for Education: This bill requires that an Individual Education Plan be reviewed by a school board or a sub-committee of a school board and shall be approved by a school board. This bill was motivated by a desire to involve local policymakers in individual special education decisions and in controlling costs. However, the requirements of this bill spotlighting individual students are in direct violation of state and federal special education laws. The review of Individual Education Plans (IEPs) and decision-making authority about a student's program and education placement are the exclusive responsibility of the IEP team (34 CFR 300.16 and 34CFR 300.344) which includes a regular educator, special educator, administrator, and the child's parents or guardian. Others with pertinent knowledge or special expertise about the child may be invited by the parents or the Local Education Agency (LEA), however, the process does not extend beyond the team. The confidentiality of children and their families is also protected by the provisions of FERPA. Furthermore, it is imperative that school board members remain neutral in the event of an appeal on disciplinary hearings. The involvement required by HB 390 in individual cases would prevent the necessary impartiality. **Vote 17-0.**

HB 395, relative to the adoption of a long-term contract by a school district. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The prime sponsor gave a letter to the chair requesting that the bill and HB 396 be tabled or found inexpedient to legislate because the actions of the voters in Bedford made this piece of legislation unnecessary. **Vote 17-0.**

HB 396, relative to tuition contracts between schools. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The prime sponsor gave a letter to the chair requesting that this bill and HB 395 be tabled or found expedient to legislate because the actions of the voters in Bedford made this piece of legislation unnecessary. **Vote 16-0.**

HB 435, establishing a separate high school civics graduation requirement. **OUGHT TO PASS**

Rep. Timothy E. Easson for Education: The sponsors of the bill highlighted the lagging level of civics education in our schools. The committee believes that there needs to be a greater emphasis on civics education in the classroom. The committee also agrees with the prime sponsor when he said, "This country was founded on the classic liberal beliefs that those who would eventually lead the country must understand it and its workings ...we must make sure that we leave the trusteeship of government in capable, understanding and willing hands. The best way to ensure that is to make sure that they know the basic tenets, liberties, freedoms, and workings of our government, constitutions, and way of life." Although the committee heard testimony that these enhanced standards were likely to be included in the new proposed minimum standards by the state board of education, the committee believes that the high importance of civics education is worthy of being in statute. **Vote 18-0.**

HB 441, relative to the publication of honor rolls and academic awards. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Ingbreton for Education: This bill is unnecessary because the Federal FERPA laws already cover all aspects of this issue. **Vote 13-0.**

HB 442, establishing a committee to study the feasibility and need for a vocational technical education program at Mascoma Valley regional high school. **INEXPEDIENT TO LEGISLATE**

Rep. Michael A. Balboni for Education: The committee believes that the goal of this bill can be accomplished locally without a legislative study committee. In addition, there is an existing statutory committee that can assist the community in determining the feasibility and need for a vocation technical education program at Mascoma Valley Regional High School. **Vote 15-1.**

HB 557, relative to the submission of data to the department of education. **OUGHT TO PASS**

Rep. J. Timothy Dunn for Education: This bill aligns and clarifies the language in current statutes to prevent confusion by bodies submitting reports to the departments, (section 189:28). It does the same for section 198:44-45. Language was added to cover maintenance and charter schools. Additionally, this repeals rules for department of education to define adequacy. **Vote 17-0.**

HB 635, relative to education funding. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: At the request of the sponsor, the Education Committee took dispositive action on HB 635. The unanimous 18-0 committee vote to inexpedient to legislate is a clear indication of a lack of support for the funding method proposed by this bill. **Vote 18-0.**

HR 12, proclaiming the first week of each school year as "Dictionary Week. " **OUGHT TO PASS**

Rep. Timothy E. Easson for Education: This resolution seeks to encourage greater use of dictionaries in schools. The committee heard testimony that verbal and written skills have lagged among students at all levels and that knowledge of the correct definitions of words is essential to success in society. The committee believes that use of dictionaries and phonics enhances vocabularies and students who use dictionaries are more self-confident and empowered to take active roles in their education. **Vote 10-5.**

ELECTION LAW

HB 270, relative to procedures of the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill, as amended, establishes requirements and procedures for disqualification of and recusal by legislative ethics committee members. Testimony received by the committee indicated that appropriate guidelines were not presently in place. The committee felt that this oversight should be corrected. **Vote 17-0.**

HB 366, relative to maintenance of voter checklists. **OUGHT TO PASS WITH AMENDMENT**

Rep. William L. O'Brien for Election Law: Under the Help America Vote Act (HAVA), each state will be required to implement a statewide database of voters and to update it at least three times a year. For the reason that the secretary of state will then be able to sell the checklist, this enabling legislation is needed to set the terms and fees associated with that service. The bill, as amended, limits the secretary of state to providing electronic copies of the list to political committees of political parties and registered or nominated candidates in order to address privacy concerns. In addition, the secretary of state would not be allowed to sell less than a list of the full state in order to avoid loss of revenue to the towns and cities. Finally, the fee has been set in the bill at \$25 for lists up to 2500 names and one-twentieth of a cent for each name after 2500, which is an amount that the committee determined would cover costs but not result in a surplus. **Vote 11-4.**

HB 381-FN, relative to special elections, voter lists, and conduct of elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: This bill clarifies four functions of the secretary of state's office. First, it permits the secretary of state to make the state data base available to assist in the preparation of master jury lists pursuant to RSA 500-A and also to the U.S. District Court of New Hampshire to assist in the preparation of federal court jury lists. Further the bill addresses special elections and the desire to have them coincide with regular elections rather than standing alone at additional cost. The bill recommends timing for governor and council declaration of special election dates. The remaining two issues spoke to forbidding electioneering at polling places by election officers and electioneering by public employees. It contains a clear definition of "public employee."

Vote 13-1.

HB 712-FN, relative to electioneering. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill would broaden the applicability of the statute prohibiting certain electioneering by public employees. A new definition of public employee is contained in this bill. The unanimous opinion of the committee is that HB 381 covered the same ground in more detail with the necessary definitions. **Vote 14-0.**

ENVIRONMENT AND AGRICULTURE

HB 293, establishing a commission to study the development of a materials resource and recovery facility in Sullivan County. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: A state commission to study the development of a materials resource and recovery facility in Sullivan County has become necessary. Most municipalities in Sullivan County are currently involved in a cooperative incineration facility for which the contract is due to expire in 2007. A state commission would provide more credibility in helping them solve their problems. **Vote 13-0.**

HB 371, relative to mercury reduction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzanne S. Butcher for Environment and Agriculture: This bill bans the disposal of mercury-added products in a landfill or transfer station, requiring that they be separated for recycling or

disposal as a hazardous waste. Industry already has strict recycling requirements; this bill covers household products such as fluorescent tubes, batteries and thermometers. The amendment allows more flexibility for implementation and extends the effective date to January 1, 2006. This bill is in keeping with joint efforts in New England to remove mercury from the waste stream and is supported by the Department of Environmental Services. **Vote 17-0.**

HB 479, relative to tax bills for land use change taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Jane E. Beaulieu for Environment and Agriculture: The committee felt that 60 days was not sufficient time to assess, record and mail current use change of use tax bills. **Vote 13-0.**

HB 560, relative to timber harvesting. **OUGHT TO PASS WITH AMENDMENT**

Rep. James F. Powers for Environment and Agriculture: This bill improves compliance with environmental rules by including procedures in the best management practices involving erosion control. It also allows the division of forest and lands to write cease and desist orders against a timber operation in violation of such procedures, where previously a warden had to work through the Department of Environmental Services. **Vote 13-0.**

HB 562, relative to eliminating certain mercury-added products. **OUGHT TO PASS**

Rep. Suzanne S. Butcher for Environment and Agriculture: This bill is a continuation of the state's mercury reduction policy. It creates a two-step program which will phase out sale or distribution of products containing more than 1,000 mg of mercury in 2007 and more than 100 mg in 2009. Pharmaceuticals, biological products, and certain specialty lamps are exempted. Button cell batteries and fluorescent tubes contain less than 100 mg of mercury and therefore would not be subject to the ban. Many products such as thermometers, pressure measuring devices, switches, relays, and thermostats already have economical, functional equivalents on the market. There is an exemption for devices for which there is not a suitable, economical alternative. In conjunction with HB 371, this is a further step toward eliminating man-made mercury releases as called for by New Hampshire's Mercury Reduction Strategy and the Regional Mercury Action Plan. It is supported by the Department of Environmental Services. **Vote 13-0.**

HB 573, establishing a committee to study automobile disposal fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: Due to the complexities of our modern automobiles, and the many parts both hazardous and otherwise involved in the recycling process it has become necessary to establish a commission to study automobile disposal fees. **Vote 18-0.**

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: Over the years many solid waste management districts and interstate waste compacts have been formed. A commission to study the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compacts under RSA 53-D has become necessary. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill makes changes to the pharmacy bill to allow electronically transmitted prescriptions and seeks to list categories of personnel responsible for various aspects of issuing prescriptions. The bill also adds podiatrists under the sale of hypodermic syringes. The committee strongly urges the pharmacy board to present the legislature with an extensive list of definitions next time they come before the legislature for any reason. **Vote 16-0.**

HB 290-FN, relative to participation in health savings accounts. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee heard testimony reminding us that federal law already allows this type of health savings account provided they include a high deductible (\$1,000.00 minimum). The committee has further concerns about the ability of the State of New Hampshire to introduce these accounts absent their inclusion in the state employee negotiated contracts. **Vote 16-0.**

HB 354, relative to the review, approval, and adoption of agency rules. **OUGHT TO PASS**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill allows house and senate policy committees to vote for a joint resolution on final agency rules, makes various changes to the adoption procedure for rules, and extends the study committee on improving the rule making process. This legislation was the output of a study committee and was well received by the Executive Departments and Administration Committee. It provides for more involvement of the policy committees in final approval process of agency rules, the primary issue identified by the study committee. **Vote 19-0.**

HB 383, relative to vital records administration. **OUGHT TO PASS WITH AMENDMENT**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill was a result of the transfer of the vital records from Health and Human Services to the Secretary of State. During this past summer, this committee rewrote rules into statutes. This bill will accomplish this task. This bill was amended to further clarify how the two departments will work together. The amendment is the result of subcommittee meetings which included representatives from the secretary of state's office as well as representatives from Health and Human Services. The amendment covers the process of handling requests for data for health related research as well as the process for adding or deleting data fields. Also included is a new section which requires a memorandum of understanding (MOU). This memorandum addresses the role of each agency in maintaining the state's vital record system. The purpose of the MOU is to facilitate a working relationship between the two agencies. The MOU will be reviewed annually at the request of the advisory committee on the quality of vital records information. The bill was further amended to change the retention of a natural fetal death record from one year to permanently. **Vote 20-0.**

HB 420, relative to licensing by the board of mental health practice. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: This bill adds language for procedures for receiving and addressing complaints against licensees who have had a personal or professional relationship with a board member, including guidelines for recusal and replacement of recused board members. The amendment has language proposed by the subcommittee and agreement by the board and others providing testimony. **Vote 17-0.**

HB 465-FN, authorizing the board of medicine to take non-disciplinary remedial action against physicians. **OUGHT TO PASS**

Rep. Ken Hawkins for Executive Departments and Administration: This bill allows the board of medicine to take non-disciplinary action against physicians. This would allow the board to have more options when dealing with a physician who has a physical or mental disability, disease or disorder. Currently, the only option is revocation. This bill gives the board of medicine four other options of actions, such as suspension, revocation, treatment care or practicing under the direction of another physician or a public or private health care program. **Vote 13-0.**

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, and RSA 171-B. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Executive Departments and Administration: This bill was requested by the Department of Health and Human Services for the purpose of establishing a commission to study the location of the secure psychiatric unit (SPU) and places where persons are committed under RSA 651:8-b (Persons Acquitted by Reason of Insanity); RSA 135-C (Mental Health Services System); RSA 171-B (Involuntary Admission for Persons Found not Competent to Stand Trial); RSA 623: 1 (Correctional Facility Transfers). The SPU is currently located within the state prison. The study will examine locations that will enable medical reimbursement. **Vote 13-0.**

HB 532, relative to the licensure of dentists by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill makes changes in the language for licensure of dentists requiring that an applicant for temporary licensure as a dentist in New Hampshire must be an active, inactive or former licensee in New Hampshire or in another state or Canadian province as determined by the board. **Vote 14-0.**

HB 595-FN, establishing the position of state meat inspector. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Bergin for Executive Departments and Administration: The committee on Environment and Agriculture worked on reestablishing the position of state meat inspector as a classified state employee. The Executive Departments and Administration Committee listened to testimony and agreed with the Environment and Agriculture Committee that the position was

needed. The said position shall be funded entirely through federal, state and private grants. **Vote 19-0.**

HB 637-FN, relative to licensure of alcohol and drug abuse professionals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laurie A. Harding for Executive Departments and Administration: This bill amends RSA 330-c:9II(a), licensing requirements for alcohol and drug abuse professionals. The bill allows individuals who have gone through a masters degree program and who have had 2000 hours of supervised work experience sit for the licensing exam for alcohol and drug abuse professionals. Alcohol and drug abuse counselors have been licensed in New Hampshire since 1997. Prior to HB 637, all licensees including those that have a masters degree, were required to have 6000 hours of supervised work experience prior to taking the exam. HB 637 allows for another way to meet the licensing requirements. The amendment amends the original bill so that masters prepared individuals must take all the written and oral exams required of those individuals who get their licenses through 6000 hours of supervised work experience. **Vote 14-0.**

FINANCE

HB 31-FN-A, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The committee felt the frustration shared by the bill's sponsor in regard to timely re-imbursement of disaster expenses however there was little desire to use interest as a catalyst for payment. **Vote 24-0.**

HB 172, relative to periodic review of state contracts by the legislative fiscal committee. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Finance: The Finance Committee believes that the Fiscal Committee and the Governor and Executive Council have sufficient means to review state contracts, and therefore the bill is not needed. **Vote 24-0.**

HB 272-FN-A, making an appropriation to the barn preservation fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee recognized the current financial circumstances of the State and desiring to keep the discussion going we submit the bill as Ought to Pass with Amendment with \$1 in it and ask for your support. **Vote 22-2.**

HB 547-FN, changing the funding limit for on-premise-use fuel oil storage facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: A tax on all heating oil entering New Hampshire is sent to a dedicated fund. There are three sub-funds, and this bill affects the Fuel Oil Discharge Cleanup Fund (FODCF). The board managing these funds felt that an increase in the disbursements to eligible private citizens was called for to conform with actual costs. Low income single family homeowners may apply for up to \$1,500 (increased from \$1,000) for upgrade replacement costs for heating oil storage tanks and related plumbing. Eligible recipients may also receive reimbursement for underground storage tank abandonment and removal. This program protects our ground water. The amendment corrects a typo and adds \$500 to make the \$2500. **Vote 23-0.**

HB 711-FN-A-L, making an appropriation for kindergarten in the town of Merrimack. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: Rather than approving a "legislative special", the committee believes that the monies for Merrimack's Kindergarten program are better placed in HB 2. Consequently, the committee voted HB 711-FN-A-L Inexpedient to Legislate and appropriated \$275,000. as an amendment to HB 2. **Vote 21-1.**

FISH AND GAME

HB 140, prohibiting the use of drugs and poisons in hunting. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. L'Heureux for Fish and Game: This bill would have prohibited the use of any kind of poison or tranquilizer for the taking of wildlife. The committee felt that the bill had merit and good intent. However, testimony during the hearing indicated that there were sufficient RSA's to address the sponsors' concerns. The Fish and Game Department indicated it would like to review and analyze this issue before pursuing any further legislation. The committee unanimously agreed with the Department's proposal. **Vote 10-0.**

JUDICIARY

HB 158, relative to the Auburn District Court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tony F. Soltani for Judiciary: This bill addressed three distinct issues with the district court. The Hampton and Exeter Courts are in a very difficult position. Their present location does not accommodate the space needs nor are the litigants and employees able to properly and efficiently carry on the business of the court. The bill temporarily locates the Hampton Court in a Seabrook facility and Exeter District Court in a facility in Seabrook. A permanent remedy is expected in the next three to four years. The Auburn District Court building is moldy, subject to leaks and flooding. The air quality is also substandard. The facility is also located in the southern most location of a district which is very inconvenient for most of the towns in the northern portion of the district. With the shifting population, the most central location of the district fall in Raymond or Candia. The bill places this court in either Candia or Raymond on a permanent basis with the ability to hold court in any town in the district from time to time. **Vote 16-0.**

HB 225 , relative to liability for the use of municipal ski jump facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill was introduced to limit a municipality's liability for personal injury on property damage from using a municipal ski jump hoping that this would ease their liability insurance premiums. The committee found that granting immunity to the municipality in the absence of gross or wanton negligence when the ski jump is used for the purpose of ski jumping, and total immunity when used for any other purpose, would not adequately protect the public and would act as a disincentive to providing proper maintenance, supervision and security. Moreover, the testimony indicated strongly that the pool of ski jumps is too small for this bill to have more than a negligible effect upon liability insurance premiums. **Vote 15-4.**

HB 295, relative to access to certain motor vehicle records. **INEXPEDIENT TO LEGISLATE**

Rep. Peter Espieffs for Judiciary: Presently, under RSA 260:14 III-a, motor vehicle records, with some exceptions, may be made available to the Department of Transportation for enforcement of its toll collection responsibilities. The proposed bill seeks to add a new section authorizing release of motor vehicle records to a defense attorney of record in a criminal case, to his staff acting under his direction or to any private licensed investigator hired by the attorney. The bill gives defense counsel, his staff and investigators blanket access to the motor vehicle records of any defendant, complainant or any potential witness in a criminal case, whether or not the case is related to a motor vehicle enforcement purpose or incident. Such sweeping records access could lead to incidental disclosure of personal information about such persons, their families, and activities. As to potential witnesses, it is particularly troubling since personal life details would be at risk of exposure under the auspices of a legislated fishing expedition. It is submitted that courts already provide adequate and protective processes for obtaining the information and evidence needed for a proper criminal defense. **Vote 17-2.**

HB 368, relative to limiting the sworn testimony of witnesses. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The committee appreciates the sponsor's intent in bringing this bill forward. He has a legitimate concern, but one that the committee believes is without legislative remedy. While instructing a witness to limit his or her testimony can be unnerving to the witness, telling the jury that a witness's testimony has been limited will not solve the problem and might cause inappropriate speculation on the part of the jury. It is up to the judge in a case to tell the jury that if evidence is excluded, they are not to speculate as to what it was; the possible situations in a courtroom are extremely fluid and volatile and one rule for all cases would not work. It needs to be up to the judge's discretion to decide what is appropriate in each case. When the sponsor was made aware of these problems he agreed to the ITL. **Vote 15-0.**

HB 495, relative to court records in civil cases involving taxpayer money. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The committee believes this bill is unnecessary. We passed a bill in the last session that accomplished a similar result to this bill, requiring any settlement made by a governmental unit be kept and available for public inspection for at least ten years. **Vote 18-0.**

HB 542, making technical corrections to the uniform trust code. **OUGHT TO PASS**

Rep. John B. Hunt for Judiciary: This bill is making technical changes to the new law past last year. The law, modeled after The Uniform Trust Code, provides New Hampshire with a comprehensive and consistent framework of trust laws. The bill is a result of an intense yearlong study by representatives of the legal community, banking industry, the Attorney General's Office-Charitable Trust Division and the Probate Court. The statutory framework of case law will continue to help reduce legal fees and address questions of interpretation when a trust has missing instructions.

