

State of New Hampshire HOUSE RECORD

Second Year of the 159th General Court Calendar and Journal of the 2006 Session

Vol. 28	Concord N.H.	Thursday, December 22, 2005	No. 2
---------	--------------	-----------------------------	-------

Contains: Reports on Retained Bills, Meetings, Notices and Order Form for the 2005 Permanent Journal

HOUSE CALENDAR

MEMBERS OF THE HOUSE

On behalf of my wife Stella and the entire Scamman family, I would like to wish you all a very Merry Christmas, a happy Chanukah, and a happy and prosperous New Year. Throughout this holiday season we should also continue to keep the men and women of our armed forces in our prayers. Many of them are making sacrifices on a daily basis, far from their own homes and families, so that we can celebrate yet another holiday season under the banner of freedom. To the members of the House and our dedicated staff, I thank you all for your hard work this past year in helping to keep New Hampshire a wonderful place to live, work and to raise a family. I look forward to working with you all in 2006.

The 2006 Legislative Session will convene on Wednesday, **January 4, 2006**. The House will meet at 10:00 a.m. on that day and again on **January 18th** to take up retained bills. This week, your calendar has two volumes. One contains the proposed amendments for Retained Bills from 2005. The other contains the committee reports on these bills. **PLEASE KEEP** these documents and bring them with you on January 4th, as they will not be reprinted. On December 29th, a calendar will be mailed containing most, if not all, of the committee scheduling for the month of January. Public Hearings will begin on Thursday, January 5th. House bills for the 2006 Session are now being made available both on-line and in hard copy.

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **January 4th** at **9:00 a.m.** in Representatives Hall.
Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Tuesday, **January 3** at **1:00 p.m.** in Rooms 305-307 of the Legislative Office Building, and at **9:00 a.m.** on Wednesday, **January 4** in Rooms 305-307 of the Legislative Office Building.
Rep. James W. Craig, Democratic Leader

NOTICE

House Members who ordered a **2004** House Permanent Journal may pick it up in the Clerk's office.
Karen O. Wadsworth, Clerk of the House

NOTICE

The next calendar will close on Wednesday, December 28th at Noon. 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.

CLOSES NOON WEDNESDAY	TO BE MAILED THURSDAY
December 28	December 29

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Monday, September 12, 2005	First day to file legislation for the 2006 session
Friday, September 23, 2005	Last day to file legislation for the 2006 session
Friday, November 4, 2005 at 3:00 pm	Last day to sign-off all House Bills for the 2006 Session
Thursday, December 1, 2005	Last day to report retained bills
Wednesday, January 4, 2006	Last day to introduce House Bills for the 2006 Session

WEDNESDAY, JANUARY 4
CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 312, relative to the appointment of parenting coordinators in child custody cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carolyn M. Gargasz for Children and Family Law: This bill permits the court to appoint a parenting coordinator to assist parents who demonstrate a pattern of continuing high conflict. Both parents must agree to a parenting coordinator. **Vote 13-0.**

HB 316, relative to neutral evaluations in child custody cases. **INEXPEDIENT TO LEGISLATE**

Rep. Carolyn M. Gargasz for Children and Family Law: Neutral evaluation currently is taking place in the court system. At this time legislation is not needed. **Vote 13-0.**

HB 325, relative to the burden of proof in child abuse and neglect proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill creates a definite opportunity for parents, their attorney and advocates to review evidence in abuse and neglect cases. This ensures the capacity to refute allegations, subpoena witnesses, and request continuances. The bill gives parents the capacity to obtain their own medical evaluation of the child in abuse cases. Finally, the bill requires that all interviews be recorded ensuring the integrity of evidence. **Vote 13-0.**

HB 327, relative to enforcement of support orders. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: The committee decided not to go forward with creating a process for parents to develop contracts to pay college costs of their children. **Vote 16-0.**

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

Rep. Sheila A. Foote for Children and Family Law: This bill will preclude private abuse or neglect petitions under RSA 169-C. The Division of Children, Youth and Families will become the sole petitioner in all cases of abuse and neglect. This bill is a consequence of the misuse of the process by individuals which has resulted in a wasteful drain of limited resources that could have been better used by DCYF. This bill does not prevent law enforcement officers from obtaining verbal or written court orders for taking protective custody or protective supervision of children and for the placement of children who are found to be in imminent danger. **Vote 17-0.**

HB 529, establishing a presumption in favor of shared parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill reinforces the legislative intent to promote comparable parental rights and responsibilities, absent evidence to the contrary. The amendment requires the court to use evidence when adjusting a parent’s proposed parenting plan for rights and responsibilities. It also requires the court to set forth in detail its decision in a written order. **Vote 14-0.**

HB 587, relative to child abuse and neglect investigations by the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill ensures that the parent’s rights in an abuse and neglect investigation as defined in the Department of Children, Youth and Families (DCYF) protocol are verbally disclosed to the parent(s) at the beginning of the investigation. **Vote 16-0.**

HB 591, relative to the calculation of health and dental insurance costs as part of the child support obligation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eileen C. Flockhart for Children and Family Law: This bill gives a credit to the parent who pays for medical and or dental insurance for the minor children when gross adjusted income is calculated for child support. It also states that co-payments for services are shared equally unless otherwise determined by the parties involved. **Vote 16-0.**

HB 592, relative to the child support guidelines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eileen C. Flockhart for Children and Family Law: The economic consequences to either party for state or federally guaranteed or licensed commercial student loan payments paid by the obligor or obligee for his or her postsecondary educational expenses will now be provided for in statute as a special circumstance. In addition this bill provides some additional discretion to a judge to determine minimum child support payments. **Vote 15-0.**

COMMERCE

HB 77-FN, relative to geographic location for small group insurance coverage. **INEXPEDIENT TO LEGISLATE**

Rep. Jane S. Langley for Commerce: Geographical rating was eliminated with the passage of SB 125 last session – thus this bill is now unnecessary. **Vote 17-0.**

HB 92, limiting access to certain business records. **REFER FOR INTERIM STUDY**

Rep. Stephen B. Stepanek for Commerce: This bill in one form or another has been around for many sessions. It is introduced, retained and then referred to interim study each session. Its goal is to put the tax authorities of our neighboring states on notice that in their zeal to collect sales taxes from our border businesses they must follow certain procedures. By keeping this bill “pending” it has achieved this goal. **Vote 18-0.**

HB 159, relative to insurance coverage for persons having deafness and hearing loss. **REFER FOR INTERIM STUDY**

Rep. Stephen T. DeStefano for Commerce: The committee heard extensive testimony and received a report under the mandate review process of the Insurance Department. Although not willing to pass this law as written, the issue is worthy of further study. **Vote 18-0.**

HB 203-FN, relative to the use of tracking devices in consumer products. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as introduced, would have required informing a consumer in either writing or verbally of the presence of a tracking device (RFID) in any consumer article purchased. The committee recognized the privacy concerns with this type of device, but also understood the benefits this technology has for industry. The amendment balances the concern for privacy with future technological development by setting definitions, disclosure requirements and establishing a commission to track the development and implementation of this technology and its effects on the citizens of New Hampshire. **Vote 19-0.**

HB 374, establishing a commission on economic independence. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Clark for Commerce: This was a well intended bill but was very vague as to its real purpose. It was retained with the expectation that the sponsor would be adding definition to the bill. The subcommittee met twice in the fall. The sponsor didn't attend either meeting. Apparently his interest waned. **Vote 19-0.**

HB 678-FN, relative to the insurance premium tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This bill encourages the retention of domestic insurers and the recruitment of insurers domiciled in other states. It also encourages the retention and recruitment of jobs in the insurance and financial services industry by providing an economic tool, a reduction of the insurance premium tax. The Department of Resources and Economic Development supports this initiative and will actively promote it. **Vote 19-0.**

HB 689-FN, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stella Scamman for Commerce: This bill amends state laws that address housing discrimination. These changes were recommended by the United States Department of Housing and Urban Development to allow state law to be certified as substantially equivalent to federal fair housing law. This certification will allow the New Hampshire Commission for Human Rights to hear both state and federal discrimination cases. Increased funding will be provided by HUD, sufficient to fund the increased case load. **Vote 19-0.**

HB 716-FN, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill was at the request of the Secretary of State and modernizes securities regulation in the State of New Hampshire. The final version is a collaborative effort of the office of the Secretary of State, the Banking Department and attorneys practicing in the securities area. Definitions have been expanded and clarified regarding fraudulent or deceptive devices, authority and jurisdiction of the Secretary of State, exemption for isolated sales, and when an offer to buy or sell is made. Additionally, the bill modifies requirements for securities licenses and licensing of broker-dealers, record-keepers of complaints and litigation, examinations, and changes fees for licensing and filings. It also adds a penalty for late notice filings. **Vote 19-0.**

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill adopts the recodified version of Articles 1 and 7 as promulgated by the Commissioners on Uniform Laws. Like other states that have adopted this Uniform version, New Hampshire maintained the choice of law provision currently available. **Vote 19-0.**

SB 64, establishing a committee to study small group health insurance plans. **INEXPEDIENT TO LEGISLATE**

Rep. Marshall Lee Quandt for Commerce: The committee believes that we now have an oversight committee to ensure SB 125 (2004) is implemented as smoothly as possible. Small group health insurance has been adequately studied to this point. If any future problems exist this bill can be reintroduced. **Vote 18-0.**

SB 175, requiring insurance coverage for certified midwives. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. Martin for Commerce: This bill requires insurance carriers to cover the services of certified midwives provided in licensed health care facilities, under policies providing maternity benefits, and subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8. **Vote 18-0.**

SB 209-FN, relative to licensing of money transmitters and check cashers. **REFER FOR INTERIM STUDY**

Rep. Tara G. Reardon for Commerce: This bill seeks to regulate money transmitters and check cashers. Resolution of the issues surrounding these activities relies partly on a pending suit involving "stored value cards." The New Hampshire Attorney General's Office is currently a participant in that matter. The committee feels this is an important bill and would like to work further studying the issue and gaining more insight into the check cashing practice as it currently exists in the state. **Vote 19-0.**

SB 211-FN, relative to pharmaceutical marketers. **REFER FOR INTERIM STUDY**

Rep. Jane S. Langley for Commerce: This bill would require annual reports by the pharmaceutical manufacturers to be filed with the Secretary of State. The committee agreed that this is an important issue, but the bill as proposed would not accomplish a reduction in the cost of prescription drugs. With additional study it is hoped that will be accomplished. **Vote 19-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 113, establishing a committee to study mandatory sentencing in criminal cases. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: The intent of this bill was to establish a study committee, which the committee did by means of a subcommittee to study these sentences. It was determined that most of the mandatory sentences involved murder, rape and DWI, which they felt shouldn't be changed. The subcommittee also decided to submit legislation to allow discretion to judges in cases involving felonious use of a firearm in a crime not considered a violent crime. **Vote 15-0.**

HB 373, relative to eligibility for parole for nonviolent offenders with Immigration and Naturalization Service detainees or deportation orders, or a federal prison sentence. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: The State of New Hampshire should support its own laws. When these offenders are prosecuted, the state considers the status of the offender. The judge also has knowledge of the status during sentencing. The process in this bill, if implemented, would send the wrong message to crime victims. **Vote 15-0.**

HB 385, establishing a committee to study the repeal of the felony count for fourth and subsequent DWI offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee believes that there is a serious problem with substance abuse treatment within the state prison system. As originally drafted, the bill would have limited the study to just felony DWI inmates. The amendment broadens

the study to all offenses that need substance abuse treatment so that a more comprehensive treatment program can result from the study. **Vote 15-0.**

HB 459, relative to access to criminal records and enhanced 911 system records and excluding information brokers from private detective licensing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This was a housekeeping bill clarifying the access to criminal justice data for proper investigative purposes. It allows access to criminal justice information by persons who maintain the data base. This bill as originally written would have allowed unlimited access to criminal records by information brokers. This provision was removed by the amendment. **Vote 14-0.**

HB 489-FN, relative to disclosing an ownership interest in certain health care facilities and businesses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Dowling for Criminal Justice and Public Safety: Currently, health care practitioners disclose ownership interests in ancillary services to the Department of Health and Human Services. The Department of Health and Human Services had indicated it lacked the staff to enforce the disclosure by doctors of their ownership in other health care facilities to which they may refer patients. The original bill required fines and suspension of licenses to force the disclosure. The amendment requires the license application to include such disclosures. If the license is not sufficiently filled out it will not be granted or could be suspended. False information on the license application shall be subject to perjury.

Vote 14-0.

HB 654-FN-LOCAL, prohibiting the sale or resale of goods or services produced using inmate labor. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: After reviewing concerns of the committee, it appears the Grafton County Commissioners have resolved any issues surrounding the sale of produce grown at the county farm using inmate labor. Passage of this bill would impact all ten county jails and the four state prisons in New Hampshire. **Vote 15-0.**

HB 673-FN, making it a felony to knowingly transmit the human immunodeficiency virus or hepatitis to another person. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: A case was decided in Rockingham Superior Court in which a man was charged with second degree assault with a deadly weapon for having unprotected sex while infected with H.I.V. without informing his partner in sex of his condition until after the event. The material elements in this case alleged in his indictment were: (1) a reckless mental state; (2) causing bodily injury (psychological); and (3) using a deadly weapon. He pled guilty and was sentenced 3-7 years. Prosecutors feel this decision will form a standard and that additional legislation is not necessary. **Vote 14-1.**

EDUCATION

HB 292, establishing a procedure for a town to withdraw from a 3-town school district. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: The committee retained this bill to monitor a situation in Mason. During the summer, the local parties resolved their local issue making this legislation unnecessary. **Vote 15-0.**