Having this law makes New Hampshire an appealing domicile for trusts to be located. This bill helps to further clarify issues that may arise when a trust is implemented. **Vote 18-3.**

HB 617, allowing current court stenographers to retain their positions in the New Hampshire courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen J. Shurtleff for Judiciary: The committee heard how the conversion to monitoring devices in the courts in some instances resulted in incomplete court records. Information was given to the committee that microphones in court rooms do not always pick up the testimony of witnesses, thereby causing an incomplete record of court proceedings. When important decisions hang in the balance, it is imperative that the court records are accurately recorded and transcribed. Court reporters are certified professionals who most effectively and accurately provide this service, even providing real time transcriptions for the court which can benefit those who are hearing impaired as well. The commission established in HB 617 will study the current methods being used to record court proceedings, assess the role of court reporters and court monitors used in the court system and review procedures for maintaining the integrity of the court record keeping. **Vote 18-1.**

HB 672, relative to notaries public and adopting the Uniform Law on Notarial Acts. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Judiciary: This bill adds commissioners of deeds to the law on notaries public and commissioners. The bill also adds penalties for misconduct by notaries and justices of the peace, adopts the Uniform Law on Notarial Acts, and repeals the Uniform Acknowledgment Act and the Uniform Recognition of Acknowledgements Acts. The amendment lowers the penalties from \$5,000 to \$1,000, lowers the registration fee from \$100 to \$75, and creates a due process for assessing the penalty. **Vote 17-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 126, relative to grounds for termination of employment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Herbert D. Richardson for Labor, Industrial and Rehabilitative Services: This bill strengthens the Whistleblowers Protection Act for employees while still including provisions protecting the employer. The committee felt that an employee should not be retaliated against for exercising the first amendment. The committee heard testimony from numerous people including the Department of Labor all in support of the bill. **Vote 16-0.**

HB 170, relative to unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill has two distinct parts. The first part is a cleanup bill that adds rules and regulations required by the federal government. These changes must be implemented into law in order for the state to receive unemployment funds from the government after June 30, 2006. The second part of the bill provides unemployment benefits to certain part-time workers who are unable to meet the criteria of working full time, any time, in order to qualify for unemployment benefits, as a result of dependant child care. **Vote 14-0.**

HB 246, establishing a committee to study the classification of employees as independent contractors. **OUGHT TO PASS**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill establishes a study committee to investigate the common belief that many so called independent contractors are misclassified and should be considered employees. The committee heard testimony from a number of interested parties from various business interests and there was no testimony against the study committee. The result of the misclassified employees are numerous including loss of benefits including workers compensation, loss of revenue to the state and federal government and incurred insurance costs. These issues need to be studied to examine the possible need for corrective legislation. **Vote 16-0.**

HB 329, establishing the crime victim employment leave act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N.S. Holden for Labor, Industrial and Rehabilitative Services: This bill allows a victim of a crime to be involved in the process of prosecuting the criminal without fear of job loss. The committee felt this bill only strengthens the authority's ability to fight crime. During the hearing, the committee heard no opposition to the bill. The sponsor of the bill worked with the subcommittee to remedy any concern it had. **Vote 15-1.**

HB 393, establishing a committee to study methods for requiring employers to permit volunteer firefighters to respond to calls. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill creates a study committee to examine methods for allowing employers to permit voluntary and paid on-call emergency first responders to answer calls. The committee felt this is very much in the public's interest. **Vote 15-0.**

HB 404, permitting public sector employees to request a wage deduction for contributions to a political action committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: This bill enables employees to request wage deductions for political action committees, just as they can now request deductions for charities and other causes. **Vote 15-0.**

HB 561, relative to reasonable accommodation by employers under the state law against discrimination. **OUGHT TO PASS**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The committee views this bill as straightforward and aligned with the federal statutes regarding employment discrimination and reasonable accommodation. **Vote 15-0.**

HB 618-FN-LOCAL, relative to persons acting as volunteers to a state agency. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: This bill brings volunteers under protection of the state's workers' compensation coverage, when those volunteers are designated by name in writing by the commissioners of health and human services or safety, after either has declared an incident (not a declared state of emergency by the governor) and notified the governor. Volunteers will only be specialists not currently in the employ of the state of New Hampshire, and will serve until the authorization and need for their services lapses. **Vote 15-0.**

LEGISLATIVE ADMINISTRATION

CACR 5, relating to the size of the house of representatives and compensation of the legislature. Providing that the number of representatives be reduced to 100 and that compensation shall be an average daily wage of the citizens of the state. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Legislative Administration: This CACR proposed reducing the size of the House and paying legislators "an average daily wage." The committee is retaining CACR 11 for further study as it seemed to have a more practical approach. **Vote 9-1.**

CACR 18, relating to compensation for members of the general court. Providing that members of the general court shall receive \$4,000 per biennium. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Legislative Administration: We had four bills dealing with legislative compensation this year. In deference to the many concerns, the committee has retained CACR 11 to look at all these proposals in depth. **Vote 12-0.**

HB 536, relative to excluding deductions from compensation from all elected state, county, and local officials. **INEXPEDIENT TO LEGISLATE**

Rep. Anna Tilton for Legislative Administration: Although the committee felt there were some good points brought forward in the testimony, courts have determined that for purposes of compensation state representatives fall within the state guidelines for deductions to be withheld. The committee is retaining CACR 11, relative to the compensation of the legislature, and the committee agrees to also discuss the issue in this bill in conjunction with CACR 11. **Vote 8-2.**

HCR 2, declaring October 27 to be Boston Red Sox Day. **OUGHT TO PASS**

Rep. Michael S. Rollo for Legislative Administration: This bill honors the tremendous comeback of the Boston Red Sox to beat the New York Yankees for the American League Pennant, and for beating the St. Louis Cardinals in the World Series. After waiting 86 years, the General Court of New Hampshire wants to extend its appreciation and wish them continued success in the upcoming season. **Vote 10-2.**

HCR 9, commending the New Hampshire Fisher Cats on their championship. **OUGHT TO PASS**

Rep. Caitlin A. Daniuk for Legislative Administration: We want to commend the New Hampshire Fischer Cats. Baseball in Manchester helps show a commitment to family and how it has revitalized Manchester's downtown. We want to congratulate the team based on its accomplishments for New Hampshire sports. **Vote 8-4.**

SJR 1, declaring the month of April 2005 to be Boston Red Sox Month. **OUGHT TO PASS**

Rep. Carlos E. Gonzalez for Legislative Administration: In the spirit of reciprocity with the Senate, we in New Hampshire want to honor the Red Sox for years of pleasure and the delight we all share with their World Series Championship-at last! **Vote 9-2.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 34, relative to certain land sales in towns with planning boards. INEXPEDIENT TO LEGISLATE

Rep. Harry S. Gale for Municipal and County Government: In 1970, the Land Sales Full Disclosure Act was created to protect consumers under RSA 356-A under the Consumer Protection and Antitrust Bureau of the Attorney General's office by proving that the developer is financially capable of completing the promised improvement. This bill proposed to exempt all subdivisions in a municipality that had a planning board. However, the committee still had concerns that the removal of the oversight of the AG's office would add a burden and liability on the municipalities that does not now exist. In light of possible unintended consequences and added expenditure at the local level, the committee recommended that the bill be Inexpedient to Legislate. **Vote 18-0.**

HB 287, ratifying the purchase of a certain property by the town of Canaan. INEXPEDIENT TO LEGISLATE

Rep. Eric G. Stohl for Municipal and County Government: This bill is a result of a purchase of land in the town of Canaan to give road access to the town landfill. The Board of Selectmen bought the parcel of land in August of 2004 for \$3200 without authorization from the legislative body. The town administrator told the committee that the Selectmen chose not to put a warrant article on the ballot for this year. The committee felt that if we ratified this purchase without having any technicality, other than a decision not to put the question on the ballot, it would be setting a horrible precedent. The committee unanimously voted to recommend Inexpedient to Legislate. **Vote 14-0.**

HB 311-L, enabling towns to establish revolving funds for certain purposes. OUGHT TO PASS WITH AMENDMENT

Rep. Peter B. Schmidt for Municipal and County Government: This bill enables towns to establish revolving funds for recycling, ambulance service, or safety services. Such activities are difficult to anticipate up to one year in advance. The committee heard compelling testimony that a revolving fund permits a much more rational and effective method of handling certain specific revenues and expenditures, while maintaining oversight, control and approval by the Legislative body. **Vote 16-0.**

HB 336, relative to the use of secret ballots at town meetings. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Prichard for Municipal and County Government: This bill would establish a new procedure for the use of secret ballots on questions seeking the appropriation of \$100,000 or more at town meetings. The sponsors asked the committee to find the bill 'Inexpedient to Legislate' so they can rework it and present it at a later time. **Vote 17-0**

HB 359, relative to hardship variances. OUGHT TO PASS WITH AMENDMENT

Rep. Eric G. Stohl for Municipal and County Government: The purpose of this bill is to reverse some recent decisions of the New Hampshire Supreme Court that have created unnecessary complexity in the law of zoning variances, and have made zoning area requirements all but impossible to enforce. The court created a brand new test for "unnecessary hardship" in the case of area variances different than is the case for use variances. In order to grant a variance using the "unnecessary hardship" criteria has to be based on the unique and particular characteristics of the property, the board has to find the property cannot be reasonably used in strict conformity with the ordinance, and a variance is thus necessary in order to establish a reasonable and economically viable use of the property, or there is no fair and substantial relationship exists between the general public purposes of the ordinance provision involved and the specific application of that provision to the particular property, and the proposed use is otherwise a reasonable one. This meaning of "unnecessary hardship" shall apply to both use variances and area variances. The committee agrees that it is necessary to have the legislature make land use policy instead of the courts. **Vote 17-0.**

HB 360, relative to the amendability of warrant articles requesting appropriations in official ballot towns. INEXPEDIENT TO LEGISLATE

Rep. Nancy K. Johnson for Municipal and County Government: This bill restricts the amount of the appropriation in an amended official ballot warrant article from deviating more than 10% from the original warrant article amount. The committee felt that this limits the voters at the deliberative session to amend appropriation warrant articles when it is necessary to do so for good reasons. **Vote 15-0.**

HB 369, relative to notice requirements for public hearings on zoning amendments. INEXPEDIENT TO LEGISLATE

Rep. Eric G. Stohl for Municipal and County Government: What this bill seeks to do is require planning boards to notify the owners of all parcels and all abutting parcels affected by proposed

zoning change before holding a hearing on the change. The sponsor's reason for the bill was because in charter towns, citizens cannot vote on zoning changes. RSA 672:2 and RSA 675:3 allow the citizens of cities and towns not operating under a charter form of government to be able to vote on the establishment or amendment of a zoning ordinance. The committee feels that charter towns can change their charter to mirror either of these laws if they wish to. The committee further feels that there are unfunded mandated issues in reference to the costs incurred by the municipalities in the research of all parcel owners that the zoning change may affect as well the cost involved in the mailing of the notices. **Vote 14-1.**

HB 394, relative to real estate tax lien procedures for tax collectors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill attempts to do two things. First of all, it addresses a difference in language between two laws that apply to tax liens. It changes the language in RSA 80:64 to mirror the language that is in RSA 80:60. This change was a recommendation of the New Hampshire Tax Collectors Association. The committee feels this change would assist the tax collector in performing their job more effectively. The second thing this bill wishes to do is extend the timeframe in which the tax collector has to notify the register of deeds. The amendment removes the extended time frame because the committee felt that an additional delay in this notification may delay any actions that the owner may have for the property in question, such as jeopardizing the possible sale. **Vote 12-1.**

HB 412, relative to the authority of zoning boards of adjustment to grant variances. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: There have been recent Supreme Court decisions that have dramatically changed the way the local zoning boards look at way they grant variances to the zoning ordinances. This bill proposed one solution by clarifying the "unnecessary hardship" finding that the board must find to grant a variance. The committee also heard HB 359 which discussed the same issue. Both bills addressed clarification to the unnecessary hardship finding but the committee agreed that the solution in HB 359 was the best way to address the courts' changing of the variance procedure. **Vote 16-0.**

HB 429, relative to representation by nonattorneys before the board of tax and land appeals. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L Buhlman for Municipal and County Government: As introduced, HB 429 was to allow nonattorneys to represent taxpayers who have utilized tax-related appeals before the Board of Tax and Land Appeal (BTLA). Nonattorneys are now allowed to represent taxpayers before the BTLA in land tax disputes. The chairman of the BTLA supported this change, and the committee agreed unanimously. The amendment clarifies the legislative intent regarding the filing of a declaration of taking so that if the board determines that a more specific declaration of taking is required there is adequate authority for the BTLA to request more information. This recommendation originated at the suggestion of the Attorney General's office, and the committee agreed that reinforcing this authority in legislation was beneficial. **Vote 15-0.**

HB 436, relative to the appointment of representatives to the regional planning commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would permit the appointment of municipal employees to regional planning commissions. Currently, only residents of a community can become a commissioner. The resident can be an elected or an appointed person, but not an employee. The majority of the committee felt that an employee's position and potential relationship to his or her employer maybe jeopardized by passing this bill. **Vote 15-1.**

HB 437, relative to the disposition of municipal records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry S. Gale for Municipal and County Government: The Municipal Records Board (MRB) was created in 1977 to establish standards for determining what municipal records should be retained or destroyed. The established standards provided a retention time frame for those retained records. This bill also sets up a time frame for records that are created in an electronic format. In doing so it requires any electronically-created record to be transferred to paper, microfilm, or both if it is to be retained for more than ten years. The retention schedule was then published as administrative rules in 1981, 1984 and 1995. Due to the fact that the responsibility for these municipal records is being transferred to the office of the Secretary of State, there was a need to remove them from administrative rules and place them into statute. The reason for this is that the Secretary of State does not function under administrative rules. The committee voted unanimously to support the concept and work of the ad hoc committee. **Vote 16-0.**

HB 480, relative to innovative land use controls. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laurie J. Boyce for Municipal and County Government: The Village Plan Alternative was added to the innovative land use controls in 2002 which allowed a town to adopt this land use procedure under its zoning powers. The bill adds clarity to RSA 674:21, V by removing the requirement for an expedited process, making section (c) paragraph easier to understand by splitting it into sections and adding that the setbacks to new construction within a village plan alternative may be increased by up to two times the distance required by the current regulations. The Village Plan Alternative has to be adopted by the local legislative body which makes this innovative land use control enabling. **Vote 16-0.**

HB 534, relative to requirements of property appraisal companies. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: There is great anxiety about the process of making appraisals in the State of New Hampshire. This bill would require any person, firm or corporation, which includes any municipal assessor, to do three things: implement procedures to answer questions and complaints; make marketing information available about setting values; and send a draft copy to each taxpayer of the property record card prior to adoption by the governing body. The committee realizes that two of these issues are already possible at the local level by including them in the contract, if an outside firm is used, or by having the governing body implement the procedures. The last requirement of sending out draft copies is viewed by the committee as an unfunded mandate **Vote 16-0.**

HB 537, relative to liens filed with public servants. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill would prohibit public servants from accepting or recording liens that did not comply with Part II, Article 87 of the NH Constitution. The hearing's opening was delayed for several minutes, but the committee was unable to find any of the bill's sponsors when the hearing started. It was kept open throughout the day. Having no testimony from any of the sponsors and unable to be clear about the bill's intent and the circumstances which prompted its initiation, the committee closed the hearing at 4pm on that day March 17th. **Vote 14-0.**

HB 548, allowing municipalities to include in property tax inventory the value of new construction assessed as of July 1. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would allow municipalities to include in the property tax inventory the values of any new construction that is completed as of July 1 of any year. Present law states that April 1st will be the date that property values are determined and assessed. Due to the fact that most construction in New Hampshire occurs from April to November, the sponsor testified that maybe if the state set values July 1st rather than April 1st municipalities would gain more taxable property. The committee received further testimony that first of all, this "earlier" tax money would only be a benefit for the first year and developers could circumvent the system by simply waiting until after July 1st in those municipalities that wish to enact this proposed legislation. The committee further feels the changing of numerous statutes from April 1st to July 1st would not be worth the limited additional funding that some municipalities may receive. **Vote 15-1.**

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Prichard for Municipal and County Government: This bill establishes provisions for the acceptance of unanticipated funds in school districts, cities and towns. The amendment simply adds libraries to the list of those who can receive gifts under \$5,000 without having to put an official notice in the local newspaper for a public hearing. While notification and public hearings will still be needed to allow residents to know about and speak to the nature and use of gifts this notification can now be done by listing 'gift hearings' on posted agendas at town meetings and designated public sites around town. Some cities and municipalities receive hundreds of small gifts and donations each year ranging from \$20 to several hundred dollars. To pay \$100 to a local newspaper to announce a public hearing on a \$50 gift seems unreasonable. Gifts over \$5000 will still have to have a newspaper announced public hearings. **Vote 15-1.**