HB 297-FN, relative to charter schools. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee felt that the appropriate vehicle for any amendments to charter school language should be HB 76, in order to prevent duplication of provisions within bills. Therefore elements of this bill as it relates to direct payment to Charter Schools by the state were incorporated into HB 76. **Vote 19-0.**

HB 606-FN-A-LOCAL, revising the calculation and distribution of education funding and special education funding. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Education: The committee retained six of the seven education funding bills introduced in 2005 in order to have vehicles available to correct and/or modify HB 616 as enacted into law. One of these bills, HB 100, is being used to make technical corrections to the law as enacted in June, 2005. Only one other proposal regarding educational funding was brought forth. Consequently, this bill is not necessary. **Vote 19-0.**

HB 614-FN-A-LOCAL, providing for state funding of the statewide average education cost per pupil. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Education: The committee retained six of the seven education funding bills introduced in 2005 in order to have vehicles available to correct and/or modify HB 616 as enacted into law. One of these bills, HB 100, is being used to make technical corrections to the law as enacted in June, 2005. Only one other proposal regarding educational funding was brought forth. Consequently, this bill is not necessary. **Vote 18-0.**

HB 684-FN-LOCAL, relative to education funding and the distribution of targeted aid and transition education grants. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Education: The committee retained six of the seven education funding bills introduced in 2005 in order to have vehicles available to correct and/or modify HB 616 as enacted into law. One of these bills, HB 100, is being used to make technical corrections to the law as enacted in June, 2005. Only one other proposal regarding educational funding was brought forth. Consequently, this bill is not necessary. **Vote 19-0.**

ELECTION LAW

HB 221, relative to eligibility for absentee ballots. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: This bill will permit persons who are unable to appear at a polling place during polling hours because of employment obligations to be considered as absent and thereby eligible for an absentee ballot. This legislation will amend the application forms to include this additional eligibility category. **Vote 18-0.**

HB 249, relative to delivery of absentee ballots to city or town clerks. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: This bill was an attempt to make it more convenient to return a ballot to a town or city clerk by allowing a family member to hand-deliver the ballot. Testimony from the New Hampshire City and Town Clerks Association, opposing the bill, raised questions about proper identification and appropriate safeguards to maintain the integrity of the ballot. The Secretary of State was also concerned and opposed the bill. **Vote 15-3.**

HB 250, permitting certain election day workers to vote by absentee ballot. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: The legislative remedy requested in this bill was incorporated in HB 221 which, as amended, allows any voter who is unable to vote because of employment obligations, including commuting time, which would prevent one from voting while the polls are open to vote by absentee ballot. **Vote 18-0.**

HB 282, establishing a committee to study issues relating to voter registration and identification requirements. **INEXPEDIENT TO LEGISLATE**

Rep. William L. O'Brien for Election Law: The committee retained six bills that are related to the subjects of voter registration and voter identification, including this bill that would establish a committee to study those issues and report findings and recommendations to the legislative leadership. The subcommittee that was established to consider those bills conducted a wide-ranging inquiry into voter registration and voter identification issues. Its efforts included receiving testimony from representatives of state and local agencies as well as interested citizens, reviews of laws and materials from the federal government and other states, and discussions among subcommittee members during many work sessions. As a consequence of these studies and deliberations, the subcommittee recommended various reforms that have been incorporated as amendments into the five other bills and have been adopted by a majority of the Election Law Committee for recommendations to the House. Once these reforms are put into practice, a subsequent session of the legislature should consider whether further study and recommendations are required. **Vote 18-0.**

HB 349, relative to placement and removal of political advertising. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet F. Allen for Election Law: This bill, as amended, allows removal of political advertising on private property without 24 hour notice to the candidate by the police. It eliminates the date requirements for placement of political signs on private property and allows for placement of political advertising on highway rights-of-way with the permission of the landowner. It states that signs shall not be placed on or affixed to utility poles. **Vote 17-0.**

HB 482-FN, relative to the application form for absentee ballots. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: Action relative to absentee ballots was taken up in HB 221. **Vote 18-0.**

SB 13, relative to placement and removal of political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Janet F. Allen for Election Law: The language in this bill was incorporated into the amendment of HB 349. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 331, establishing a committee to study stock and working dogs for agricultural purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. James G. Phinizy for Environment and Agriculture: This bill was retained in committee, as Environment and Agriculture felt it could best address this issue without having to establish a “study committee.” The bill, as amended, clarifies the use of dogs for agricultural purposes, specifically guarding and herding livestock. As city and suburban development encroach on farms, it has become increasingly necessary to clarify and differentiate between rural and urban usage. This bill protects the ability of farmers to manage livestock without being in violation of statute while using dogs for agricultural purposes. **Vote 13-0.**

HB 538, relative to disposing of construction and demolition debris. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: The amendment replaces the bill. It extends the 40% solid waste reduction goal date from 2000 to 2008 and introduces deconstruction into the solid waste hierarchy established in RSA 149-M:3. **Vote 17-0.**

HB 544, relative to the land and community heritage program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Derek Owen for Environment and Agriculture: This bill provides for limited restricted access for lands acquired for term easements under the Community Heritage Investment Program. Restrictions include camping by members of the public and during times of the growing season and planting on cropland and harvesting, and forestry land during harvesting or establishing a plantation. **Vote 16-0.**

HB 578, relative to construction or development constituting a change in use for purposes of assessing the land use change tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill clarifies the criteria in RSA 79-A to assessing officials when land comes out of current use and is subject to the land use change tax. It also permits the vice chair of the current use board to act in the absence of the chair. **Vote 18-0.**

HB 632-FN-LOCAL, creating an environmental policy for New Hampshire. **REFER FOR INTERIM STUDY**

Rep. Timothy D. O'Connell for Environment and Agriculture: The primary objective of this bill is to establish a comprehensive environmental policy for New Hampshire ensuring interagency communication and collaboration not only at agency levels but also with the citizens of New Hampshire. The current bill is too broad, subjective, and is not crafted to reflect existing agency interactions. It needs to be resubmitted in a form that is tailored to the needs of New Hampshire, that takes into account ongoing communication between state agencies and, that is in a form that could obtain majority support in the General Court. **Vote 16-2.**

HB 659-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages. **INEXPEDIENT TO LEGISLATE**

Rep. Burton W. Williams for Environment and Agriculture: This bill is similar to other bills being considered to enhance the state's recycling program. It only targets the fast food industry. Trying to define fast food establishments from the local deli to the major chains would be difficult at best. **Vote 17-0.**

HB 663-FN, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Burton W. Williams for Environment and Agriculture: This bill tries to address two entirely different subjects, both of which are being addressed in other separate bills. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Executive Departments and Administration: This bill will establish a definition, education standards, and standards of practice for collaborative pharmacy practice between a pharmacist and a health care provider with patient agreement in specific settings (hospitals, long term care facilities, licensed inpatient or outpatient hospice settings, as well as ambulatory care clinics with on-site supervision by

the attending practitioner and with a collaborating pharmacist who has no connection to any on-site pharmacy). The change in pharmacy practice is very limited and reflects modern health care practice in current institutionally related care. The definition of the “practice of pharmacy” has also been updated to reflect changes required by federal initiations such as the new Medicare Part D Pharmaceutical benefit. It is the intent of this legislation to bring carefully specified changes in the Pharmacy Practice Act which will enhance patient care and bring about better collaboration between the health care practitioner, the pharmacist and the patient. **Vote 14-4.**

HB 156, relative to licensing private investigators. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: Much of the subject matter of this bill is included in HB 455 which has been recommended for Interim Study. Therefore, this bill is not needed at this time. **Vote 20-0.**

HB 256, revising the nurse practice act. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill was retained depending on the outcome of SB 170, which passed with amendment. Therefore, this bill is no longer needed. **Vote 20-0.**

HB 426, establishing a committee to study the transfer of a certain employee of the department of environmental services. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill has become a moot point since the employee has been transferred back to her original job. Some members of the committee wanted to use this bill to send a message that state workers should not be subject to political retribution for doing their job. However, the majority of the committee felt that the wrong had been corrected. **Vote 19-1.**

HB 455-FN, relative to establishing a board of private investigation and security services. **REFER FOR INTERIM STUDY**

Rep. Judson K. Dexter for Executive Departments and Administration: The full committee and subcommittee spent many hours reviewing mountains of information on the need to create a stand alone board for private investigators. It was abundantly clear that the time has come to establish a board, but time did not allow us to work out all the details to come forward with a final amendment. **Vote 20-0.**

HB 598-FN, establishing a full-time financial exploitation coordinator in the department of justice. **REFER FOR INTERIM STUDY**

Rep. Janeen A. Dalrymple for Executive Departments and Administration: The committee supports the need to coordinate local and statewide efforts to combat financial exploitation. A commission was established through the Department of Health and Human Services (DHHS) and has taken an active role in addressing this very important issue. As a result of the accomplishments of this commission, the committee, because of new information received, has requested to continue its work in Interim Study. **Vote 15-0.**

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: This bill makes various changes to the board of mental health practice procedures for handling complaints, conducting investigations, and holding hearings, as well as adding an additional public member to the board. A major area of legislative intent of this bill is to improve public disclosure of complaints, status of investigations and monitoring closure of complaints. The amendment that satisfied both the board and the public. **Vote 18-0.**

HB 715-FN-A, relative to the regulation of bingo and lucky 7. **INEXPEDIENT TO LEGISLATE**

Rep. James M. Fitzgerald for Executive Departments and Administration: Considering that legislation passed in the 2004 session putting Bingo and Lucky 7's under the Pari-Mutuel Commission and all indications were that Pari-Mutuel was doing a good job in the short time that it was in charge (less than one year), the committee felt it would be unsound policy to make another change in such a short time and with no good cause. The committee also looked at some of the language in the bill that would address charitable gaming and it was felt that the language as written would adversely impact charities in the state. We discussed some possible last minute changes in language, but the members of the committee were still uncomfortable with these changes and the possible unintended consequences that they may have on the charities ability to fundraise. **Vote 20-0.**

SB 72, relative to the licensing of public adjusters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: The RSA's dealing with public adjuster had not been review in many years. This bill was introduced at the request of the Insurance Department. The bill updates definitions, the requirements for bonds and letters of credit, the relationship between public adjuster, employers, insurance companies, and the client/consumer. The bill also further defines the insurance companies' obligation to clearly outline the appeals process available to the policy holders to help with consumer protection. **Vote 20-0.**

FINANCE

HB 234-FN, relative to the development of a state municipal information network by the office of information technology. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert Wheeler for Finance: This bill as amended retains the original policy that the state and its political sub-divisions ought to have an information network – both well planned and implemented. Since there were no resources allocated in this biennial budget for that purpose, a submittal date for the plan was set for March 30, 2007. **Vote 19-0.**

HB 649-FN-A-L, relative to the medical examiner's duty to investigate medicolegal cases and the fees for and costs of such investigations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert Wheeler for Finance: This bill came to Finance as a bill that pitted the state against the counties for payment of autopsies. The discussion broadened out to include funeral directors, assistant deputy medical examiners, town clerks, etc. By the time we got to the end of the study period it was back to county vs. state, but with a lot of other interested parties. The committee felt that this issue was certainly deserving of further study and so recommends creation of a study committee. **Vote 19-0.**

HB 698-FN, relative to the penalty assessments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher Pappas for Finance: This bill imposes a 20% penalty assessment on suspended fines and a \$50 assessment on each case in which a negotiated plea of guilty is placed on file. These assessments are counted on in the budget signed by the Governor and will raise \$893,112 in FY 2007. The committee felt these assessments are appropriate given the costs and burden to the courts from these cases, and was satisfied that under hardship the assessment or suspended fines could still be waived. **Vote 18-0.**

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 WITH AMENDMENT**

Rep. Kenneth Weyler for Finance: New Hampshire National Guard and Air National Guard have two types of active duty for which they might be called. Federal active duty was used for the bolstering of the active duty mission, such as the call ups for Iraq. State active duty is usually a response to natural disasters, such as hurricanes, floods, road washouts. Even governor-to-governor requests are state active duty, such as the disaster assistance in Louisiana. The life insurance coverage for these troops at risk is not the same. For federal active duty it is \$100,000. For state active duty it is only \$5,000. This amendment makes the life insurance for state active duty \$100,000. It puts the money in a fund, so that we are self-insured. This seemed the best way, as no death has occurred in state active duty for the 30 years that records were kept. The original bill called for the state paying the monthly premiums for each member's Serviceman's Group Life Insurance (SGLI). Testimony showed this idea to be difficult to administer, as well as costly. **Vote 20-0.**

FISH AND GAME

HB 139, authorizing the establishment of a moose permit raffle by the fish and game department. **INEXPEDIENT TO LEGISLATE**
Rep. Paul A. Brassard for Fish and Game: After studying this legislation it was determined that implementing this lottery would conflict with the existing moose lottery and could become financially detrimental to the program. **Vote 9-1.**

HB 254-FN, establishing additions to lifetime hunting and fishing licenses for certain activities. **OUGHT TO PASS WITH AMENDMENT**
Rep. David L. Smith for Fish and Game: This bill adds lifetime licenses for bow and arrow, muzzle loading firearm, and cross bow licenses. The bill completely mirrors the regulations pertaining to lifetime licenses for eligible, pricing. Two exception; one must have a lifetime for muzzle loading firearm, and cross bow and bolt lifetime licenses. Also the annual take down will be at a flat 9% with no regard for number of licenses sold. This stabilizes the fund. **Vote 10-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 690-FN, relative to medical services for children and pregnant women. **OUGHT TO PASS WITH AMENDMENT**
Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This amendment clarifies the undue hardship section of RSA 167:4. The language that was adopted came from federal government rules pertaining to penalties for transfer of assets below market value. This bill adds language to the state statute that protects an individual from having a penalty if that penalty would lead to undue hardship. Specifically, a transfer of asset penalty shall not be imposed if "application of the penalty would deprive the individual of necessary care that his or her health or life would be endangered." The hardship language cited above is supported by the Governor, the legislature and the Department of Health and Human Services. This was a bipartisan unanimous discussion, study, agreement and vote. **Vote 19-0.**