HB 569, allowing municipalities to adopt low and moderate income homeowner's property tax relief for local education property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill allows municipalities to adopt low and moderate income homeowner's property tax relief for local education property taxes. The proposed program mirrors programs we currently have as a result of the State wide education

property tax. The committee recognized a number of problems, including that it shifts the tax burden and it is premature, given we still have a statewide education property tax. **Vote 14-0.**

HB 570, relative to site plan review and the definition of inclusionary zoning. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary R. Cooney for Municipal and County Government: This bill would enable municipalities to require applicants for the development or change of use for non-residential users or multi-family dwelling units to present a conceptual preliminary review to the planning board at a public hearing. Because there has been some confusion regarding the procedures when using the words “preliminary” and “preapplication” the committee agreed that “preliminary” is the more appropriate word to use when dealing with the local planning board’s procedures on site plan review. The committee agreed that the board should be able to require review prior to accepting the submitted application. In order to be clear the amendment changed the work “preapplication” to “preliminary” in RSA 676:4 which deals with the planning board’s procedure on subdivision. This would be advantageous to both the developer and the municipality in making sound judgment. **Vote 16-0.**

HB 572, granting regional water districts the power of eminent domain. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill would grant to a regional water district the right of eminent domain. While the committee was sympathetic to any water district’s need to acquire good water for its residents, this bill is a “minefield of mischief.” It would give enormous power to a water district, for good and for evil. The committee was most concerned about the possible misuse of this power. While it might make it easier for a water district to acquire land for wells and watersheds, it would also make it possible to take over a private well or even a local water company without much accountability. The municipalities in which water districts exist already have the power of eminent domain. And while it is more difficult for a water district to go through the municipal process of convincing the town leaders and residents through hearings, studies and finally votes to take the necessary property for the production of good water, that process does provide constraint on possible abuse and better assures that property owners rights and voters preferences will be respected. So the committee was primarily concerned about two matters: preserving local control and making sure that water districts were held accountable to the municipalities they serve. **Vote 16-0.**

HB 641-FN, establishing a statewide homestead exemption against property taxes for seniors. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: This bill established a statewide homestead exemption for residential property of persons 65 years of age or older. It further states that the person seeking the exemption must own the property for at least 10 years. Municipalities may assist their citizens that are 65 years of age or older now without this legislation. This bill is not enabling; it mandates this exemption. This bill increases administrative costs for the municipalities therefore raising unfunded mandate issues. In addition, the bill would shift the tax burden to other taxpayers within the municipality. **Vote 14-0.**

HB 660-FN-L, relative to taxation in a cooperative school district. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill would dramatically change the way in which property taxes are collected in cooperative school districts. Student numbers attending from the various towns within a district would no longer be a consideration, and the equalized tax rate for each town would be identical, regardless of total assessed value or student population sent from a sending town. The committee believes that since all cooperative school districts established at the time of this bill had done so with the understanding of the conditions of each district, that passage of this legislation could place all currently established cooperative school districts in turmoil. **Vote 12-1.**

HB 666-FN-L, prohibiting taxation of a village district by a municipality for certain municipal services. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: A village district is created for specific purposes and is not always contained within one town. Examples of these purposes may be fire suppression, sewer and waste treatment plants or water supply. In municipalities that do not have village districts these services and many others are supported through property taxation equally. This bill would have prohibited a town or towns that have a village district within their region from taxing a village district for those types of municipal services. It would be difficult for a given municipality to determine the appropriate basis for discounting taxes payable by residents of a

village district due to the discontinuance of services by that municipality. Depending on the purpose for which the village district is formed, there may not be a complete separation between services divided by the municipality and by the village district. **Vote 14-0.**

HB 709-FN-L, relative to records of assessment information available for inspection. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would require property assessment cards to include an explanation of the terms and annotates used and to identify changes in red with the date the change was made. Virtually all valuation cards are computer generated, and this requirement would require extensive re-programming to even make it possible to print changes in red. Further, the cards currently do not have space for such changes for each element, and would require re-drafting of the cards. All of this would mandate extra expenses to municipalities and therefore creates an unfunded mandate. **Vote 14-1.**

HB 710-FN, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rep Eric G. Stohl for Municipal and County Government: This bill as amended addresses two issues dealing with assessing practices. In the first instance it deals with the stipulation in RSA 75-8-a that municipal property values on all real estate shall be assessed at least every five years. Due to changes in the department of revenue's method of reviewing the assessing practices within municipalities statewide there needs to be an opportunity for a municipality to show that a full revaluation is not necessary based on the results of DRA's review indicating that the municipality is in compliance RSA 75:1 regarding market value for all their properties. In the second instance it deals with the adjustment of the equalized assessed value in the town of Roxbury. A tax exempt property was reported as a taxable property which increased the tax burden to the citizens of Roxbury. This legislation does not seek to reduce the value reported in error for the last three years but it does reduce the inaccurate value that was reported to DRA. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors. **OUGHT TO PASS**

Rep. James B. Rausch for Public Works and Highways: This legislation was requested to clarify multiple issues involving the authority of the Pease Development Authority (PDA). The bill defines state owned commercial pier, associated facilities, business use pier, recreational use pier, and further clarifies these terms. It clarifies references in RSA 12-G to piers, wharves and docks and to the foreign trade zone. It clarifies the scope of the existing exemption from the payment of slip fees. It clarifies the PDA authority to establish permit programs for vessels and for vehicle parking at state owned piers and associated facilities. Lastly, it gives the PDA authority to remove abandoned, or illegally parked vehicles. This legislation received unanimous support from the committee. **Vote 16-0.**

HB 658-FN-A, requiring the department of transportation to make certain improvements to New Hampshire Route 3 in the town of Tilton and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill mandated that the Department of Transportation make highway improvements and add traffic lights in the town of Tilton. The committee does not support mandating highway projects outside of the ten year transportation planning process. To assist the citizens and officials in Tilton in trying to resolve the highway issues, the Department of Transportation will hold public informational sessions in the area. If the department finds that changes and improvements are warranted, they have the wherewithal in the budget to accomplish same. The issue with the traffic lights needs to be handled as part of the regular 10 year highway planning process. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 215-FN, relative to water management. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill, as amended, will strengthen the Department of Environmental Services authority to collect water use data from user's that withdraw, discharge or transfer more than 20,000 gallons of water a day on average. It provides explicit authority to require water use registration and reporting, specifies criteria for water use measurement and includes an enforcement component. This bill is unanimously supported by the ground water commission established in 2003. It is a modest and necessary first

step in the effort to gain a better understanding of New Hampshire's water resources and how that resource is being used. **Vote 17-1.**

HB 342, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher R. Irish for Resources, Recreation and Development: There are approximately 23,000 ATVs registered in the state with a 15% annual growth rate which bring in about \$318 million annually to the State. The committee understands the use of ATVs as a recreational activity is increasing rapidly on both public and private lands. There is a need to bring all interested parties into a discussion on the best ways to move forward with any plans to incorporate ATVs into an acceptable and manageable use of the state's public and private trails. Clearly, if the State continues to receive registration fees from ATVs, we are obliged to attempt to resolve conflicting interests and provide opportunity for ATV use throughout the State. For these reasons, the Resources Committee strongly supports the establishment of this commission to study the building of trails, enforcement of regulations and policies, and the means of addressing problems facing users, abutters and municipalities. **Vote 18-1.**

HB 343, establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marcia G. Moody for Resources, Recreation and Development: The commission shall study current access for public use of water bodies including, but not limited to, the need for different types of non-motorized recreational opportunities, the geographical distribution of such opportunities, approaches for determining the optimal recreational use of a particular water body including environmental concerns, available funding for creation of access, and the adequacy of recreational opportunities for citizens of all income levels. The amendment provides two additional members to the commission who shall be the commissioner of the department of environmental services, or designee, and the director of the office of energy and planning, or designee. **Vote 18-0.**

HB 355, establishing a committee to study the environmental impact and damage mitigation of ATV use on public and private trails. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher R. Irish for Resources, Recreation and Development: HB 555 is similar in purpose to HB 342. The committee incorporated the main intent of HB 355 "to study the environmental impact on public and private trails" into the amendment of HB 342. The only issue left to be addressed by this bill is the possible acquisition of land in Berlin for a possible multi-use State park which would include ATV access. The project is in its very early stages and no master plan has been developed to date. The committee suggests that it is best to let the process take its course. The committee heard testimony that there are statutory requirements that any plan to move forward with such a park will have to go through a very public process including public hearings. Therefore, no legislation action is necessary at this time. **Vote 18-0.**

HB 487-FN, establishing a volunteer lake assessment program in the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. David P. Currier for Resources, Recreation and Development: The New Hampshire Volunteer Lake Assessment Program (VLAP) was initiated in 1985 in response to an expressed desire of lake associations to be involved in lake protection and watershed management. Today approximately 500 volunteers from 154 lakes and ponds located throughout the state participate in VLAP. 2005 marks the 20th anniversary of this popular program. VLAP volunteer monitors play an integral role in protecting the quality of New Hampshire's lakes and ponds. HB 487-FN codifies this cooperative program's effort between volunteer monitors and the Department of Environmental Service into state law. The amendment establishes the position of Volunteer Lake Assessment Program Coordinator within the Department of Environmental Services. **Vote 19-0.**

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses. **OUGHT TO PASS**

Rep. Dennis F. Abbott for Resources, Recreation and Development: This bill adds a new paragraph to RSA 212:34, Duty of Care, that places into statute that the owner, occupant or leasee of a property being utilized for OHRV operation shall not be liable for any injury sustained while on the property except as provided for in other sections of this RSA. The bill also makes a technical correction by removing the second paragraph of RSA 215-A:34 and placing it in RSA 215-A:5-c that specifically deals with OHRV operation. This bill was the request of the Fish and Game Department, supported by the Bureau of Trails and was unopposed in committee. **Vote 19-0.**

SB 23, relative to membership on the public water access advisory board. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill as amended adds a public member representing coastal or marine interests, appointed by the Governor and Council, to the Public Water Access Advisory Board. **Vote 17-2.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 315, relative to best available technology for air pollution control. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lee G. Slocum for Science, Technology and Energy: This bill requires the use of Best Available Control Technology (BACT) for controlling emissions from plants burning construction and demolition (C&D) debris. Emission limits are established by the Department of Environmental Services (DES) which will strive for the maximum degree of reduction achievable for each air contaminant that would be emitted from any plant. In establishing these limits, DES will take into account energy, environmental, health based considerations and economic impacts in determining techniques for control of such air contaminants. The original bill is a result of HB 1421 that was studied last session. The committee held two public hearings and two subcommittee sessions on this bill making several amendments, including certifying the fuel source for construction and demolition wood chips. DES will not issue any permits until its rules for the implementation of BACT have been established through the normal process, resulting in an implicit moratorium in C&D burning of not less than 8 months. The result of this legislation will allow strictly controlled incineration of construction and demolition debris that will generate electricity and save up to 300,000 tons of "wood" per year potentially going to landfills. While DES rules are not yet established, it is likely that a C&D plant with BACT should not emit pollutants in excess of the approximate level emitted by plants burning pure wood without BACT. **Vote 15-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 328, relative to jurisdiction over land occupied by or ceded to the United States. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The federal government has a detailed system of disposing of excess properties. In most situations, state and local government has priority for such properties, usually at little to no cost. However, this bill would require the federal government to turn over all excess government property to the state. It is not in the best interest of the state to become property owners for excess property. The cost of such hardship could result in serious fiscal demands on the state. **Vote 12-1.**

HB 387, authorizing the state treasurer to make a lawful money requisition order. **INEXPEDIENT TO LEGISLATE**

Rep. James G. Rolston for State-Federal Relations and Veterans Affairs: This bill would have directed the Attorney General to file for the involuntary bankruptcy of the Federal Reserve Bank of Boston and the sale of its assets at a sheriff's sale. The majority of the committee believed this was not in the best interest of New Hampshire citizens. **Vote 12-1.**

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor. **OUGHT TO PASS**

Rep. James G. Rolston for State-Federal Relations and Veterans Affairs: The state shall pay for group life insurance in the coverage amount of \$250,000 for each New Hampshire citizen serving in the military reserves or national guard and activated. The state's obligation shall be for each period of activated duty up to 24 months each. The sum of \$100,000 for the fiscal year ending June 30, 2006 and the sum of \$100,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the adjutant general, for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. **Vote 13-0.**

HCR 3, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding mistreatment and restrictions placed on Italian-American citizens of the United States during World War II. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The United States government has acknowledged the wartime campaign against Japanese-Americans and enacted a reparation law in August of 1988. For some reason, the Federal Bureau of Investigation refused to declassify 60-year old World War II documents of Italian-Americans. The committee felt that information released by the United States Department of Justice might not reveal the information that the sponsors of this resolution had hoped for. **Vote 13-0.**

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. **OUGHT TO PASS**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: Extensive research and study has been done going as far back as the 1600's including, but not limited to, the 1740 decree, the original County of Rockingham boundary of 1769, and the resolution of the 1828 Boundary Commission. The Boundary as described by the 1828 Boundary Commission as the boundary line between New Hampshire and Maine "Shall pass up through the mouth of the Piscataquis harbor, and up the middle of the River Newichwannock part of which is now called Salmon Falls, and through the middle of the same of the farthest head thereof." The study commission concluded that New Hampshire has historically owned the Piscataqua River and inland harbor. This resolution requests our congressional representatives to introduce legislation to once and for all resolve the issue of the actual location of the boundary between New Hampshire and Maine in the inner Piscataqua harbor and river area. **Vote 13-0.**

HCR 5, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The unintended consequence of this bill would be to repeal the current 13th amendment abolishing slavery. This bill states "honorary" knighted individuals such as former presidents and generals shall be stripped of their citizenship. The original 13th amendment stated no such thing. The original 13th amendment gave consent of congress for such titles and honors. **Vote 13-1.**

HCR 6, urging Congress to enact legislation to make English the official language of the United States. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: In 1995 the State of New Hampshire passed a law making English the official language of the state. Almost all the comments during the executive session reinforced the importance of understanding and speaking the English language as a stepping stone to success. Encouraging speaking one's native language in the home was also felt to be important by the committee. One of the strengths of America has been the ability to communicate with one common language. Immigrating families to this country realized the importance of speaking English as quickly as possible to get ahead both socially and economically. Those in the committee that voiced some concern with this resolution felt that the intent might be to only hear English spoken throughout our communities. The committee felt that multi-lingual abilities was an absolute gift that if a person had, could not be taken away. This resolution simply states that English should be the common language for communicating in the United States. **Vote 11-0.**

HCR 7, urging the United States Congress to establish and review the current drug policy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara E. Shaw for State-Federal Relations and Veterans Affairs: Despite government efforts in the War on Drugs over three decades, spending ½ trillion dollars, the stated objective of a drug free America has not been achieved. Although efforts are extensive, in these times of limited fiscal resources it is important to review the billions spent for re-evaluation of effectiveness and justification. It is time for Congress to establish a task force to review its policies and revise its current drug policy to better serve the citizens of our country. **Vote 12-0.**

HCR 8, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The only concern the committee had on this resolution was placing a moratorium on new trade agreements but after considerable discussion it was felt that Congress should not pass any new agreements until it fully understands the implications of policies and agreements that are already in place. **Vote 12-1.**

HR 11, urging the department of defense to establish a military presence on the New Hampshire seacoast to ensure a rapid response to any threat to domestic security. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The State of New Hampshire and its communities presently have a rapid response to isolated threats that might threaten her citizens through numerous police and fire departments as well as the State Police and Office of Emergency Management. For greater threats to the state and for issues of national

security such as what occurred on 9/11, the Federal Division of Homeland Security was formed to better coordinate various agencies including the military forces of all the state governments to counter the threat. The NH Adjutant General is the military Chief of Staff to the Governor and oversees the assets of the New Hampshire Army and Air National Guard. The mission of the Adjutant General's department is to provide the state with operationally ready units and personnel to protect life and property and to preserve the internal security of the state when ordered by the governor. Therefore, the Governor of the State of New Hampshire is the person with the responsibility of making sure that the Adjutant General is given the support necessary to carry out his mission. To suggest that a legislative body of a state can urge a federal agency, namely the Department of Defense, to allocate valuable military assets with all the associated costs in personnel and material to cover any and all perceived threats whether real or imagined is not feasible or within the jurisdiction of the General Court. **Vote 12-1.**

TRANSPORTATION

HB 205, relative to licensing requirements for certain drivers. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Transportation: This bill is related to licensing requirements for certain drivers. It is intended to crack down on persons who drive without a license or after their license has been suspended or revoked, the holder of a youth operator's license who is convicted of a D.W.I. (RSA 265:80, RSA 265:82 or RSA 265:82-a) shall not be eligible for reissuance of a license prior to the age of 21. This bill was a request of D.O.S. **Vote 11-0.**

HB 244-FN, relative to statutory liens by the department of safety. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill addresses a loophole and deficiency in the present law. The International Fuel Tax Agreement and The International Registration Plan are compacts entered into among most of the states and some of the Canadian provinces. For years, the road toll law has contained a provision that if a New Hampshire trucker fails to pay his fuel tax or fees, the Department of Safety can record a lien against all the vehicles in his fleet until the State has been paid. However, with the passage of the International Fuel Tax Agreement, the law did not catch up with the agreement, and there exists no authority to place a similar lien against out-of-state trucks under the Fuel Tax Agreement. There is also no provision under the International Registration Plan to collect delinquent registration plan fees by the placement of a lien. This bill corrects that oversight and establishes such mechanisms. It also modernizes the statutory lien law by making such a lien valid not only against the registered owner of the truck, but also against any bank or finance company that has an installment loan on the truck. **Vote 13-0.**

HB 378, relative to indicating citizenship on drivers' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: At this time federal legislation has been passed and more is pending on design and information requirements for state driver's licenses. The committee feels that it would be fiscally prudent to wait until next session to deal with this issue, to avoid changing the driving license design twice in a short period of time. The committee is monitoring relevant federal legislation. **Vote 13-1.**

HB 493, relative to noncommercial antique motor vehicle restoration activities. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill would preempt local building and zoning ordinances to allow construction of a temporary building to facilitate vehicle restoration. It would also usurp local authority in limiting the number of such buildings. The committee feels that this bill would infringe on local authority, could be easily abused and is a local issue. **Vote 13-0.**