HB 704-FN, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**
Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill sought to establish a prescription drug program for the uninsured and underinsured of New Hampshire. The bill was based on other states' legislation and required mandatory participation by pharmacies. The bill also required pharmaceutical companies wishing to participate in the state preferred drug list to participate in this prescription drug program. Programs as proposed in this bill have engendered significant litigation because of the prescription drug program being closely tied to the Medicaid program. **Vote 14-0.**

JUDICIARY

HB 334, relative to consistency of notices in court proceedings. **OUGHT TO PASS WITH AMENDMENT**
Rep. Gregory M. Sorg for Judiciary: This bill seeks to amend RSA 514:14 by clarifying to whom notices must be sent of pleadings filed in judicial actions. The committee concluded that it is impractical to impose by statute notice requirements specific to every situation that could conceivably arise. The committee concluded that substantive amendment to RSA 514:14 was unnecessary, but approved a non-substantive amendment that replaced a phrase regarded by the committee as archaic. **Vote 16-0.**

HB 413, relative to the appointment of the chief justice of the superior court. **OUGHT TO PASS WITH AMENDMENT**
Rep. James E. Wheeler for Judiciary: The original bill was intended to clarify a law passed last year that made the office of Chief Justice of the Superior Court a five year term. This bill added a sentence to that law that said if the Chief Justice was not reappointed as Chief Justice at the end of his or her term, he or she still remained an Associate Justice. During committee hearings, the committee realized that the bill would conflict with two contingencies in previous legislation. The amendment fixes that problem by incorporating a third contingency that combines both changes and the new change and becomes effective when both of the other contingencies have been met. **Vote 16-0.**

HB 471, relative to probate requirements for small estates. **INEXPEDIENT TO LEGISLATE**
Rep. Cynthia J. Dokmo for Judiciary: The subject matter of this bill, the probate administration of small estates, was dealt with in SB 168 which was passed into law last year. Therefore, this bill was no longer necessary. **Vote 16-0.**

HB 473, relative to the creation of screening panels for medical injury claims. **INEXPEDIENT TO LEGISLATE**
Rep. Gregory M. Sorg for Judiciary: This bill sought enactment of a new Chapter 519-B of the RSA's, which would establish and regulate the proceedings of panels to screen medical injury claims. This was one of a number of bills filed in the 2005 session and assigned to the Judiciary Committee dealing with the perceived medical malpractice insurance crisis. It was retained by the committee for possible further consideration should the bill on the same subject preferred by the committee, and recommended to and passed by the House, HB 702, fail to pass the other body; or should the bill on the same subject preferred and passed by the other body, SB 214, fail to pass the House. SB 214 having passed both chambers, and having been signed into law by the Governor, HB 473 is no longer necessary. **Vote 18-0.**

HB 508, relative to ex parte hearings. **INEXPEDIENT TO LEGISLATE**
Rep. John B. Hunt for Judiciary: The effect of this bill would be to eliminate ex parte hearings, (hearings at which only one party is present) which are held to address emergency situations. Orders issued at ex parte hearings are temporary, and, a full, noticed hearing in which all parties may participate is held expeditiously. A defendant can request an expedited hearing to take place within five business days. The committee is of the opinion that the need to react to emergency situations far outweighs the temporary effects of court orders. **Vote 18-0.**

HB 608-FN, establishing a right to trial by jury prior to a nonemergency involuntary admission. **INEXPEDIENT TO LEGISLATE**
Rep. Gail C. Morrison for Judiciary: This bill was retained to consider whether there was reason to alter the present process of review of involuntary admissions to the state hospital by a probate judge. The committee determined that no change is needed. **Vote 17-2.**

HB 648-FN, relative to reducing frivolous medical injury actions. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill sought enactment of a new Section 4 following RSA 507-E:3, which generally would require that an attorney, at the time of filing a medical malpractice claim, certify that a reasonable investigation has been made that supports a good faith belief that negligence has occurred. Like HB 473, this was one of a number of bills filed in the 2005 session and assigned to the Judiciary Committee dealing with the perceived medical malpractice insurance crisis. It was retained by the Committee for possible further consideration for the same reason as HB 473. SB 214 having passed both chambers, and having been signed into law by the Governor, HB 648 is no longer necessary. **Vote 19-0.**

HB 713-FN, relative to a process for the request and disclosure of social security numbers. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Judiciary: The committee amendment is in three sections. The first section would require that any department or agency requesting a social security number must have specific statutory authority to do so. The second section is relative to internet posting of deeds and mortgages by the county registries. The amendment allows anyone to request that a social security number or bank account number be deleted from the internet. The amendment also has penalties for anyone in the future who knowingly puts a social security number on a closing document. The third section of the bill will bar any business entity from using a social security number unless specifically allowed to do by federal or state law. **Vote 20-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 524, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: While the intent is laudable, the bill as proposed would in fact be grossly punitive and contrary to the accepted reality globalization which in fact can result in substantial cost savings and job savings if offshore sourcing is managed rather than repudiated. This bill's provisions would not prevent large companies from dropping New Hampshire as a market, and could cause greater loss of jobs if passed. **Vote 10-0.**

SB 172, establishing a committee to study a medical fee schedule for workers' compensation. **REFER FOR INTERIM STUDY**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The committee was undecided on the merits of this study. Some members had significant predetermination on the possible outcome of the study and others believed a study was appropriate and necessary. All sides agreed to send the bill to Interim Study to review the results of such legislation in other states. **Vote 10-0.**

LEGISLATIVE ADMINISTRATION

CACR 11, relating to the compensation of the legislature. Providing that legislative members receive a payment for each day of legislative attendance and reimbursement for certain necessary expenses. **REFER FOR INTERIM STUDY**

Rep. Karen K. Hutchinson for Legislative Administration: While many believe that the work of legislators is worth more than \$100 per year, an increase in compensation would have far reaching effects. Budget concerns and possible charge in the dynamics of the House by allowing more people to run for office are among those to be studied. **Vote 7-2.**

SCR 3, relative to the Boy Scouts of America. **OUGHT TO PASS WITH AMENDMENT**

Rep. David P. Currier for Legislative Administration: This SCR, as amended, congratulates the Boy Scouts of America and the Daniel Webster Council for ninety plus years of enhancing citizenship skills on the top of such outdoor and leadership skills that have declined in other aspects of American life. Language objectionable to some has been removed in lieu of the language of encouragement regarding high adventure training, co-ed socialization and camaraderie. The two no votes were not anti-topic but rather votes against concurrent resolutions in general. **Vote 7-2.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 121, relative to local land use approval for facilities requiring air pollution control permits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas J. Gillick for Municipal and County Government: The Department of Environmental Services (DES) grants many permits that the legislature has granted them control over – air pollution control permits (RSA 125-C), underground storage facilities permits (RSA 146-C), solid waste facility (RSA 149-M), fill and dredge permits for wetlands (RSA 485-A) and ground water protection (RSA 485-C). It is noted in each of those statutes that the ability of the municipality to enact local ordinances covering land use issues is not pre-empted by the state. This amendment adds the words that these permits “shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes and regulations not inconsistent with this chapter.” The committee intended to have consistent language regarding local control in each RSA so that there would be no misinterpretation of the municipality’s ability to have limited authority over land use in these particular areas. **Vote 15-0.**