HB 518-FN, relative to eligibility for youth operators' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required a youth operator to furnish proof of current school attendance, receipt of home education or a high school diploma to obtain an operators license. Although we all want our children to get a good education there are good reasons why some kids do not finish their schooling. They can be good, productive members of society without a diploma and shouldn't be punished for a life style that is beyond their control. **Vote 13-0.**

HB 566, relative to eligibility for public benefits and drivers' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill seeks to prevent the Department of Motor Vehicles from issuing drivers licenses to persons who are not legally in the United States, as a means of preventing them from obtaining public benefits. Current law already prevents this and the Department of Motor Vehicles does not issue drivers licenses to illegal aliens. Furthermore, there is

a pending federal measure that will establish new, rigid license standards. There is not enough evidence to establish what state or federal benefits are if at all being abused. **Vote 14-0.**

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill requires that a vehicle dealer of new cars shall disclose in writing that a vehicle they sell is equipped with an event data recorder (EDR) or a sensing diagnostic modules (SDM). A person other than the registered vehicle owner authorized to download the data may not release that data, except to share the data among the motor vehicle safety and medical research communities to advance motor vehicle safety and only if the identity of the registered owner or driver is not disclosed. Violators of this section of the bill shall constitute an unfair or deceptive act under the consumer protection act. **Vote 9-0.**

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees. **OUGHT TO PASS**

Rep. James W. Danforth for Transportation: This bill requires driver education instructors to have a certificate issued by the Department of Safety. It also requires any instructor to notify the department if their license has been suspended or revoked in this or any other jurisdiction. It allows for the department to suspend the license of a driving school or instructor after a hearing, if committing any offense that results in loss of driving privileges. **Vote 14-0.**

HB 720-FN, relative to special number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Safety to produce new legislative plates this year. There have been many concerns with the current plates especially with the looks and where the plates were manufactured. Although some of the committee may agree with the sponsors on the looks of the plates, the majority feels we would be setting a bad example to the public by passing special plate legislation for ourselves and asking the citizens to pay the extra cost. **Vote 9-1.**

WEDNESDAY, MARCH 30

REGULAR CALENDAR – PART I

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 209-FN, relative to unborn victims of violence. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: This bill establishes a separate offense for causing the death of, or injury to, an unborn child. If passed as written, the bill, in effect, establishes life at conception, a concept not currently accepted. The sponsor has presented us with a bill that the legislature has failed to resolve in the past and we have failed to resolve in this committee. **Vote 12-3.**

EDUCATION

HB 616-FN-LOCAL, revising the calculation and distribution of adequate education grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. David W. Hess for Education: This bill as it comes to the floor is a consensus, compromise bill in every sense of those words. First, it merges specific provisions from three of the ten education funding bills into a logical, consistent whole, and it merges provisions from bills that were distinct, and in some ways, disparate from each other. Second, HB 616 as amended embodies concepts and approaches contained in all ten of those formulations. Third, HB 616 as amended is the definition of a compromise, because no one legislator, no one interest group, gets all that he, she, or it wanted. No one is completely happy with the result. Everyone had and has to give up something. And there is probably no major provision of this bill that, standing alone, has the unanimous support of the committee majority, which voted 16-4 to send this bill to the House. Finally, it is a consensus compromise because of the process by which it was reached. After literally, two solid weeks of public hearings on the eight bills and various amendments introduced on education funding, the standing subcommittee spent three grueling, seemingly interminable weeks sifting through the bills, collecting additional information, and weighing the merits and demerits of each bill. That exercise narrowed consideration to three specific bills: HB 100, The Weyler Bill; HB 606 as revised by the Asselin amendment; and HB 616, The King Bill. On the next to last possible day for action, the subcommittee deadlocked 4-4 on both the Weyler Bill and the Asselin amendment. Looking over the brink into the abyss, the subcommittee came together and crafted the consensus compromise before

you. This bill has five significant components. First, it adopts from the King Bill the concept of a base, per pupil cost for education, using a formula which had been the law for the first four years following Claremont II, and arrives at a uniform property tax which would be needed to raise that amount of money for all students in the state. Then, it multiplies the total equalized assessed valuation ("EAV") of real property in each town by that hypothetical tax rate. If the resulting number is greater than the dollars needed to pay the base per pupil cost for all of the pupils in that town, the towns gets no grant. If that number is less, however, then the town receives a grant for the difference. Under this targeting formula, \$154 million is distributed to our towns and cities which qualify for grants. A second targeting formula, the so-called Education Equity Index ("EEI") contained in HB 100, is used to distribute an additional \$300 million using seven criteria, including equalized assessed valuation per pupil, median household income, children on free and reduced lunches, children with English as a second language, and three measurements of school performance. These, combined, result in a second round of grants to those towns and cities deemed in need of additional funding because their EEI scoring is below 120% of the statewide average. Thus, this bill targets 100% of these grants using those two formulas, as opposed to only targeting about 25% under current law. Third, to provide our towns and cities some stability and predictability in their education funding, and to give them time to plan and prepare for the reduction in state aid which they will experience as the new funding proposal succeeds the old, transition grants totaling \$44 million in FY 2006 are made to 82 middle-tier towns so that no town or city will experience a grant reduction of more than 10% a year. These transition grants will decrease significantly year over year until they are totally phased out. These transition grants are in addition to the aid grants and are not paid for by reducing the aid grants made under the bill. Fourth, to expand our very successful low and moderate income tax relief law, and to grant greater property tax relief to those least able to pay in all of our towns and cities, that program is expanded to grant property tax relief for up to \$7 per 1,000 in local education property tax payments, a 220% increase over the current law. This is expected to send an estimated \$20 million more back to those taxpayers in our towns and cities. Finally, and for the first time, this bill funds our Performance Improvement Fund with \$1 million to assist those towns and cities with sub par education performance in bootstrapping themselves up to and above the state norms. But if, after three years, they do not succeed, then they will experience the "stick" of receiving only 95% of the state education grants to which they are otherwise would be entitled. In conclusion, this bill is greater than the sum of its parts. It is now a pure statement of education policy. It contains no funding or revenue projections. No one will like everything in it, and no one provision will gain unanimous or near unanimous support. But it targets more money than ever before to our poorer towns; it eliminates donor towns; it transitions our middle-tier towns so they can plan and prepare for lower state grants; and it increases property tax relief 300%. It isn't perfect, but as a whole, with all parts taken together and interconnected; this bill received an 80% consensus vote for passage in the committee.

Vote 16-4.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 691-FN-L, relative to the medicaid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter L. Batula for the **Majority** of Health, Human Services and Elderly Affairs: Medicaid was initiated to assist the elderly poor, the handicapped, unwed mothers, seriously mentally ill and many others. What once was nine percent of the state's budget recently surpassed the cost of education and is now at an alarming 23% of the state's budget. With the "baby boomers" generation upon us Medicaid, left alone, would simply become a bankrupt system of care for those who need it. The federal government currently matches 50% of Medicaid costs; it has cautioned the states to anticipate major cut backs requiring immediate curtailment of the spiraling increase of state Medicaid costs. This bill takes a first step to modernize the Medicaid program of health care for the indigent elderly and disabled. Nursing home care is expensive and is not needed or wanted by many who are Medicaid eligible. Under this bill choice is emphasized, including opportunity for home health care, assisted living and intermediate care, as well as nursing home care. The assessment of eligibility for long term care has been sharpened and will be administered by a registered nurse. It is not intended that it will make it more difficult to receive nursing home care; rather it provides for selection among a continuum of health care services. HB 691 intends to close all loopholes in current law that allow for individuals to impoverish themselves to qualify for Medicaid. This tends to bleed off assets that are needed by those who require Medicaid services. Those who have transferred

assets or formed trusts who are now Medicaid eligible are grandfathered. However, that grandfather clause ends under this bill. The look back that is currently 3-5 years is extended to 5-10 years. All waivers granted by Center for Medicaid, Medicare Services will be reviewed by the Health and Welfare Oversight Committee which will report its findings to the legislative fiscal committee who will have final approval authority. In addition, the Health and Welfare Oversight Committee will have oversight of all activities relating to Medicaid reform. In furtherance of the Medicaid reform effort, a mental health commission is established regarding the delivery of community mental health services and the current status of New Hampshire Hospital. This bill does not now, nor will it, seek to commence recoveries when an individual is survived by a spouse, minor children or disabled children. A non-partisan subcommittee held over 35 hours of hearings and concluded that the bill was fair, workable, and sustainable. The essence of this bill is that the Medicaid system be saved for those it was intended to serve and provides a dignified, strong and viable Medicaid system. **Vote 16-3.**

Rep. Barbara C. French for the **Minority** of Health, Human Services and Elderly Affairs: We recognize and support the need for Medicaid modernization. Although the amended bill is vastly improved, the inclusion of an extended “look back” period for asset transfer from 3 to 5 years to 10 years is too severe. The Internal Revenue Service presently uses a 1-3 year “look back,” and 3-6 year “look back” when extreme fraud is questioned. Encouraging purchase of Long Term Care (LTC) insurance may be a good idea, but for those who cannot even afford health insurance, LTC insurance is out of the question. Developing support services for mid-level and home care, in lieu of more expensive 12/7 nursing home care, needs to be recognized and incorporated in the bill.

PUBLIC WORKS AND HIGHWAYS

HB 25-FN-A, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works and Highways: This bill represents the capital budget for the next biennium. In keeping with past tradition, the Public Works and Highways Committee invited the Treasurer to appear before the committee for a status report on our bonded debt position and his recommendations in order that New Hampshire maintain its excellent credit position as it relates to capital expenses. Keeping in line with the Treasurer’s recommendation to stick closely to an 80 million dollar limit in general fund obligations, the committee crafted a budget with \$80,722,177 in general fund obligations. In developing this capital budget the committee relied on a number of funding mechanisms, including: general funds; federal funds; highway funds where appropriate, use of lapsed funds and payments from other funds, such as the Mt. Washington fund; student fees; the navigation safety fund; etc. The careful use of all of these sources enabled approval of a wide variety of projects for the next biennium. Highlights of projects included in this capital budget include: 1.) All projects requested by the Adjutant General, involving Armory renovations and kitchen expansions. 2.) A number of court related renovations and repairs and numerous repair projects requested by Administrative Services. 3.) 4,565,000 dollars in critical maintenance for the Community Technical College System, plus a Library Resource Center for the Claremont branch; a Health Education and Technical Center for the Manchester branch; dining hall renovations for the Concord branch and residence hall suites for the Concord branch. 4.) The Department of Corrections will see fire and security upgrades along with a major roof repair project. 5.) The Department of Education budget provides for Regional Career and Technical Centers in Concord and Conway. 6.) Department of Environmental Services received funding for a number of projects including dam repairs, removals and reconstruction, along with funds for matching grants for Wastewater Treatment and Drinking Water programs. Funding for the Clean Lab is also included in this budget. 7.) Department of Resources and Economic Development will receive funding for Hampton Seawall repairs; additional funds for the Mt. Washington electrification project and various State Park maintenance items. 8.) The Secretary of States office will receive funds for renovations and shelving for the state archives building. 9.) The NH Veterans Home has funding included in this budget for a new roof and life safety upgrades. 10.) The NH Department of Transportation has a number of general fund items including 5% matching funds for FAA projects at various airports; public transit matching funds; railroad bridge repairs and railroad right of way acquisition funds. 11.) The University System receives 4.5 million dollars for the 06-07 biennium for engineering and design at Demerit and James Halls at the Durham Campus and language to continue the “Keep” project idea for the next 3 biennia at 35 million dollars per biennium. The first “Keep” project was started two biennium’s ago and has proven very successful and the committee

unanimously agreed to continue the “Keep” idea. 12.) The Departments of Transportation and Safety received approval for various maintenance items; patrol shed renovations and replacements; underground tank removals; Department of Motor Vehicle additions, etc. funded by the Highway Fund. The amendment provided for HVAC upgrades at the Supreme Court; language regarding the Hampton Seawall project funding; additional funding for the Mt. Washington electrification project and language allowing the bureau of public works to use temporary personnel to provide construction inspection services. The committee believes this is a well crafted bill that meets a number of critical capital needs for the State of New Hampshire for the next biennium. **Vote 17-0.**

REGULAR CALENDAR – PART II

CHILDREN AND FAMILY LAW

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill will preclude private petitions under RSA 169-C. Department of Children Youth and Family will become the sole petitioner in all cases of abuse and neglect. This bill is a consequence of the abuse of the process by individuals which has resulted in a wasteful drain of limited resources that could have been better utilized by DCYF. **Vote 11-3.**

HB 567, relative to mediation in family law cases involving children. **OUGHT TO PASS**

Rep. Carolyn M. Gargas for Children and Family Law: This bill amends the current mediation statute so the courts may order mediation in disputed cases involving custody of minor children. The statute provides for reasons not to order mediation when it is not appropriate. **Vote 11-4.**

COMMERCE

HB 177, relative to home improvement contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: This bill establishes certain requirements for home improvement contracts, including that they be in writing and that they address the contract price, the work to be completed and estimated completion date. The bill provides that a violation of the chapter regulating home improvement contracts is prima facie evidence of a violation of the Consumer Protection Act. The bill also establishes a separate fund for civil penalties collected by the department of justice, which may be used for enforcement of the Consumer Protection Act. **Vote 18-2.**

HB 611-FN, relative to small group insurers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: As amended, HB 611-FN establishes a small group reinsurance mechanism; creates a composite band of case characteristics used to establish premiums; removes health underwriting and geography from the composite band; sets a limit of 4:1 variability on premium rates, and establishes a 15% cap on premium rate increase, excluding trend. Additionally, the amendment extends the responsibility of the SB 110 oversight committee to monitoring the effects of small group health insurance reform. **Vote 20-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 197, decriminalizing marijuana. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee heard intelligent and thoughtful testimony on both sides of the issue of marijuana decriminalization. Ultimately, it became apparent that this bill was not an appropriate course of action. The proposed legislation contains no mechanism for the regulation of marijuana and could lead to an ongoing state of legal confusion. In addition, the bill would permit the possession of quantities of marijuana that far exceed what anyone would need for strictly personal use. This would have the effect of decriminalizing not only possession, but also some trafficking. Given these concerns the committee cannot support this bill in its current form. **Vote 13-2**

HB 208-FN, relative to criminal penalties for possession of a firearm in a safe school zone. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: To quote a past president of the United States, “It is more important to kill bad bills than to pass good ones....” This bill is one of those. It advises an otherwise honest, law abiding citizen who has a valid license to carry concealed within the State of New Hampshire, to be put at jeopardy of facing criminal charges. This bill is

unnecessary. The Federal Safe School Act already offers the same protection without the criminal consequences against law abiding licensed citizens. This bill would not address the person who had a firearm unloaded and locked in his car, or in a gun rack as the federal law does. In this bill, because the licensed owner wished to leave his car, he would now, while sitting behind the steering wheel, in heavy winter clothes, unload his firearm and put it "out of sight." Anyone who has handled firearms knows the loading and unloading of that firearm is the most dangerous time and when most "accidental shootings" take place. And here we are on school grounds. We must ask ourselves, "Why this bill?" Are there people carrying openly on school grounds? The committee and the subcommittee heard of none. Shouldn't we, as legislators adhere to the policy that the bills that come out of the committee are worded so that they do just what they are intended to do and not a great deal more? Further, this bill would make it a crime even to have pieces of a firearm such as trigger housing, or a starter pistol in your car. Present New Hampshire law does not. This bill does exactly what the sponsors do not want. It makes a "Safe School Zone", not for teachers and students, but for the criminal. The criminal, who will not follow any laws of any government (that is why he is a criminal), will now act with impunity and do whatever he wishes to do. With HB 208, now he is aware he and only he will have a firearm. This bill, if passed, would create only an illusion of safety.

Vote 7-6.

HB 285, relative to carrying a concealed weapon without a license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stanley E. Stevens for the **Majority** of Criminal Justice and Public Safety: This is a bill that would repeal certain statutes that prohibit carrying a pistol or revolver without obtaining a license. Specifically, it repeals RSA 159:4 Carrying without License. This is the statute that provides a penalty for any person convicted of carrying a loaded pistol or revolver in any vehicle, or concealed upon his person without a valid license therefore. The committee has heard, and rejected, several versions of this bill that have been brought forth in every session over the last several years. In each instance the House has supported the committee's position. New Hampshire already has some of the most permissive firearms laws in the United States. A person can already carry a loaded firearm as long as it is not both concealed, or in a vehicle. The current law works well and should remain in place. **Vote 12-5.**

Rep. Elbert I. Bicknell for the **Minority** of Criminal Justice and Public Safety: The committee members will, with very little dissent, admit that New Hampshire has some of the better gun laws in our United States. Other states, such as Arizona, as of last year, and before that Alaska, have done away with having their law abiding citizens apply for a license to carry a firearm concealed. Crime and violence have not taken over the streets of these states. In fact the opposite is true and crime has been reduced since now anyone can carry a firearm concealed legally. Vermont has never had a gun law and its streets are not awash in violent crimes. In fact, it is touted by the FBI as being one of the safest of all states. It is the minority's opinion that this bill would align us with the constitutions of New Hampshire and the United States and nothing more.

EDUCATION

CACR 14, relating to tax money and religious schools or institutions. Providing that the language in article 83 of the second part of the New Hampshire constitution which states that ": Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna P. Rush for the **Majority** of Education: CACR 14 removes the Blaine amendment from the New Hampshire constitution, which could result in allowing public tax dollars to support schools or institutions of religious sects or denominations. Our constitution is very specific. It says that no money raised by taxes should go to sectarian schools of any sect. If we remove this wording from the New Hampshire constitution, it could allow public tax dollars to be used for private religious schools. **Vote 11-10.**

Rep. W. Packy Campbell for the **Minority** of Education: The minority feels that parents are denied the right to religious freedom in choice of educational environments under the current law. Religious freedom is not a luxury for those who can afford it, but a God given right. The minority feels this amendment is unconstitutional and conflicts with Part I, Article 6 of the Bill of Rights. Failing to remove this amendment to our constitution opens the public schools to lawsuits, whereby they violate the constitution by the denial of the existence of God through omission and establish a state

sponsored non-religion. The minority believes this country is founded on the principle, “Freedom of Religion not the Freedom from Religion.”

CACR 17, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna P. Rush for the **Majority** of Education: CACR 17 removes the word “cherish” from our state constitution. One may recall that the word “cherish” was the central argument that was used by the courts in the Claremont school funding rulings. By removing the word “cherish,” some feel it would open the door to a different interpretation for school funding. It was also felt by the majority of the committee that the proposed wording change in the New Hampshire constitution was not clearly stated, and would result in voter confusion. This bill could also remove the state’s responsibility to fund public education. **Vote 12-10.**

Rep. Mark Carter for the **Minority** of Education: CACR 17 would allow the people of New Hampshire to exercise their right to amend the constitution relative to education funding, and to re-assert the authority of the legislature over education funding policy in the state. It is unconscionable to the minority, that after eight years of education funding turmoil, the people of the state have yet to be allowed their constitutional voice in the matter.

HB 132, relative to grounds for dismissal of a teacher. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. J. Timothy Dunn for the **Majority** of Education: This bill changes the grounds for mid-contract teacher dismissals and opens the door to contradictory local standards and arbitrary dismissals. Local school boards already have the authority and currently can dismiss any teacher who has not satisfactorily maintained the performance standards as stated in school district standards. This power is currently held jointly by administration and school boards. This bill is no longer necessary. **Vote 12-10.**

Rep. Mark S. Carter for the **Minority** of Education: Quite simply, this bill improves current law and enhances local control relative to teacher dismissal. RSA 189:13 allows a school board to dismiss for “incompetence,” a highly subjective term. Under HB 132 a school board could dismiss a teacher “who has not satisfactorily maintained the performance standards established by the school district;” thus making the parameters for dismissal clear to all parties, and enhancing local control of teacher dismissal policy. This bill was supported by the New Hampshire School Boards Association, the New Hampshire School Administration Association, and the former State Board of Education Chairman. It was opposed only by the NEA. The minority believes that the broader cross section of the New Hampshire population represented by the House will support an Ought to Pass motion once the ITL motion is defeated.

HB 346-L, relative to the procedures for withdrawal from a multi-town school district. **INEXPEDIENT TO LEGISLATE**

Rep. Debra A. Naro for Education: The committee, due to a drafting error on the amendment, made a procedural decision to recommend inexpedient to legislate. This action was necessary as executive session occurred beyond the operational hours of the office of legislative services. The committee, with the cooperation of the prime sponsor, chose this course of action with the understanding that a floor amendment will be offered with committee support to overturn the inexpedient to legislate motion and offer a corrected amendment. **Vote 17-1.**

HB 406, revising certain provisions of the home education statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy E. Easson for the **Majority** of Education: Currently, home school parents have to spend hours creating a curriculum for the year. Actual practice shows that the curriculum is often deviated from as the year progresses in order to provide further emphasis where needed, or to allow the teaching to become tailored to the child’s interests. The philosophy behind the current home school laws is that the home schools achieve flexibility in curriculum and methods in exchange for producing results. If the specification of curriculum is removed, there will still be the requirement to teach required subjects per RSA 193-A: 4 and there will still be an evaluation process to ensure results per RSA 193-A: 6. The committee heard testimony that there is no correlation between the test scores of home schooled students and the amount of regulation on home school programs. The committee agreed that if regulation levels have no net effect on home schooled children’s education progress, then reducing those regulations makes sense, as it can benefit those parents who otherwise must spend hours attempting to comply with regulations, and helps reduce unnecessary paperwork

costs to local schools. Dozens of people attended the hearing during which there was no testimony against the bill. **Vote 12-9.**

Rep. Deanna P. Rush for the **Minority** of Education: This bill seeks to remove the oversight authority of the Commissioner of the Department of Education as it pertains to the planning of curriculum for home schooled students. Home schooled students are required (1) to give written notice to the state, (2) to submit a curriculum plan for approval, and (3) to perform an annual evaluation, usually a NEAP test. This bill would remove the second requirement of providing the State Department of Education with a curriculum plan. The minority of the committee feels that planning and developing curriculum guidelines is an important step in providing a good educational program for all children, and it recommends that we keep that requirement in statute.

HB 564, permitting the limited use of alcohol in high school culinary arts programs. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The committee heard testimony that high school culinary students could benefit from learning the uses of alcohol in cooking under supervision. While this may be a good idea for some advanced culinary programs in the state, the committee believes that it opens up schools to far too much liability for only a potentially negligible gain. It will be very difficult for schools to keep liquor and wine completely secure from students. Although the committee believes that students who are serious about pursuing culinary careers should learn about cooking with alcohol, it poses too much of a risk for public schools to assume the responsibility for providing instruction that already goes on at post-secondary culinary programs. **Vote 12-5.**

HB 687-FN, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy E. Easson for Education: Our veterans have made many sacrifices to preserve our freedoms. The committee heard testimony that the state offers free tuition and a \$1,000 stipend for fees, books, room and board, etc. to students who are the survivors of a serviceman or woman who dies from a service connected disability and who attend a state college or university. The bill expands this program to include surviving children of those service members who were killed in the line of duty. The committee also heard testimony that only seven students in the state are in this program. Currently, there is a budget appropriation of \$9,000 for this program, but only \$7,000 gets used because of the \$1,000 cap. The \$1,000 cap was set in 1987 and currently, the fees of one year at the University of New Hampshire total over \$2,000. The amendment clarifies the intent of the sponsors and increases the cap to allow the post secondary commission to distribute the whole appropriation to these worthy students. **Vote 13-2.**

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for the **Majority** of Education: The rulemaking notice promulgated last fall by the state board of education announcing revisions to the State Minimum Standards for school approval begins: "This rule establishes the substantive elements of an adequate public education ...according to the delegation of authority in RSA 21-N:9,I and RSA 186:8, I". This absolutely, totally and completely misstates both the board's powers and the authority that has been delegated to it. As the General Court has repeatedly asserted, and as the Supreme Court has repeatedly recognized, the General Court and the governor have the power to define a constitutionally adequate education. And that power has never, in any way, shape or form, been delegated to the state board of education or any other unelected bureaucracy. Indeed, the Supreme Court itself said in Claremont II "Thus in the first instance, it is the legislature's obligation, not that of individual members of the board of education, to establish educational standards that comply with constitutional requirements." The board's claim of authority to establish the elements of an adequate education cannot go unanswered lest some enterprising attorney cite our inaction as acquiescence and agreement with those fallacious assertions of power, thereby committing the General Court to funding all minimum standards promulgated by the board. **Vote 13-2.**

Rep. Deanna P. Rush for the **Minority** of Education: The minority of the committee feels that defining adequacy should be a joint role that the legislature share with the state board of education and the department of education. This bill had strong opposition from the New Hampshire School Board Association. They expressed support for a partnership between the legislature, the department of education and the state board of education. This bill is trying to prevent the department of education and the state board of education from doing what is within their field of expertise. The state board has a role in advocating for education.

ELECTION LAW

CACR 20, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard B. Drisko for the **Majority** of Election Law: This CACR provides for the attorney general to be elected by the House of Representatives and the Senate in the same manner as are the secretary of state and the state treasurer. The majority position weighed the record of a successful history of gubernatorial appointments against the inevitable negatives of politicizing the office. The general history of appointments has generated candidates of high quality. An open election might yield less capable attorneys general. The process does not seem to be broken. **Vote 13-4.**

Rep. James R. Splaine for the **Minority** of Election Law: The minority believes that having more people, rather than fewer people, involved in the selection of an important leader is a good thing. Right now, one person, the governor, selects the attorney general and must get three of the five executive councilors to confirm a four-year term. This bill allows for the 424 members of the house and senate to vote, providing for the same process as the selection of our secretary of state and state treasurer, an open process that has worked very well for many decades.

HB 48, establishing a committee to study ballot reform. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith D. Hirschmann for the **Majority** of Election Law: This bill would establish a committee to study ballot reform proposals including the adoption of “instant runoff voting” and “none of the above” as an option. The majority felt this bill’s aim of reform by considering “none of the above” as an option to a candidate named on the ballot makes a mockery of the New Hampshire system which the entire country holds the spot light on every four years. Also, “instant runoff voting” would inflict a whole new set of voting problems for our elective process. **Vote 12-5.**

Rep. Charles F. Weed for the **Minority** of Election Law: The minority of the Election Law Committee believes that HB 48 potentially provided a vehicle for ballot reform to increase participation in elections. Instant runoff voting would create the opportunity for a greater variety of issues and candidates before the electorate. This could be an effective response to the decline in voter participation rate.

HB 183, relative to the nomination of political candidates. **INEXPEDIENT TO LEGISLATE**

Rep. William L. O'Brien for Election Law: This bill would amend the current law that allows a candidate who is nominated as a candidate as a result of running in a primary to also be a nominee of a different party, that is to say, on both sides of the ballot. The bill would forbid a candidate on any party’s state primary election ballot from also being a nominee of a different party in the general election. The majority of the committee believes that it is improper to deny primary voters their choice as to who should be the nominees of their parties and thus have party committees make the selection under RSA 655:37. The voters’ choices as to their nominees should be respected. **Vote 12-5.**

HB 289-FN, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for the **Majority** Election Law: The motivation for this bill was to increase revenue to the secretary of state and the attorney general’s office by raising the fee for registration of lobbyists. The testimony did not relate the fees to the cost of the operations of the two offices. Testimony spoke to the fairness of the current fees and should not be designed to discourage lobbying. The bill separated lobbying activities into two categories, for-profit and non-profit and listed a higher fee for the former and lower for the latter. The majority felt this was discriminatory. Despite the fact that the fees had not been increased since 1986, after testimony, the majority felt that they were adequate for the current level of service need. **Vote 10-4.**

Rep. Charles F. Weed for the **Minority** of Election Law: The minority disagrees and recommends ought to pass as amended. The state offices responsible for registering and monitoring lobbyists, the secretary of state and the attorney general, are already under resourced and will be incurring more responsibilities and costs in the future. We also believe it is appropriate to distinguish between for-profit and non-profit interests in determining fees. This bill would have raised between \$20 and \$25,000. The state has not increased the fees for lobbyists since 1986.

HB 424-FN, prohibiting gifts to elected officials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill, as amended, prohibits any "Elected Official," meaning the governor, members of the executive council, members of the general court, country commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds and registers of probate, from knowingly accepting any gift of money, cash or equivalent, in any amount. "Gift" shall not include campaign contributions as defined in RSA 664, or a commercially reasonable loan made in the ordinary course of business. The committee has retained a number of bills that deal with, but are not limited to, gifts, reporting, contributions and conflicts of interest. The committee believes that a comprehensive review of these retained bills will produce additional recommendations at a later date. **Vote 14-0.**

HB 458, allowing towns to permit limited youth voting in municipal elections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William L. O'Brien for the **Majority** of Election Law: This proposed legislation would extend the voting franchise in municipal elections to individuals 14 through 17 years old by assigning them proportional voting on the following basis: Persons aged 14 and 15 years would be given a $\frac{1}{4}$ vote and persons aged 16 and 17 would be given a $\frac{1}{2}$ vote. The majority opposed this legislation for several reasons, including (1) designating any enfranchised persons as having lesser voting rights than others likely is a violation of the one person, one vote requirement of the U.S. Constitution, (2) it will produce a result where municipal elections are decided on fractional votes, (3) persons under the age of 18 are likely to be unduly influenced by adults and (4) it would complicate the work of election personnel and may increase the cost to towns and cities. **Vote 10-4.**

Rep. Charles F. Weed for the **Minority** of Election Law: The minority of the Election Law Committee believe that this bill would have enabled cities and towns who wished to allow minors, ages 14-17, to engage in regular elections with fractional votes in order to encourage civic responsibility and lifelong electoral participation.

ENVIRONMENT AND AGRICULTURE

HB 255, establishing a committee to study the pricing of milk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: Milk pricing is done on a regional bases. A study committee is necessary to insure New Hampshire dairy farmers are being treated fairly. **Vote 13-4.**

HB 275, defining farmers' market. **OUGHT TO PASS**

Rep. Burton W. Williams for Environment and Agriculture: Farmer's markets are expanding in New Hampshire every year. Although the wording "farmer's markets" appear in statutes many times, it is appropriate that a true definition be put in statutes. **Vote 16-1.**

HB 432-FN, relative to the septage handling and treatment facilities grant program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: Initially the position of septage coordinator was general funded and supported by a fee of \$10.00 derived from design permits of disposal systems. Recently the coordinator has been supported by federal funds. HB 432 allows the collected design fees, if not needed to support the septage coordinator, to be applied to the Septage Handling and Treatment Facilities Grant Program. Presently New Hampshire's capacity for safely treating septage is at risk with over 25% being exported to other states. The amendment extends the temporary authority to allow the land application of biosolids to those sites originally grandfathered. HB 722, the result of a study commission report of September 2004, has been retained to allow final resolution of this issue next season. **Vote 13-2.**

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: It is apparent to the majority that a comprehensive study of the disposal of construction and demolition waste is essential to reach consensus on this complex issue. In addition the bill enacts a moratorium on the incineration of C & D waste until July 1, 2006. Municipal waste combustors currently licensed are exempt from the moratorium. At this time no other facilities burning wood, separated from C & D debris, are permitted and operating in New Hampshire. The study committee will issue a preliminary report by November 1, 2005 and a final report on or before July 1, 2006 to coincide with the expiration of the moratorium. **Vote 15-3.**

HB 677-FN, establishing fees and reporting requirements for the storage of hazardous materials.

INEXPEDIENT TO LEGISLATE

Rep. Ryan N. Hansen for Environment and Agriculture: This bill sought a permanent funding source for the state's hazardous materials teams. Homeland Security grants allowed the HazMat teams to rapidly develop to their current levels over the past three years, and the sunseting of those grants forces these teams to seek alternative sources for funding to operate at their existing levels of preparedness. The bill contained many technical ambiguities, an inability to articulate the dollars to be raised, questionable recommendations for sources of revenue and an uncertain impact on the New Hampshire business community. While the committee recognizes the value of our HazMat teams and their need for funding, it became clear this vehicle was not the right solution, forcing the committee to recommend ITL in hope of seeing a better bill in the future. **Vote 14-4.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 56, relative to food safety in restaurants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alida I. Millham for the **Majority** of Executive Departments and Administration: Food safety in the preparation and serving of food is important not only for the people of New Hampshire but for the many thousands of people who visit New Hampshire. This legislation would assure that at least one person in a food serving establishment will have passed a food safety test covering such information as what to know about buying food, how to store food safely; how to safely prepare and serve food. Each establishment will post the certificate of passing the test. There are exemptions for farm stands and occasional food service events. All programs offered in New Hampshire are low in cost and able to accommodate people who are unable to read English. There are no financial implications for the state. **Vote 11-4.**

Rep. Janeen A. Dalrymple for the **Minority** of Executive Departments and Administration: This bill will impose a mandatory requirement for food establishments to have an on site certified food safety manager. This, in theory, will ensure the proper handling of food preparation. New Hampshire currently has 6500-7000 licensed food establishments. HB 56 has no provision for Health and Human Services involvement in the administration of this program. At this time, the Hotel and Lodging Association conducts classes and administers the test for a fee of \$125.00. Other options include online programs or University of New Hampshire extension courses that cost from \$60 to \$300. The bill does not address the multiple barriers for those individuals who have language or reading difficulties and consequences for failure to pass the test. This bill will also require replacement of a certified manager within 60 days and for smaller food establishments, this regulation places an undue costly burden. There are 138 pages of rules for food safety handling in New Hampshire administered by the Department of Health and Human Services. Each food establishment undergoes regular public health inspections and those inspections are based on compliance of food safety regulations. Testimony from the Department of Public Health last year, indicated there were 120 reported cases of food borne illness in relation to the millions of meals prepared. And they further stated of those cases, it was difficult to identify how many complaints were related to improper food handling. Consequently, there is no clear benefit that introducing this additional regulation will reduce the incidence of the number of accidental incidences of food borne illness caused by improper food handling.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. **OUGHT TO PASS**

Rep. Janeen A. Dalrymple for Executive Departments and Administration: The committee heard testimony from consumers and the building trades industry. It was concluded that in order to alleviate any inappropriate practices including consumer fraud and low quality workmanship, a study on licensing should be conducted. **Vote 11-5.**

HB 502-FN, allowing certain surviving spouses to receive a retirement system death benefit. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow a surviving spouse of a retirement system member to receive a retirement system optional allowance when a member was at least 59 years old rather than 60 years old as previously required, with 20 years of service and who was eligible for a retirement system allowance. The committee was not willing to bend the rules to reduce the age requirement to accommodate a single person or others who may later found to be eligible to receiving a greater benefit. **Vote 10-4.**

HB 555, establishing February 6 as Ronald Reagan Day. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard very passionate testimony on why New Hampshire should have in statute a Ronald Reagan Day. Although a great number of the committee members agreed that President Reagan was in fact a great president, we could not agree to have this in state statute. The ability to have a proclamation signed by the governor each year would in fact carry greater weight because someone will have to initiate this process each year. It was also brought up that in the last session we renamed a mountain in the Presidential Range Mt. Reagan. This was the third bill we had that wanted to name a day or month for someone or for a group. The decision we reached here was the same as we reached on the other bills. **Vote 15-1.**

HB 594-FN, relative to retirement system classification for correctional line personnel. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William R. Zolla for the **Majority** of Executive Departments and Administration: This bill removes the category of correctional line personnel from group II classification in the state retirement system. The bill allows persons presently employed as group II correctional line personnel on the effective date of the act to remain group II. The bill will assist in further clarifying and differentiating between line personnel working at the prison and state correctional officers who qualify for group II under RSA 100-A:1:VII,d. All new prison personnel employed by the state prisons other than correctional officers as defined above shall be classified as group I. The amendment to this bill removes county personnel from the above considerations. **Vote 11-8.**

Rep. John DeJoie for the **Minority** of Executive Departments and Administration: Passage of this bill will deny certain department of corrections employees' proper classification as group II members of the New Hampshire Retirement System. Based under current law, these 53 correctional personnel have been correctly certified by State of New Hampshire Department of Personnel as qualifying for group II membership. These employees have intimate contact with inmates, have graduated from eight weeks of training at the police academy, and are physically fit to perform the security duties required of their positions. In short, they meet the current law. These employees work daily side by side with other employees who are members of the group II retirement system. This bill deems that these employees no longer meet the requirement of group II retirement even though they have met the requirements since 1987. Further, the commissioner of corrections opposes restricting these employees from group II as this bill does. Given the highly publicized disagreements between corrections employees and the department of corrections commissioner, when they agree in opposing this bill, we must give their unison careful consideration. The minority of the committee requests that you defeat this bill. The Executive Departments and Administration Committee will then continue to consider employees on an individual basis for a change in retirement classification.