HB 176, relative to the provision of rental and lease information of commercial and industrial property to assessing officials. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would require owners of commercial and industrial property to provide rental, lease and expense information, upon request, when they apply for a property tax abatement. Persons failing to comply lose their right to appeal. The committee feels that sensitive financial records are just that sensitive and confidential. The lack of an established method of securing this information may place a business at risk of having its competition obtain critical information. Testimony revealed other methods of obtaining this information to properly assess a business, including surveys. The committee felt that with other avenues of securing data available to assessors, it was unnecessary and possibly harmful to mandate the submission of sensitive information to a municipality. Further, the loss of all property tax appeal rights for refusal to comply with such a requirement would be unduly harsh. **Vote 15-0.**

HB 245, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land. **REFER FOR INTERIM STUDY**

Rep. Eric G. Stohl for Municipal and County Government: This bill established a study committee and the committee retained the bill to work on the issue. We determined that there are weaknesses in how values of land features, which include views and waterfront properties, are computed during the assessment process. These weaknesses may not indicate that the values placed on a particular land feature are inaccurate, but they do point out the lack of transparency and documentation as to how these values were calculated. A set of criteria needs to be established outlining what information is to be documented and back-up notations that support the method of how the particular value was determined. We wish to send this bill to interim study to allow the Assessing Standards Board (ASB) a period of time to address this issue. The ASB has a duty under

RSA 21-J:14-b to recommend legislation relating to property assessment. The committee will closely monitor and work with the ASB for a resolution to this very important matter. **Vote 16-0.**

HB 410, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laurie J. Boyce for Municipal and County Government: This bill changes the method of handling confidential information which is requested by assessing officials in order to verify eligibility for property tax credits, exemptions, or deferrals. The law as written now lists three different types of documentation that are considered confidential. This bill removes the restriction to just those three types and states all documents used to verify eligibility will be returned to the applicant at the time a decision is made on the application. By adopting this bill, we remove the need to change the law every time a different type of document is requested. **Vote 14-2.**

HB 581, relative to approval and review of municipal charters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: A new or revised municipal charter, prior to being voted on by the legislative body, is reviewed by the Secretary of State, Attorney General and the Department of Revenue Administration to insure that the proposal is consistent with the general laws of the State (RSA 49-B:5). This statute gives those agencies fourteen days after receiving a copy of the charter proposal to review and comment on it. HB 581 was introduced at the request of the Secretary of State. Experience has shown that fourteen days is not enough time to do an adequate review. The committee agreed with the amendment that adjusts the charter time so that the three agencies have thirty days to review and comment on the charter proposals. **Vote 15-0.**

HB 642-FN-LOCAL, relative to the regulation of home inspectors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: The intent of this bill is to require the licensing of home inspectors to assure that New Hampshire consumers of home inspection services can rely on the competence of the home inspector. Currently there is no accountability for the home inspection industry except through the court system. The amendment to license home inspectors was mirrored after the plumbing and electrical licensing statutes. The committee does not routinely address licensing issues, but voted to support the concept of licensure. During our executive session the committee noted that this bill needs to go to the Executive Departments and Administration Committee to be sure that all the licensure requirement for home inspectors comply with the committee accepted standards. **Vote 15-0.**

HB 657-FN-LOCAL, relative to promoting community revitalization. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: The intent of this bill is to enable a municipality to grant short-term property tax relief as another economic tool to enhance the downtown areas. This bill allows municipalities to grant an owner of a building in a designated village center area of the municipality to apply for tax relief while improving the structure. The cost of the improvement must be at least \$75,000. The initial tax relief will be in the form of freezing the property assessment at its current value for the duration of the improvement, not to exceed five years. At the expiration of the relief period, the building will then be assessed at the improved value. If the improvement results in new residential units or has historical or cultural features, the tax relief may be extended after the initial five years. Once the governing body of the municipality receives the application, it shall hold a public hearing on the matter. Tax relief for a qualifying structure shall be effective when the governing body finds that the structure in question will be (1) a public benefit, (2) the property owner agrees to a covenant granted to the municipality, and (3) the proposed use of the structure after rehabilitation is consistent with the master plan of the municipality. The covenant shall include precise terms and duration of the tax relief as well as those requirements of the owner to maintain the building at a certain level for a set timeframe. If the owner of the building fails to follow the terms of the covenant or other requirements, the governing body of the municipality shall assess all taxes to the owner as though no tax relief was granted. **Vote 15-0.**

SB 147-FN-L, relative to eligibility for local assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: If a person has been a resident in a municipality for less than 90 days and seeks local assistance. This bill would allow that town to seek reimbursement for such assistance from the town of prior residence. The concept has been introduced in one form or another during each of the last two legislative sessions. A survey distributed to the Local Welfare Administrator Association last June asked the welfare directors to detail the number of times their town or city had rendered assistance in such cases and not been reimbursed. Only one reply was received which positively reported that no problems had been encountered in that town. Information previously given to the committee indicated that the welfare directors have developed a program to coordinate such requests with each other. There appears to be no problem in the area of reimbursement cooperation. **Vote 14-0.**

PUBLIC WORKS AND HIGHWAYS

HB 264-FN-A, making a capital appropriation for the purchase of a boat storage and repair facility in the town of Belmont. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: The provisions of this bill were incorporated into HB 25, the Capital Budget, which was passed by the General Court and signed into law by the Governor. **Vote 11-0.**