FINANCE

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association. **OUGHT TO PASS**

Rep. Daniel M. Hughes for Finance: An appropriation of \$100,000 to the State Treasurer for the purpose of funding the Seacoast Shipyard Association (SSA) and this bill requires the Association to report how the funds are spent. The funding in this bill will be used in the effort to keep the Portsmouth Naval Shipyard open and will be used with other funds to assist in legal, publicity, promotional and other fees. The 2005 Base Realignment and Closing Commission (BRAC) meets this spring and the work of SSA will complement the work of the Congressional delegations involved. The economics of the shipyard, the oldest Naval yard in the country, makes an overwhelming case. The shipyard employs approximately 2000 New Hampshire citizens from 50 New Hampshire towns with a New Hampshire payroll of almost \$125,000,000. The base generates approximately \$100,000,000 for purchased goods, services and support. In addition to the economics, the base is one of our nation's most efficient and is invaluable to the defense effort of our country. **Vote 19-5.**

HB 478-FN-A, making an appropriation for "Newsline for the Blind." **OUGHT TO PASS**

Rep. Larry A. Emerton for Finance: This is a small appropriation that will allow New Hampshire's blind population, who otherwise would not be able to read newsprint from various newspapers, to phone into an information and news service. We are among the few states who don't provide this service. The service is now provided by and started up by Verizon. They now do not wish to continue funding this vital program; therefore if we do not continue it, many users will incur a large void in their lives. **Vote 24-0.**

HB 539-FN-A-L, relative to land and community heritage investment program administration. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill results from the study committee on LCHIP last session. It provides that the LCHIP Board may provide up to 10% of its funds for loans. Principal and interest on the loans will be deposited in the LCHIP Trust. **Vote 18-6.**

JUDICIARY

CACR 12, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judicial branch. **OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: In New Hampshire, judges are appointed by the governor and council under Part One, Article 35 of the Constitution to “hold their offices so long as they behave well.” It is a common misconception that judges are appointed for life. Currently complaints against judges are heard by a conduct committee formed by the judicial branch under its own rules. The passage of this CACR will allow the citizens of the State of New Hampshire to have the authority to receive complaints, investigate complaints and, if appropriate, order sanctions as a result of poor judicial conduct. The perception held by the public is that the judicial branch is judging itself. One branch of government policing itself is simply wrong – behavior should be judged by the citizens. In 47 states, the citizens have an input as to judge’s behavior. Until two years ago, New Hampshire had an independent citizens’ commission to hear complaints against judges, but the Supreme Court ruled that this violated the separation of powers provision of the New Hampshire Constitution. As a result of the ruling, the judicial branch re-established its own conduct committee. This CACR will give back to the people the power to investigate and evaluate good behavior on the part of a judge and impose sanctions as necessary. **Vote 15-5.**

CACR 16, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frances D. Potter for the **Majority** of Judiciary: The right of citizens to defend themselves against wrongful perhaps oppressive acts of the legislature by going to court is one of the touchstones of American democracy. CACR 16 if passed would deny citizens the right to this court review of legislative actions. The majority believes this would ultimately destroy the checks and balances system we hold dear. There has been much talk in N.H. in recent years about “judicial activism”. This talk comes from all directions in the political spectrum; it depends on “whose ox is gored.” There is always one group that prevails and another that loses when a case goes to court; the argument against “activism” carries no weight since there is another group that can use the same argument to make the opposite point. There is always tension between the right of the majority to act and the right of the minority to protection. It is essential to the preservation of right of every individual’s life, liberty, property, character, that there be an impartial interpretation of the laws and administration of justice. (N.H. Constitution, Part I, Art. 35, Bill of Rights) CACR 16 would essentially upset the separation of powers among the branches of government, legislative, judicial, executive and make the court’s decisions hostage to the political whims of the legislature. The Rule of Law and the protection of minorities are precious and fundamental in our society. If this bill were passed, there would be no place for an individual or minority group to go to appeal a loss of rights, to receive justice. We all know that a court can make a mistake, as can a governor or the legislature. Our safeguard against such lapses is the separation of powers and the check or balance that each body can exercise over the other. The governor has the power to appoint judges; the legislature can bring a bill of address or impeachment against a judge or governor. The court, in reviewing the acts of the legislature, upholds the rule of law embodied in the constitution; the delicate balance among the three branches is literally our safeguard against the tyranny of one branch. All other states in the U.S. recognize the concept of judicial review. **Vote 13-8.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: CACR 16 would bring the Supreme Court back to constitutional legitimacy by writing into the Constitution the distinction between adjudicatory and legislative acts drawn by Justice Levi Woodbury in the 1818 Supreme Court case *Merrill v. Sherburn*, the first case to come before the court under the separation of powers provision, Article 37 of Part I. It would also restore the original understanding of the boundaries of the separation of powers, reflected in that case, whereby the judiciary was constituted the final authority of the constitutionality of adjudicatory acts and the legislature was constituted the final authority on the constitutionality of legislative acts. It has only been in comparatively recent times that the court has laid claim to final, unreviewable authority, binding on the legislature to validate on

constitutional grounds acts of a purely legislative character. By reason that the court has an inherent institutional bias in favor of resolutions of separation of powers issues that enhance judicial power at the expense of legislative, the sweeping assertion of authority has resulted in significant judicial intrusions into the legislature's exclusively granted authority to establish state policy, to the extent that the court acts today as a virtual third chamber of the legislature, with veto power over the other two, exercisable by whichever three members of the court happen to comprise a majority at any given time. As the legislature tires of the continual buffeting to which it is subject on the basis of past and anticipated future dictates from the Supreme Court, the time will come when the legislature shall have no choice but to direct its attention away from mere symptoms of judicial excess towards its root causes.

HB 463, relative to evidence of admissions in medical injury actions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregory M. Sorg for the **Majority** of Judiciary: The purpose of this bill is to encourage reconciliation between medical care providers and patients, and thereby to discourage litigation, by making inadmissible in any subsequent litigation expressions of "apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence." The committee concluded that it would be inequitable to except this profession from the general rule that prior acknowledgements of fault are admissible substantively at trial; and concluded, also, that the goal of reconciliation is not likely to be encouraged on the basis of a law providing that fault acknowledged before trial can be repudiated without consequence at trial. **Vote 11-5.**

Rep. James P. Pilliod for the **Minority** of Judiciary: This bill was introduced as a result of a two-year legislative commission that studied patient safety and medical errors. HB 463 is a patient-centered bill that would begin to restore the doctor-patient relationship after an unanticipated medical outcome. In Colorado, this law has resulted in open, honest discussions, acceptance of responsibility, a reduction in litigation, more patients have received settlements, it has helped prevent future errors, settlements are reached quicker and patients still retain the right to file a lawsuit. Today, when there is an unanticipated medical outcome, patients and their families typically hear nothing. Risk managers often instruct everyone involved to not say too much. (Check your auto insurance policies - - most won't cover you if you talk to the other side.) Indeed, it is the silence and perceived stonewalling that causes many patients to seek the help of attorneys to learn what happened. The reason they receive no information is that doctors, nurses and hospitals know that, if they accept responsibility, their statements may be used against them at trial. We want medical care providers to accept responsibility for their actions, we want patients and their families to know what happened and we want quicker payment of settlements. Those are worthy goals in and of themselves. The so-called protections in this bill are limited. Patients are still free to bring a lawsuit. There is no immunity for medical providers in this bill. The only limitation would be that an injured patient would not be able to use a medical care provider's own explanation as proof that the doctor/nurse/hospital was negligent. However, the patient can use the medical care provider's explanation as a road map to prove his or her case. The committee considered two "I'm sorry" bills. HB 584 is a limited version of HB 463. It would not change existing law, would not promote open communications and would not do anything to change the way doctors and patients behave after an unanticipated outcome. HB 584 supporters spoke of wanting to encourage medical providers to show compassion and to explain what happened and why. HB 584 would not allow providers compassion and to explain what happened and why. HB 584 would not allow providers to talk about the "why" - - only to express sympathy/compassion. Unfortunately, HB 584 encourages evasiveness and may create more anger when questions go unanswered. We believe that HB 463 is more comprehensive and will truly benefit patients. The Minority of the Committee supports passage of HB 463.

HB 496, relative to limits on non-economic damages in medical injury actions. **INEXPEDIENT TO LEGISLATE**

Rep. Vivian J. Desmarais for Judiciary: The committee heard extensive testimony on numerous bills relating to medical malpractice, including this bill which would mandate a \$250,000 cap on non-economic damages. The State has enacted similar legislation on three separate occasions and the N.H. Supreme Court ruled all three times that such a cap is in violation of our constitution; therefore it makes no sense to pass this measure. Testimony from both sides of the debate said there is no significant problem with frivolous medical malpractice cases in New Hampshire; there are very few huge jury awards and such a cap will do little to nothing to reduce medical malpractice insurance premiums. The committee further feels that a \$250,000 cap could be inadequate for some

injuries. In light of the fact that litigation costs, including attorney fees, diminish the actual amount received by an injured person. **Vote 17-1.**

HB 530, relative to an informed jury. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for the **Majority** of Judiciary: Under common law, 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 New Hampshire. 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. Maureen C. Mooney for the **Minority** of Judiciary: The minority opposes HB 530 because it believes that any benefits of this legislation would be greatly outweighed by the damage it would do to the fair and equal application of our criminal statutes. Trial judges already have the ability to give a “jury nullification” instruction at the request of either party. That decision to grant or deny the request for such an instruction can be appealed to the Supreme Court. With HB 530, every criminal trial would turn into a mini-legislation session where the primary issue of the defendant’s guilt or innocence would be sidelined by public policy debates. The primary function of a criminal trial must be determining the guilt or innocence of the defendant and making sure that justice is done. HB 530 would interfere with those functions and therefore deserves to be ITL.

HB 584, relative to evidence of admissions of liability in medical injury actions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for the **Majority** of Judiciary: HB 584 is one of two “I’m sorry” bills which were presented to the committee. Such legislation has been passed in ten other states and is said to be lessening the animosity some patients feel vs. their doctors when an unfortunate unforeseen outcome occurs. With the passage of HB 584 a physician feels free to express his sorrow and compassion to the patient without such expressions being admissible in court. The majority of the committee voted to pass this legislation while opposing HB 463 which also allowed the physician to admit fault and not have it admitted in court as well. The committee felt that HB 463 went too far.

Vote 8-7.

Rep. Gregory M. Sorg for the **Minority** of Judiciary: The problem with this bill and the similarly motivated HB 463 is that an expression of “sympathy, compassion, commiseration or a general sense of benevolence” is not evidence of an admission of liability under current rules of evidence.

Consequently, a statute making it inadmissible in court for purposes of acknowledging liability is unnecessary. Moreover, it is entirely conceivable that counsel for a health care provider defendant would want to introduce such expressions into evidence in order to present the provider as a humane individual, a possibility that passing this bill would presumably rule out.

HB 619-FN, relative to skier safety and ski area responsibility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for the **Majority** of Judiciary: In a bi-partisan vote, the majority of the committee supported the passage of HB 619-FN as amended by the committee. This bill is intended to update New Hampshire’s skier and ski area responsibility laws, which were last updated in 1978, so that the statute reflects the activities and equipment that is being utilized at ski areas in 2005. House Bill 619-FN maintains the appropriate balance that exists in law today so that skiers and ski area operators understand their respective responsibilities for safety at a ski area. The amendment removes some of the most contentious issues and adds a study committee to review if any other additional winter sports activities need to be included so that New Hampshire ski resorts can continue to remain competitive. **Vote 11-8.**

Rep. Bette R. Lasky for the **Minority** of Judiciary: The Minority feels strongly that HB 619-FN as amended is wrong at this time. This bill changes RSA 225-A regarding skiers, ski area and passenger tramway safety. It expands the definitions of winter sports beyond skiing and ski jumps to include snowboarding, tubing, snowshoeing and cross-country skiing. There are changes to the color code signs for making the ski trail level of difficult and the placement of such signs. It also expands the ski area’s immunity from suit to those who may go beyond the marked trails or who might trespass on the area. The Minority believes that while we don’t have any objections to the

study committee, and actually heartily support it, our concern is that it is not being dealt with first, before any bill is passed. We believe the bill is too important to rush. It needs a much more thorough study and we would prefer to retain it. The new areas the sponsors wanted for expansion of limited liability such as terrain parks, including jumps, hits, ramps, banks and freestyle bump terrain, are beyond the knowledge of most of us and testimony received from citizens highlighted concern about the safety of the design and construction of many of these newer ski area offerings.

HB 702-FN, relative to the screening of medical malpractice claims. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bette R. Lasky for Judiciary: This bill, as amended, is the final product of work by the committee to find a solution to lower malpractice rates in New Hampshire. This session, we had more than one "malpractice" bill presented to us. By examining four different types of tort reform, we believe that we have found a new approach which will work in New Hampshire. We have never heard evidence that New Hampshire has runaway jury awards or that there is a huge problem with frivolous medical malpractice cases. Nor do we know for certain that any reform we enacted will, in fact, lower doctor's malpractice insurance rates. Still, the committee feels that HB 702-FN, as amended with prescreening process by an unbiased judge will help weed out non meritorious claims before they enter the judicial process and the 45 day mandatory mediation will help bring speedier resolutions for meritorious cases with a trial. That will save money. This bill also does not deny anyone with a meritorious claim justice. Without the excessive costs of the "Two Trial" Maine process, the person with a small claim or little money is not denied his day in court because of lack of funds. Admissibility to the jury has also been a difficulty with other bills. No process, no matter how well intentioned should have the potential of poisoning the jury. HB 702-FN as amended does not allow the outcome of the prescreening process to be admitted to the jury. The majority of the committee believes this bill is efficient, simple and gives the citizens of our state easy access to the jury system when they have truly been wronged and it is a neutral, quick and fair process to exonerate physicians whose only mistake is human error or an unexpected unforeseen medical outcome. **Vote 15-6.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 66, regulating mandatory overtime for nurses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say no if asked to stay longer than his/her regularly scheduled shift without being disciplined. The committee received information showing that when nurses worked longer than 12 hours the chances of making medical error increased. The bill also allows an employer to enter into a written agreement with employees wishing to be exempted from this legislation and submitting those agreements to the Department of Labor. **Vote 11-3.**

HB 137-FN, relative to unemployment benefit eligibility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill provides the basic necessities to the part-time employee and his family, allows the transition to re-employment, and eliminates the need for welfare. The present eligibility unemployment benefit program is discriminatory and unfair to part-time employees and families. The original intent of unemployment benefits was to provide employees with economic security. Part-time employees, unemployed through no fault of their own, were not included in past legislation. Federal funds are available through the Reed Act to provide benefits to part-time employees. The pilot program will be able to monitor the actual benefits paid to the employee and will terminate on July 1, 2006. **Vote 11-5.**

Rep. William J. Infantine for **Minority** of Labor, Industrial and Rehabilitative Services: The original intent of the bill was to allow part time workers the ability to collect unemployment benefits. The bill was amended to include a one year pilot program paid for by Reed Act money. Reed Act funds came from the government as reimbursement for overpayments made by the states to the unemployment funds. This bill has three major problems. There is a technical flaw in the bill that both accounts for the one year pilot program plus changing the law permanently regarding part time workers. The legislature would have to change the law again next year after the completion of the pilot program to put the law back to where it is now. There is substantial disagreement regarding the cost of this program. The sponsor says the number is in the \$800,000 range and the Department of Employment Security calculates a cost of over \$10,000,000. There is also a concern

that mandating the pilot program is a violation against Part I, Article 28-A unfunded mandates and a court challenge is most certain. The minority of the committee feels that the majority was concentrating on providing some kind of unemployment benefits and was willing to overlook the issues stated above. House Bill 170, which passed the committee unanimously, does provide unemployment benefits for a significant part of the part time work force that has child care obligations. This is permanent legislation with well defined and non-disputed financial costs.

HB 217, relative to liability of third persons under workers' compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Labor, Industrial and Rehabilitative Services: The committee believed this bill places an extra burden on the injured worker and attempts to dictate to the judiciary how to handle workers compensation cases. It strikes from the statute the judge's ability to handle cases "as justice may require" and essentially ties their hands. This bill effectively boxes the judge in and does not allow him or her the flexibility or discretion needed as workers compensation cases often need. Workers' compensation all have different circumstances and should be dealt with on a case-by-case basis. This bill is the result of one court case where an insurance company lost and didn't agree with the unanimous decision of our Supreme Court. The bill is the insurance company's attempt to remedy its loss through legislation. The committee felt this one case does not merit legislation. **Vote 11-2.**

HB 350, relative to enforcement of the labor protection statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N.S. Holden for Labor, Industrial and Rehabilitative Services: This is a "housekeeping" bill brought to the committee by the Department of Labor. The bill allows the Commissioner to hold hearings and investigate charges of violation of the labor protection laws. In addition, the proposed legislation allows employers to recover accidental wage overpayment provided that both parties agree to the stipulations. Finally, the legislation provides for continuity with other penalty provision within labor laws. **Vote 10-5.**

HB 665-FN-LOCAL, relative to the applicable minimum wage for hourly employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This was a good compromise that most people could live with. The amendment would give a one dollar increase after two years. Fifty cents September 1, 2005 and fifty cents September 1, 2006. The committee heard a wide range of testimony and felt it was time. **Vote 11-2.**

LEGISLATIVE ADMINISTRATION

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature. **OUGHT TO PASS**

Rep. Betsy McKinney for Legislative Administration: In the past century, mileage rates for the state plan have been addressed and increased to keep pace with costs every 10 years. However, after 1979 when they set the current rate, 38 cents per mile and 19 cents per mile in excess of 45 miles, no one looked at the issue in 1989 or 1999. We heard testimony that this poses a real hardship for those who come to Concord from the North Country or those that stay overnight. The bill changes the mileage rate to 76 cents per mile and 38 cents per mile, and makes it effective in the next session, January 1, 2007. We did hear testimony that the rate adjusted for inflation really should be 99 cents per mile, but the committee declined that amount and the legislature can look at it again in 2009. **Vote 10-1.**

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day. **OUGHT TO PASS**

Rep. Paul C. Smith for Legislative Administration: The Boy Scouts of America is an organization that on February 5, 2005 turned ninety-five-years old. In those 95 years, scouting has made great leaders out of boys including astronauts, presidents, actors, businessmen, philanthropists-the list goes on and on. While some view the Boy Scouts as discriminatory, it remains a private organization that has withstood countless legal battles with the ultimate goal of instilling morals and character in its membership. This resolution has bi-partisan support, as it should, because Scouts come from all walks of life, regardless of party, station, etc. This resolution does one thing, commends the Boy Scouts for one day. That does not seem unacceptable. **Vote 7-4.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 90, relative to private driving instruction and exhibition facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the **Majority** of Municipal and County Government: The bipartisan majority feels that this bill does not need further action by this legislature. The issue that precipitated this bill was legislative intervention last session. This committee strongly feels that this is a local issue and the committee will not play the role of arbiter. The fact that the legislature intervened last year has absolutely nothing to do with the substance of the matter. This issue needs to be addressed at the local level with all the tools that the legislature has given those local communities to deal with any and all land use issues at the local level. Due process will provide for any appeal if that is deemed appropriate or necessary. **Vote 14-5.**

Rep. Nancy K. Johnson for the **Minority** of Municipal and County Government: The committee heard overwhelming public testimony in support of HB 90. This bill repeals RSA 287-G enacted last year, which exempts “private driving instructions and exhibition facilities” from municipal regulation under RSA 31:41-a and RSA 31:42. The bill is not about Tamworth. While last year’s changes were advocated by representatives of the proposed Tamworth race track and had the most immediate impact there, they removed the ability of any municipality to apply a local race track ordinance. The minority believes that it is a dangerous precedent for the legislature to take away local control. Passing HB 90 would restore local control which is so vital to the New Hampshire way. **HB 233-FN-L**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the **Majority** of Municipal and County Government: The town of Langdon is the smallest community with the Fall Mountain Regional School District. However, the regional high school was built in that town and based on the requirement that law enforcement within a town is implemented through and the responsibility of the local police department, there is disagreement among the towns that are part of the school district as to whether the town of Langdon has the full responsibility for paying for the law enforcement for the high school. A temporary solution was found when a school resource office was funded through a Cops Grant from the federal government. Now that this program is in its fourth year, the disagreement regarding the funding of a law enforcement officer is coming back. This bill proposes to require that the municipalities within the school district reimburse the town of Langdon for not less than 180 days during the school year at a rate of \$300 per diem. Whenever this type of requirement is made by the state to a local situation the unfunded mandated provision in our constitution in Part I Article 28-a must be considered. The committee urges the local governing bodies to resolve this disagreement so the students’ safety and well-being will be constant. **Vote 14-4.**

Rep. Peter B. Schmidt for the **Minority** of Municipal and County Government: Ideally, arrangements for mutually beneficial services should be paid for on a fairly shared basis, and the agreement should be negotiated voluntarily among the affected parties. When, in the real world, a majority among such parties refuses to negotiate and unfairly leaves the payment of the said services to the minority, it is not inappropriate for a higher authority to intervene and compel a mutually and fairly shared arrangement. That was the premise of HB 233-FN-L. A minority of the committee members agreed with the bill’s concept and would have preferred to see the state involve itself in reaching an equitable solution.

HB 305, relative to amended warrant articles on official ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nancy K. Johnson for the **Majority** of Municipal and County Government: The bill would require that in every official ballot municipality, any warrant article that is amended at the deliberative session, both the original and the amended article, would be put on the ballot. The result of this would mean that potentially the number of warrant articles before the voters would double. The voters would be confronted with the volume of conflicting articles. In addition when municipalities voted in the official ballot, they did so with the understanding that warrant articles could be amended at the deliberative session. To change this would mean we would be changing a basic principle of official ballot municipalities. **Vote 10-7.**

Rep. Laurie J. Boyce for the **Minority** of Municipal and County Government: In an official ballot town, a warrant article may be changed during the deliberative session that is not well attended due to a variety of reasons – when the meeting is held, the length of the meeting and the lack of involvement at the local level. The idea of having an official ballot referendum type of government was to get more voters involved in the process. It dramatically increased the attendance at the polls, but not attendance at the deliberative session. Now during that session a warrant article can be totally changed to have the opposite meaning of the original warrant article. This bill would require

that both articles - the original and the amended version - be place on the ballot with a place to mark the voter's preference beside each question. The minority feels that having both articles on the ballot would create a better situation and not disenfranchise the voters.

HB 417, relative to petitions for municipal charter revisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John P. Dowd for the **Majority** of Municipal and County Government: This bill would lower the bar for the number of signatures needed for the revision of or initiation of a town charter form of government from 20% of the number of votes cast in the last regular municipal election to 500 signatures. There is nothing more sacred than the form of government of a community and there is a lot of time and dollars involved in a charter revision. The number of signatures should be difficult enough so that it can not be done without due diligence. **Vote 14-3.**

Rep. Paul R. Hopfgarten for the **Minority** of Municipal and County Government: This bill would set a maximum number of signatures required for charter amendments or charter commissions.

Whereas warrant articles have a maximum number of signature (25) needed to place on the warrant, it was felt by the minority that having a maximum of 500 signatures of registered voters for a charter change was reasonable and prudent. The current law of 20% of the voters in the last municipal election is a volatile standard which could fluctuate significantly year to year. This bill does not change the fact that voter approval is still necessary at a separate election to approve any changes to a charter, and 3 votes are needed to affect a new charter; one to approve a commission, one to elect said commission, and one to approve the new charter. This bill sets an equitable standard for securing petition signatures

PUBLIC WORKS AND HIGHWAYS

HB 314-FN, requiring public restrooms in the division of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Smith for Public Works and Highways: This bill was an important topic of discussion for this committee and one that was not taken lightly. The bill requires public restrooms in all Department of Motor Vehicle buildings around the state. While the majority did not disagree with adding restroom facilities to the premises, at this time it is not appropriate or fiscally sound. During the hearing and afterward, committee members asked very tough questions of the Department of Safety. Since the hearing, the department has agreed that in the future, when planning to lease a facility, they will not consider any location without restroom facilities available to the public. Of the existing Department of Motor Vehicle facilities, a few share the building with State Police barracks and the department testified that to open the restrooms would allow the public to enter restricted areas and to fix this problem in those barracks could cost between 50,000 to 100,000 dollars or more in each case. In addition, several facilities that had public restroom facilities were forced to close them due to extreme vandalism and the cost of repair. The debate over this bill was not whether it should pass; it was over retention, or inexpedient to legislate, with the minority of the committee contending that to have legislation on hand would hold the department accountable. The majority of the committee believed that just as the department was willing to comply with the notion to not consider any new locations or leases without a restroom facility, so will they be willing to comply with other ideas such as listing facilities with restrooms on all renewal notices and such. Again, this committee took a hard look at this bill and asked the questions that needed to be asked and we believe that the department is willing to change its practices without legislative mandate. **Vote 10-7.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 69, relative to property rights and large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill as amended makes changes in the large groundwater withdrawal permits process to improve its transparency for the benefit of both the applicant and municipalities in which the withdrawal is to occur. Communications are improved and a public hearing is established at the point when all relevant information on the application has been submitted by all parties. The bill also corrects inconsistencies between this permitting process and other water permits by providing for appeal of department decisions through the water council. **Vote 18-1.**

HB 322-FN, relative to the registration fees and requirements for snow traveling vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. David P. Currier for Resources, Recreation and Development: Under current law both residents and non-residents receives a \$30.00 discount on the registration fee of their snowmobiles each year, if they are a member of one of the 120 NHSA affiliated clubs. This law was passed in 2002 to encourage club membership which now provides annually some 56,000 hours of volunteer labor to maintain over 6,900 miles of groomed snowmobile trails in the state and helps fund the club's share of the grant-in-aid programs which split the cost of grooming equipment with the state. A 2003 study by Plymouth State University determined that snowmobile parties directly spent about \$453 million dollars each year, with the total impact from all snowmobile related spending of almost \$1.2 billion. Without this income many north country businesses would suffer during the winter months. In 2003 and 2004, attempts were made to repeal this law which were soundly defeated in the House. Because of the success demonstrated by this New Hampshire snowmobile program, the states of New York, Michigan, and Wyoming are trying to follow our example. **Vote 14-4.**

HB 419, relative to the Mount Sunapee ski area boundary and lease terms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the **Majority** of Resources, Recreation and Development: This bill would suspend any action on the proposed expansion of the Mt. Sunapee State Park Lease until a study committee files a report on November 1, 2006. The legislature in 1997 authorized a lease of the ski operations at Mt. Sunapee to a private operator and gave oversight of the lease to the Department of Resources and Economic Development (DRED) and the Governor and Council. The majority of the committee supports ITL because we are convinced that any proposed changes in the ski area lease should remain with DRED and the Governor and Council following the recommendation of the Department of Resources and Economic Development as outlined in the original lease. **Vote 12-9.**

Rep. Dennis F. Abbott for the **Minority** of Resources, Recreation and Development: This bill seeks to resolve an issue regarding the intent of the legislature when it authorized the lease of the Mount Sunapee ski area. It is the belief of the Minority that the legislature did not grant to the Department of Resources and Economic Development the ability to approve the expansion of operations beyond the existing ski area described in the lease and operating agreement, nor did the legislature contemplate any expansion that would primarily benefit a private real estate development. Rather, the type of expansion contemplated by the legislature was one that would benefit the general public. The Minority does not dispute the testimony that Okemo Mountain, Inc. has operated Sunapee in a profitable manner, and has no issue with any associated housing development on private land. However, many individuals and organizations testifying before the committee questioned devoting state resources to benefit a private real estate development. The Minority maintains that legislative intent must be determined to ensure that the proper process is observed, and the rights and privileges of all our citizens wishing to use the park for multiple purposes are protected.

HB 525, establishing a committee to study the leasing of state-owned conservation land to private entities and relative to a temporary prohibition on the leasing of such lands. **INEXPEDIENT TO LEGISLATE**

Rep. David P. Currier for Resources, Recreation and Development: This bill would have established a committee to study the leasing of state-owned conservation land to private entities and prohibits any department, agency, or political subdivision of the state from initiating, altering, or executing a lease of state-owned conservation land to a private entity until the study committee has submitted its final report, or until November 1, 2006, whichever is later. The subject matter was so related to another piece of legislation before the committee (House Bill 419) that the committee decided to recommend Inexpedient to Legislate on this bill to concentrate its' efforts on House Bill 419. **Vote 19-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 333, relative to the rights of citizens. **INEXPEDIENT TO LEGISLATE**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The majority of the committee believes that no matter how noble enough in concept this bill relative to the rights of citizens would have far reaching unintended consequences. The analysis of this bill affirms the right of the people of this state to choose their political status in human society. The bill also provides that no government shall exercise any compelled performance upon an American citizen. The majority believes that rather than expanding the rights of law abiding citizens, this is a mischievous bill that would work to the detriment of law-abiding citizens. **Vote 7-6.**

HB 520, relative to the USA Patriot Act. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The majority of the committee believes that the State of New Hampshire cannot nullify a federal law through a House Bill. This type of legislation should be done through a House Resolution. **Vote 10-3.**

TRANSPORTATION

HB 513, relative to motor vehicle inspection stations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: These are the changes the committee is recommending based on the contract that the state has entered into. 1.) There shall be either a telephone number or internet site by the Department of Safety reserved exclusively for citizen's complaints. 2.) No inspection station may charge more than \$15 for the EPA OBD II test. 3.) The OBD inspection is required on any model year 1996 and newer, gasoline powered and model year 1997 and newer diesel. 4.) If a vehicle fails OBD test and passes all other inspection requirements, then it shall be issued a temporary waiver that permits its operation for 60 days, in order to make required repairs. Only one waiver shall be issued during its inspection cycle. If the cost of the required repairs is more than \$250 as determined, the vehicle shall be issued an inspection sticker provided that a vehicle may not be issued more than two consecutive inspection stickers, and no sticker shall be issued after a third consecutive OBD II indication of failure. 5.) If a vehicle fails the OBD test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of failure. If the owner fails to inform the purchaser of the OBD failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney fees. 6.) An established OBD II advisory committee consists of three representatives, two senators, Director of the Division of Motor Vehicles of the Department of Safety, Attorney General or designee, one member of the N.H. Automobile Dealer Association, one member of the N.H. Motor Transport Association, one member of D.E.S. The committee shall review and approve any contracts between the state and any private entities relating to OBD II testing and oversee any contracts relating to OBD II. The department shall not enter into any contract for services relating to OBD II testing prior to approval of the committee. Exemptions: Motor vehicle stations that do less than 200 inspections per year. Stations that inspect motorcycles only, private fleet vehicles, and municipalities shall not be required to pay any fee to a private entity for inspection related services pursuant to any contract executed by the state or the Department of Safety prior to the effective date of this act. **Vote 9-0.**

SPECIAL ORDER

HB 679-FN-LOCAL, authorizing the electronic enforcement of traffic signal violations. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill will allow for the authorization of electronic enforcement of traffic signal violators. A city or town having a population of more than 20,000 can request video enforcement at its traffic signal intersections. There will be posted warnings not more than 300 feet from the location of electronic monitors. The camera will take a picture of the number plate of the offending vehicle. The person to whom the vehicle is registered will be issued a citation. The citation shall be accompanied by a notice with date, time, and location of incident along with name, address and numbers to request a copy of the photographic evidence. If an owner can prove he or she is not responsible for the violation the citation shall be withdrawn. The fine shall not be deemed a conviction on a driving record and shall not be used to assign demerit points. Fifty percent of fines collected shall be remitted to the city or town with these systems. While some intersections could stand improving, we have all witnessed numerous occasions of drivers speeding up on "amber lights" only to be running a red light. Red light runners put everyone at risk. They carry their fair share of statistics on near misses and accidents. Therefore, the committee supports the use of cameras to assist law enforcement to make all roads safer. **Vote 14-0.**

HB 705, relative to passenger restraints. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required all persons, drivers and passengers 18 years of age and older, to wear passenger restraints which are fastened and properly adjusted at all times. The prime sponsor considered the offense as secondary. Just about everyone that spoke about this issue was throwing statistics around, whether they were for or against the bill. What the committee did hear was that most adults wear their seat belts. Thus they felt that it should still be their decision. They were also concerned about how long before this became a primary offense. One visual survey done has New Hampshire at 63.4 percent. That is almost as good as our neighboring states that have passenger restraint laws. **Vote 12-2.**

WAYS AND MEANS

HB 51, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for the **Majority** of Ways and Means: This bill does not impose any type of luxury tax or any other type of tax. It simply establishes a committee to study the feasibility of some type of luxury, entertainment, or amusement tax in the future. The need for new revenue sources is something we are likely to face every session. Who can deny that reality? With an income and sales tax off the table and with business taxes “maxed” out, the number of options for raising significant revenues is extremely limited. Conceivably, a future legislature might need to consider some type of luxury tax. If so, that body should not go forward in the dark. This study committee will develop valuable information. For example, during the hearing on this bill, an opponent acknowledged that the state of Vermont applies its six percent sales tax to ski tickets. Some veteran House members may recall that during the crisis facing the state in 1999, the Finance Committee actually considered some type of luxury or entertainment tax. During an emergency Friday afternoon session, Representatives Hall was the scene of a lengthy hearing. Opposition was strong, and the committee was operating in a vacuum. Had we then had the benefit of information a study committee of this type would have generated, we would have been better off. Rest assured, a luxury tax does not have to mean a boat tax, an idea which proved such a folly at the federal level a decade ago. It could mean anything from an assessment on a \$100 Bette Midler ticket at the Verizon Center to one on movie rentals, ski tickets, bowling frames, or any number of imaginative (and conceivably controversial) alternatives. To say no to such a study committee is to close our eyes to future needs and to ultimately bring us closer to having to accept a sales or income tax. Knowledge is power. Passage of this bill will increase both our knowledge and our power. **Vote 10-8.**

Rep. Peyton B. Hinkle for the **Minority** of Ways and Means: This bill directed the committee to study what items should be taxed as luxury items and what amusements should be taxed and the feasibility of imposing such taxes. This was viewed by the minority as the beginning of the descent down the slippery slope toward a general sales tax. A committee under former Governor Shaheen already studied the issue of a sales tax and concluded it would result in the loss of retail sales and jobs. A large percent of the retail sales occur in the southern end of the state and many sales are for high ticket luxury items. The retail trade would be seriously jeopardized by a luxury tax. Retailers considering location in the state would think twice if they were unsure how many items would be taxed as luxuries and the impact of the tax on sales volume. Since various forms of amusements, including skiing, provide an attraction for tourists, taxing them could cause a loss of business among owners who rely on a short season to make their profit. Other venues, such as those at the Verizon Center, would carry an extra tax burden. New Hampshire’s image as a low tax state friendly to tourism could be tarnished by adding another tax on top of the room and meals tax.

HB 94-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps.

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

Rep. Howie Lund for the **Majority** of Ways and Means: The committee considered the bill with an amendment which would provide a one cent (.01) discount to distributors on tobacco stamps effective July 1, 2006. This was voted down because the business involved had already adjusted its pricing models to accommodate the one cent loss. This bill if passed will decrease state unrestricted general fund revenue by \$1,354,050 in FY 2006 and each year thereafter, and decrease restricted education trust fund revenue by \$553,062 FY 2006 and each year thereafter. **Vote 10-6.**

Rep. Kevin L. Camm for the **Minority** of Ways and Means: This bill would restore the one cent per pack discount that wholesalers received for affixing tax stamps to cigarettes. That discount was removed in a committee of conference a few years ago. The minority felt that was an improper and unfair forum for such a policy change. Should the legislature desire to change the way it compensates those who provide a service for the state, it should do so by the same process as with any other bill. The amendment changes the effective date to July 1, 2006 so FY 2006 is not affected.