SB 89-FN, relative to financing federally aided highway projects. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill concerns Grant Anticipation Bonds for the widening of I-93. This bill is identical to HB 304 which passed the General Court and was signed into law by the Governor. **Vote 11-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill establishes a mechanism for more meaningful mitigation for wetland disturbances of less than one acre or 200 feet of stream. Mitigation through very small scale wetland restoration or land conservation projects is ineffective ecologically and difficult for developers. By collecting and pooling fees from a number of small projects, larger wetland areas can be restored or conserved. The committee retained this bill to establish safeguards to assure the program would be carried out properly. **Vote 21-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 175, relative to divestiture of PSNH generation assets. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: The original bill would have amended RSA 369-B to prohibit sale of PSNH generation

assets without legislative authorization and would have allowed PSNH and other electric utilities in the state to add or modify existing plants provided a risk sharing agreement was agreed to by the Public Utilities Commission. Based on input from the Public Utilities Commission and the several industry spokespersons, the amendment moves the April 30, 2006 generation asset control date to April 30, 2008. The amendment also establishes a comprehensive study committee comprised of electric oversight committee members and other legislative members to explore the entire divestiture issue. Our committee feels that in light of current energy issues facing the country and state, our current energy policies, set forth in RSA 378, as well as deregulation, need to be evaluated and updated to reflect our situation. **Vote 12-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HJR 1, recognizing that Kittery, Berwick, and the Piscataqua River are within the boundaries of the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Marple for State-Federal Relations and Veterans Affairs: The General Court recognizes the historical records of the Sixth and Seventh congress of the United States. Fernald Island – now known as Seavey Island – the home of the Portsmouth Naval Shipyard – was sold to the Federal Government for \$5,000.00 by William and Sarah Dennett in 1800. When Maine became a state in 1820, Seavey Island was federal property and doesn't appear to be included in the Maine or New Hampshire borders. The Piscataqua River boundary established clarified responsibility for the security of Homeland Security and other threats to the entire Piscataqua River, its bed and the Portsmouth Harbor to New Hampshire. When Maine was admitted as a state in 1820, the federal government owned and maintained Seavey Island for 20 years. **Vote 11-0.**

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). **INEXPEDIENT TO LEGISLATE**

Rep. Richard Marple for State-Federal Relations and Veterans Affairs: The committee is not insensitive to the plight of the people of Darfur but the language of the resolution would commit 10,000 U.S. forces to the mission that the committee did not feel appropriate. **Vote 11-0.**

HR 14, supporting Taiwan's participation in the World Health Organization, and supporting the establishment of a Taiwan-United States free trade agreement. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: Due to the threat of rapid movement of deadly diseases such as SARS and Avian Flu often traveling across international trade routes of which Taiwan is a major trading center, it is important to the financial and health security of the United States that Taiwan be allowed to play an active and proactive role in the prevention, treatment and cure of such diseases. **Vote 14-0.**

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts. **REFER FOR INTERIM STUDY**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The committee recommends interim study because of the complexity of how the social security retirement system can remain solvent. One of the options could be personal retirement accounts but other options could be some increase in the payroll tax or a reduction in some social security benefits. Also, some reductions in eligibility could be an option as well. **Vote 11-0.**

TRANSPORTATION

HB 119-FN, relative to commercial advertising on toll booths. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: The committee heard proposals from the two companies that wanted to advertise at the toll booths and on the transponder people have attached to the car window. One was looking to put billboards at the toll booths. Another was looking at some form of signage over or around the toll booths. The committee was unanimous in its belief that this was wrong for New Hampshire. We felt that the citizens of this state do not want to pull up to a toll booth and see some bank or telephone company pushing services in neon lights. **Vote 9-0.**

HB 273-FN, relative to licenses for persons who are not United States citizens and who are temporarily residing in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: With the passage of the Real ID act in May of 2005, this bill becomes unnecessary. Every state is given three years to comply with the provision of Real ID. Before issuing a driver's license to a person who is not a United States Citizen, every state must conform to certain criteria set forth in the Real ID Act and to whatever rules and regulations are developed by the Department of Homeland Security. **Vote 9-0.**

HB 579, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill pertained to the OBD II inspection requirements. It provided an exemption for all vehicles from the OBD II inspection requirement until July of 2006. As this provision was adopted in other legislation, the committee saw HB 579 as redundant. **Vote 9-0.**

SB 148, relative to motorcycle inspections and relative to electronic inspection information. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill provided that "motorcycle only" inspection stations would be exempt from OBDII emission testing requirements. The committee feels that this issue has been addressed in other legislation. **Vote 9-0.**

SB 157-FN, relative to all terrain vehicles used for agricultural purposes. **REFER FOR INTERIM STUDY**

Rep. Brenda L. Ferland for Transportation: The committee believes it is time to take a look at farm vehicles of all kinds and the plates connected to their usage. This may be the time to recodify. **Vote 9-0.**

WAYS AND MEANS

HB 669-FN, setting the laboratory fee schedule for certain environmental samples. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip G. Osgood for Ways and Means: The Department of Environmental Services (DES) favored a rise in fees because they have not been adjusted since 1999. They also wanted the fees to be compatible with private labs and to add specific tests that were not on the 1999 list. After hearing testimony on three occasions and two committee members taking a trip to the state laboratory, the committee had these concerns. One concern was about the amount of funds that would be available to this department without legislative oversight. The equipment fund at DES is managed at the discretion of the department. The current balance in the fund is over \$900,000. The capital budget has appropriated \$497,000 for the conversion of approximately 2000 square feet of vacant space into a new "clean room" at the DES lab. This new clean room will be established primarily for testing of water samples from sewage treatment plants, rivers, lakes and streams. It was not clear if these unrestricted funds (that

are generated mainly by drinking water testing fees) would be used for equipment directly connected to other purposes. Others questioned fees as high as independent laboratories, while receiving operating funds from the state. Concerns about fees for one test on equipment that automatically runs multiple tests and gives these results raised the questions as to whether the fee structure should be tailored to compensate for this group testing. The committee felt that some adjustments should be made to the fee schedule. However, an increase to the amount proposed would have a significant impact on municipalities, water systems and individuals that rely on the lab. The new laboratory at DES is spacious, impressive, well run and staffed. The fund is in good shape. To that end the committee felt this request needs more work and it was best to leave the fees as they are and work with the department for a more palatable fee schedule in the future. **Vote 19-0.**

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: This bill was recommended as ought to pass with amendment at the end of last session; however it was reported out after the deadline and failed to receive the necessary two-thirds vote for consideration by the House. The components of the bill were deemed to be important and were included as amendments to HB 1 and 2. The essence of the Ways and Means amendment and those adopted in HB 1 and 2 was to create a pilot program to provide legal assistance for low income people and to fund it a level of \$700,000 per year, through a penalty assessment. **Vote 17-0.**

WEDNESDAY, JANUARY 4

REGULAR CALENDAR

COMMERCE

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. **OUGHT TO PASS WITH AMENDMENT**
Rep. Stephen B. Stepanek for Commerce: This bill, which has become known as “Michelle’s Law,” has been extensively reviewed by committee. It is an important first step in eliminating shortcomings that allowed a seriously ill college student to be cancelled from the family’s health policy. The amendment ensures that health carriers will continue to cover these students for one year after they can no longer maintain their full-time status. **Vote 18-0.**