HB 453-FN, relative to boat launch access and parking without charge at Hampton and Rye harbors for persons 65 years of age or older. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Parker for Ways and Means: This bill would have codified free boat launch access and parking for persons 65 years of age or older at these two harbor facilities only. Responsibility for these harbors was recently transferred from the Department of Resources and Economic

Development (DRED) to the Pease Development Authority and at that time the fees were enforced. Upon research, it was determined that at no time had DRED been authorized to waive these fees. Further, the committee believes no compelling policy consideration warranted waiving these fees for this segment of the population. **Vote 16-3.**

SPECIAL ORDER

HB 601-FN, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Parker for Ways and Means: This bill included a number of policy issues related to education finance and vouchers in the form of scholarships. However, the committee focused only on the revenue policy aspect of the bill. The bill allowed the taxpayer a partial credit against taxes for amounts contributed to a "scholarship funding organization." This organization would then, at its discretion, grant scholarships to students with the understood purpose of defraying education tuition costs. Upon taxpayer initiative, the bill would have taken revenues otherwise bound for the general fund and dedicated them to an organization beyond the control and auspices of the legislature. Despite any other possible merits of this bill, the committee believes that diverting revenue from the general fund for this purpose and removing the legislature from the appropriation process is inappropriate policy. **Vote 15-0.**

SPECIAL ORDER

HB 613-FN, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Ways and Means: This bill would exempt from rooms and meals tax prepared food items sold by supermarkets. The concept came from an old court case, superseded by a 1985 Supreme Court decision, that the exemption of prepared take out food items sold in supermarkets was unconstitutional. **Vote 15-0.**

HB 671-FN-A-LOCAL, relative to an exemption from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Howie Lund for Ways and Means: This bill would exempt certain real estate transactions from the real estate transfer tax. The tax loophole proposed by this bill was closed by legislation a few years ago. At that time it was causing a loss of \$4 million to \$7 million in real estate tax revenues. With this loophole a lot of commercial properties would avoid the real estate tax. Twenty percent of the states real estate valuation is commercial property. Home ownership transferred from personal account to a family trust is not subject to the real estate transfer tax. Also, the majority of the committee felt this bill lacked clarity and would create interpretation problems for the DRA. The DRA estimated that the bills passage would again reduce revenues between \$4 and \$7 million per year. Further, the DRA stated there would be added staff and administrative costs associated with the bills passage.

Vote 12-6.

COMMITTEE MEETINGS

MONDAY, MARCH 28

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 105A, State House

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 29

CHILDREN AND FAMILY LAW, Room 206, LOB

1:00 p.m. **SB 132**, relative to the board of marital mediator certification.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 722**, relative to the spreading of biosolids in certain designated areas.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. **HB 257**, relative to emergency medical and trauma service protocols and quality assurance program.
10:00 a.m. **SB 52**, establishing the state suggestion and extraordinary service award program.
10:30 a.m. **SB 53-FN**, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services.
11:00 a.m. **SB 55**, relative to the New Hampshire film and television commission and state promotional initiatives.
1:00 p.m. **SB 65**, ratifying changes to the state building code adopted by the state building code review board.
2:00 p.m. **SB 153-FN**, relative to the administration of certain programs by the department of environmental services.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Representatives Hall

1:00-5:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.
HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.
7:00-9:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.
HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

FINANCE – (DIVISION I), Room 212, LOB

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

FINANCE – (DIVISION III), Room 209, LOB

Work session on the following bills:

10:00 a.m. **HB 470-FN-A**, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.
HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.
HB 662-FN-A, making an appropriation to the department of health and human services for family mutual support services.

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

10:00 a.m. **Continued** public hearing on **SCR 4**, a resolution supporting federal funding for Lyme disease research.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **SB 5**, establishing a commission to study the state park system.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work and executive session on pending legislation and revenue estimates.

WEDNESDAY, MARCH 30

FISH AND GAME, Room 307, LOB

9:00 a.m. Subcommittee work session on *SB 105*, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities.

THURSDAY, MARCH 31

FINANCE – (DIVISION I), Room 212, LOB

Immediately following the House session, work session on the Budget and pending legislation.

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

Immediately following the House session, work session on the Budget and pending legislation.

FINANCE – (DIVISION III), Room 209, LOB

Immediately following the House session, work session on the Budget and pending legislation.

WAYS AND MEANS, Room 202, LOB

Immediately following the House session, full committee work and executive session on pending legislation and revenue estimates.

FRIDAY, APRIL 1

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

9:00 a.m. Continued meeting.

FINANCE – (DIVISION I), Room 212, LOB

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

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

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

FINANCE – (DIVISION III), Room 209, LOB

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

SATURDAY, APRIL 2

FINANCE – (DIVISION I), Room 212, LOB

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

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

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

FINANCE – (DIVISION III), Room 209, LOB

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

MONDAY, APRIL 4

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

1:00 p.m. Regular meeting.

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 104, LOB

2:00 p.m. Regular meeting.

COMMISSION TO EXAMINE ALL ASPECTS OF SAME SEX CIVIL MARRIAGES AND ITS LEGAL EQUIVALENTS (SB 427, Chapter 100:2, Laws of 2004), Room 208, LOB

1:00 p.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House

9:00 a.m. Regular meeting.

FISH AND GAME, Department of Environmental Services, Room 114, 29 Hazen Drive, Concord

1:30 p.m. Informational meeting with Public Water Task Force relative to protection and managing of the state's public waters.

TUESDAY, APRIL 5

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), American Legion Post 79, 35 West Brook Street, Manchester

5:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work and executive session on revenues.

WEDNESDAY, APRIL 6

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

10:00 a.m. **SJR 2.** a resolution urging Congress to reject the Streamlined Sales Tax Project. Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work and executive session on pending legislation and revenue estimates.

THURSDAY, APRIL 7

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work and executive session on pending legislation and revenue estimates.

FRIDAY, APRIL 8

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.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room 10 Dixon Avenue, Concord

9:00 a.m. Regular meeting.

MONDAY, APRIL 11

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

1:00 p.m. Regular meeting.

PET OVERPOPULATION STUDY (RSA 437-A), Room 100 State House

1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICES

Merrimack County Delegation will hold a public hearing and delegation meeting on Tuesday, **March 29** at 7:00 p.m. at the County Administration Building, Lower Level Conference Room, 4 Court Street, Concord. The purpose of this meeting is to seek approval of a Bond Vote for the proposed Merrimack County Nursing Home.

Rep.

Candace
C.W.
Bouchard,
Chairman
Merrimack
County
Delegation

COUNTY DELEGATION NOTICES

Rockingham County Executive Committee will meet for the First Quarter Budget Review on Friday, **April 15** at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood. Audit committee meeting to follow.

Rep. David
A. Welch,
Clerk
Rockingham
County
Executive
Committee

Several boxes of House Journals from the late 70's and early 80's have recently been discovered. These are available in the House Clerk's office for a limited time on a first-come, first served basis to anyone who would like to have them.

Those available are: 1977 Session, Volume I, softbound; 1977 Session, Volumes I and II, hardbound; 1977-78 Special Session, softbound; 1979 Session, Volumes I and II, softbound; 1980 Recall Session and 1981 Session, hardbound; and 1981-82 Special Session, hardbound.

Karen O.
Wadsworth,
Clerk of the
House

REVISED FISCAL NOTES

The following HBs and SBs have revised fiscal notes: HBs 47, 59, 60, 71, 72, 104, 116, 128, 130, 153, 159, 190, 210, 216, 239, 240, 272, 303, 477, 599, 601, 603, 604, 605, 606, 607, 609, 611, 612, 613, 614, 615, 616, 617, 618, 619, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 632, 633, 635, 637, 638, 639, 640, 641, 642, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 661, 662, 663, 664, 665, 670, 672, 674, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 692, 693, 694, 695, 696, 697, 698, 699, 701, 703, 704, 708, 713, 716. SBs 21, 27, 117, 137, 152, 165, 208.

Karen O.
Wadsworth,
Clerk of the
House

Lucy Harrison in the Speaker's Office keeps a schedule of House events. To avoid conflicts, anyone wishing to hold an event should check with Lucy at 271-3661 for available dates and times.

Rep.
Michael
O'Neil,
Majority
Leader

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

Eric Palangas, 626 Lake Avenue, Manchester 03103-3537.

Frank J. Palazzo, PO Box 321, Seabrook 03874-0321.

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

Karen O.
Wadsworth,
Clerk of the
House

MEMBERS' NOTICES

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

Upon presentation of proper credentials at the ticket window, NH Senators and Representatives 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 O'Kane. Any exceptions to this policy will be made in writing by the Commissioner and/or Division Director. *(Lift tickets are to be picked up at Guest Services at the Peabody Base Lodge or the Tramway Ticket Window at Cannon).*

W.
Douglas
Scamman,
Speaker

The State House Activities and Recreation Committee (SHARC) would like to thank everyone who participated in the bake sale to support our troops. It was a wonderful success. Over \$1,000 was raised for care packages to the soldiers.

Reps.
Michael
O'Neil
and
James
W.
Craig

The Nashua Area Federated Republican Women are planning an educational seminar on **March 28th** from 6:30 – 9:00 pm at One Clocktower Place, 5th floor reception room, in Nashua. The topic is Fundraising: How-to Basics and How to Fund Raise for a Campaign. Speakers will be Maura Weston and Cathy Duffy. For more information, contact Rep. Nancy Elliott at 889-3179.

Rep.
Nancy
Elliott

The House Republican Alliance will meet at 8:30 a.m. on Tuesday, **March 29** at the Upham Walker House, Park Street, Concord.

Rep.
Paul
Mirski

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court and staff to the annual UNH Legislative Breakfast on Tuesday, **March 29** from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Learn how undergraduate student researchers at UNH are having an impact on the State of New Hampshire and beyond.

Rep.
Marjorie
Smith

The Targeted Aid Caucus will meet in Representatives Hall on Tuesday, **March 29** at 8:30 a.m. to discuss the status of the education funding bills as reported out of the Education Committee. Any interested House members are also invited to attend.

Rep.
Mark
S.
Carter

Representatives from the Greater Nashua Area should watch their mailboxes for an invitation to a luncheon hosted by The Community Council of Nashua. This Southern Hillsborough County Mental Health Provider is holding an invitation only luncheon for area representatives on Wednesday, **March 30** at the Capitol Grille. Questions can be directed to Carol Holden at 598-7123x3221.

Rep.
Pamela
G.
Price

TARTAN DAY

On Wednesday, **March 30th**, the House will celebrate TARTAN DAY. All members and staff are encouraged to wear their tartans or the New Hampshire Tartan, available in the Visitors' Center. Be glad to wear your plaid.

Reps.
John
B.
Hunt
and
Paul
C.
Smith

In celebration of the YMCA Youth in Government Program and Legislative Awareness Day, all legislators are cordially invited to join the New Hampshire State Alliance of YMCAs at St. Paul's Church Conference Center across the street from the State House on Thursday, **March 31 at noon** for an informal luncheon reception. Sandwiches, hot and cold drinks and dessert will be provided.

Rep.
Larry A.
Emerton

Teamsters Local 633 cordially invites all legislators and staff to attend their legislative reception to be held on Tuesday, **April 5** at the Szechuan Garden Restaurant, 108 Fisherville Road, Concord. The event will be held from 3:30 to 6:00 p.m. Refreshments will be provided.

Reps.
James
W.
Craig
and
John
DeJoie

The Greater Manchester Federation of Republican Women are hosting a dinner with Congressman Jeb Bradley on Friday, **April 15** at the Yard (upstairs) at 7:00 p.m. Choice of chicken or fish \$25. Contact Rep. Gail Barry at 625-8174 or e-mail gailbarry@juno.com.

Rep.
J.
Gail
Barry

The Department of Transportation will hold the following meeting:

April 5 Weirs
Community
Hall, Corner
of Route 11B
and Lucerne
Avenue at the
Weirs Fire
Station, Weirs
Beach,
Laconia, 7:00
p.m.
Combined
public
officials/public
informational
meeting,
Laconia,
involves
construction of
5 foot
sidewalks
along both
sides of Route
3 and on one
side of Route
11B.
April 6 NHDOT, 7
Hazen Drive,
Rooms
112/113,
Concord, 1:00
p.m. Advisory

committee
meeting,
Congestion
Mitigation
and Air
Quality
Advisory
Committee
(CMAQ).

April 7 Pembroke
Town Library,
261 Pembroke
Street,
Pembroke,
7:00 p.m.
Combined
public
informational
meeting/public
officials
meeting,
Pembroke-
Concord,
paving NH
Route 106
beginning at
US Route 3
intersection in
Pembroke and
proceeding
north
approximately
4.5 miles to
the Autumn
Street
intersection in
Concord. Also
addresses
minor
drainage
issues and
update
guardrails.

April 18 NHDOT, 7
Hazen Drive,
Rooms
112/113,
Concord, 1:00
p.m.
Commission
meeting,
Londonderry,
NH Route
128.

April 20 Society for the
Protection of
NH Forests –
Conservation

Center, 54
 Portsmouth
 Street,
 Concord, 3:00
 p.m. Advisory
 committee
 meeting, Long
 Range Plan.
April Enfield
25 Community
 Building, 308
 Route 4,
 Enfield, 7:00
 p.m. Public
 informational
 meeting,
 Enfield, NH
 4A, from
 Shaker
 Village south
 1 mile.
 Rep. Gene G. Chandler,
 Chairman
 Public Works and
 Highways Committee

STATE HOUSE VISITATION SCHEDULE 2005 SCHOOL YEAR

Virginia Drew, Public Information Administrator

Kenneth Leidner, Director

DATE	TIME	GROUP	Grade/Size
M Mar 28	9:30 & 10:30 SH & HM	DAR Good Citizens	HS/100+
M Mar 28	12:45	St. Thomas Aquinas – Derry	4/30
Tu Mar 29	9:00	Bow Elem	4/24
Tu Mar 29	10:30 (9:30 Conc.Coach)	Bridgewater/Hebron Village School	4/25
Tu Mar 29	12:00	Bow Elem	4/24
W Mar 30	9:30 & 11:00 SH & HM	Symonds School – Keene	4/63
W Mar 30	12:30	Newfields Elementary	4/26
Th Mar 31	9:30 & 11:00 SH & HM	Presentation of Mary – Hudson	4/44
Th Mar 31	12:30	St Patrick School – Pelham	4&5/45
F Apr 1	9:30 & 11:00 SH & HM	Henry Wilson School – Farmington	4/50
F Apr 1	12:00 & 1:00 SH/SC *45 min tour	Riddle Brook School – Bedford	4/50
M Apr 4	9:30 & 11:00 SH & HM	~~Henry Wilson School – Farmington~~ Henry Wilson School – Farmington	~~4/50~~ 4/50
M Apr 4	11:00	Goshen Lempster Cooperative	4/18
M Apr 4	12:00 & 1:00 SH/SC *45 min tour	Riddle Brook School – Bedford	4/70
T Apr 5	8:45	Henniker Community School	4/28
Tu Apr 5	10:00 & 11:30 SH & HM	Thornton Ferry School – Merrimack	4/75

W Apr 6	8:45	Henniker Community School	4/16
W Apr 6	10:00 & 11:30 SH & HM	Thornton Ferry School – Merrimack	4/75
Th Apr 7	9:30 & 11:00 SH&HM	Smyth Road School – Manchester	4/75
F Apr 8	9:00	Broken Ground Elementary-Concord	4/25
F Apr 8	10:00 & 11:30 SH & HM	Fuller School – Keene	4/50
F Apr 8	10:00 SH	Russell Elem School – Rumney	4/11
M Apr 11	9:00 & 10:15 SH & HM	Maple Street School – Hopkinton	4/80
M Apr 11	11:00	World Affairs	45
M Apr 11	12:30 (SC 10:30)	So. Merrimack Christian Academy	4/27
Tu Apr 12	9:30 & 11:00 SH & HM	Webster School – Manchester	4/84
Tu Apr 12	9:00	Plymouth High School	30
Tu Apr 12	12:30	Washington Elementary – Rescheduled	5/25
W Apr 13	9:30 & 11:00 SH & HM	Bristol Elem School	4/40
W Apr 13	10:00 & 11:30 SH/Lawn Activity	Woodland Heights School – Laconia	4/72
W Apr 13	2:00	Greater Leadership Concord – Chamber of Commerce	25
Th Apr 14	9:30 (11:00HM)	Greenland Central School	4/34
Th Apr 14	11:00	Unity Elementary School	4&5/37
Th Apr 14	1:00	Sullivan Elem School	3,4,5,6/29
F Apr 15	8:15	Kimball School- Concord (Rescheduled)	4/25
F Apr 15	10:00 & 11:00 SH & HM	Matthew Thornton School – Londonderry	4/80 –100
M Apr 18	8:45	St John Regional School – Concord	4/26
M Apr 18	10:00 & 11:00 SH & HM	Matthew Thornton School – Londonderry	4/80 –100
Tu Apr 19	9:30 & 11:00 SH & HM	Garrison School – Dover	4/66
Tu Apr 19	1:30	Keene HS French Students (Lycee Lumiere, Luxeuil)	HS/26
W Apr 20	9:30 & 11:00 SH & HM	Garrison School – Dover	4/44
W Apr 20	12:30 & 1:30 SH/HM	Paul School – Wakefield/Sanbornville	4/70
TH Apr 21	9:45 & 11:00 SH/Pierce Manse	Loudon Elementary	4/60
Th Apr 21	12:00	The Community School – So. Tamworth	7-9/12
F Apr 22	9:30 & 10:45 SH & SC	Candia Moore School – Candia	4/45
F Apr 22	12:30 (11:00HM)	Tuftonboro Central	4/25
M Apr 25		History Museum Closed	
Tu Apr 26	9:30 & 11:00 SH & HM	Towle Elem – Newport	4/50
Tu Apr 26	1:30	Seacoast Republican Women	30-35

W Apr 27	9:30 & 11:00 SH & HM	Towle Elem – Newport	4/50
Th Apr 28	9:30 & 11:00 SH/HM	John Fuller School – North Conway	4/46
Th Apr 28	1:00	Lafayette Regional School – Franconia	4/20
F Apr 29	9:30 & 11:00 SH/SC	Lancaster Elem	4/55