HB 515, relative to group health insurance coverage for certain entities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Stephen B. Stepanek for the **Majority** of Commerce: This bill adopts a new approach to the primary function performed by a purchasing alliance. The existing model is based on the concept of using a purchasing alliance to promote competition among carriers. The new model is based on the concept of using a purchasing alliance to foster competition based on value at the health care service level. This bill is not a “quick fix” or a “silver bullet.” If a group elects to form a purchasing alliance under this legislation, it will take 2 to 4 years before savings will be realized. This bill does not change any of the mandates or rating criteria adopted under SB 125 (Ch. 225, Laws of 2005) that is now the law that regulates the small group insurance market and this bill is designed to work hand in hand with it. This bill does not limit the employer groups that can join a purchasing alliance to small employer groups. It allows any employer group, large or small, to join a purchasing alliance, provided that the group meets the alliance’s membership criteria. This bill provides that a purchasing alliance shall set membership criteria that allows any employer group to join, or alternatively, if it limits its membership to certain groups, that the limitation must be based on membership in an organization, entity or trade association that has been existence for at least 10 years and was created for purposes other than the provision of health coverage. The Chambers of Commerce, the Bar Association, the BIA, the Real Estate Association or other similar types of trade associations could form purchasing alliances for the exclusive benefit of their members under this bill. This bill does not require that a purchasing alliance contract with more than one carrier, or offer more than one benefit plan. This bill allows a purchasing alliance that has 3,000 or more covered lives to obtain certification as a qualified purchasing alliance by demonstrating that its membership criteria is not based on risk selection and that its health benefit plan or plans will promote more cost effective use of health care services by better aligning financial incentives with health care quality and efficiency. This bill provides that the provisions of RSA 420-G apply to coverage obtained through a qualified purchasing alliance. The application of this section to the coverage sold by a qualified purchasing alliance provides that coverage, whether sold to large or small employers through a qualified purchasing alliance, may be subject to guaranteed issue and guaranteed renewal. The intent of this bill is to create a structure that allows an association or other entity or group to develop and implement a benefit plan that will drive down the costs of health care by improving the health of the employees in that group and by promoting the cost effective use of health care services. It is designed to create financial incentives that will accrue directly to the members of the group that succeed in effecting a reduction in cost due to improved use of health care services and disease prevention. It adopted a model for doing this similar to the model that successfully reduced workers’ compensation costs in New Hampshire. The committee overwhelmingly supports HB 515 as amended. **Vote 15-2.**

Rep. Marshall Lee Quandt for the **Minority** of Commerce: This bill, as amended, has not had a public hearing. After recently passing SB 125 (Ch. 225, Laws of 2005), the insurance industry and many brokers are asking that we give that time to settle down before going to another major program. It is short-sited on our part and unfair to our constituents and the insurance industry. The minority of the committee believes we should not go forward with this bill, give the insurance industry a chance to catch its breath and bring this bill back next year and allow for this major piece of legislation to go through the full process. Keep in mind that we were told that no other state has moved ahead in this direction. We felt that this is another major reason for the legislature to slow down the train that is pushing this legislation through the system.

HB 703-FN, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law. **INEXPEDIENT TO LEGISLATE**

Rep. James R. Martin for Commerce: This bill would prohibit the advertising of any prescription drug or device. As such, it is most likely in violation of the First Amendment to the United States Constitution. Commercial speech is protected under that amendment and this bill would violate that amendment. The bill also would require annual reports by pharmaceutical manufacturers with the Secretary of State of all marketing and advertising expenses. This bill would also require every pharmaceutical manufacturing company to file an annual report with the Secretary of State listing the value, nature and purpose of any gift, fee, payment, subsidy or other economic benefit provided in connection with detailing, promotion and other marketing activity, including advertising, to any physician, hospital, nursing home, pharmacist, or any other person

authorized to prescribe, dispense or purchase prescription drugs. As such, the bill requires the listing of all marketing and other advertising expenses to virtually everyone, including individuals who purchase prescription drugs. The bill also provides for a penalty of \$10,000.00 for each violation. This bill would increase, not decrease, the cost of medicine. Although the purpose of the bill is nowhere stated, the sponsors probably assume that a reduction in marketing and advertising expenses will result in the pharmaceutical manufacturers lowering their prices for prescription drugs. However, no evidence was presented to justify this assumption. Indeed, if the bill passed and resulted in less marketing and advertising in New Hampshire, the funds not spent in New Hampshire might well be expended in neighboring states or used for unrelated purposes. Many physicians learn of new drugs and the side effects of drugs from detail men and women who visit doctors since many doctors do not have time to read clinical studies. The Pharmaceutical Research and Manufacturers of America and many pharmaceutical manufacturers have adopted guidelines which prohibit improper payments to health care professionals. In addition, the Health and Human Services Office of the Inspector General has issued mandatory marketing guidelines enforced by the Department of Justice. New Hampshire need not legislate another layer of regulation. Eliminating or severely curtailing detailing, marketing and advertising in New Hampshire would harm the New Hampshire economy. **Vote 15-4.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 627-FN, relative to raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling for the **Majority** of Criminal Justice and Public Safety: This bill restores seventeen year olds who commit crimes to the juvenile justice system. If a serious crime is charged, the seventeen year old can be certified as an adult. Based on testimony and discussion, the majority of the committee believes, that seventeen year old offenders should be required to stay in school, adhere to strict disciplines, get proper counseling and continue monitoring. A seventeen year old, now considered as an adult, currently receives few, if any, of these services. These services will be provided within the juvenile justice system. **Vote 10-5.**

Rep. John E. Tholl for the **Minority** of Criminal Justice and Public Safety: The minority of the committee believes that HB 627 is ill advised for numerous reasons. The proponents of the bill stated that seventeen year olds are being sentenced to a period of incarceration and do not receive the necessary education (finish high school). Contrary to that assertion, a former correctional superintendent stated that he had a program for inmates to receive their GED's that included a graduation ceremony with cap and gowns. A seventeen year old sentenced to the state prison would be assigned to the Granite State High School and receive a full high school diploma upon graduation. The claim was made that a person sentenced to the Youth Development Center would have a better chance at rehabilitation and would thereby reduce recidivism. Unfortunately, there are no statistics that indicate that a person sentenced to the YDC have or have not committed other offenses after release as their juvenile records are not available. Experienced police officers related personal knowledge of circumstances concerning persons committed to the YDC having later committed crimes as adults, dispelling the myth that YDC works as a rehabilitation tool in every case. In questioning the statistics offered by the proponents it was not possible to determine the crimes for which the twenty-nine seventeen year olds who were currently in the county jails had committed or for which crimes they had been convicted. The only specific crime that was indicated was violation of parole. A violation of parole indicates a conviction for a felony which means the individual had been incarcerated in the state prison. The fiscal note indicates that passage of this bill would increase expenditures by \$3,600,000.00 for the first year, \$3,700,000.00 for the next year and approximately the same for each additional year. That adds approximately \$7,300,000.00 to the biennium. This does not take into account the monies that need to be raised by the counties (transportation increases) and municipalities.

EDUCATION

HB 100-FN-A-LOCAL, establishing an education equity index to provide state education assistance to municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy F. Stiles for Education: This bill provides the technical correction necessary to HB 616, the education funding bill passed last session (Chapter 257, Laws of 2005) in which the legislative intent was to eliminate all donor towns. HB 100 as amended received unanimous support of the committee and has the support of the Speaker of the House and the President of the Senate. **Vote 20-0.**

HB 356, relative to the presentation of a budget in a joint maintenance agreement. **INEXPEDIENT TO LEGISLATE**

Rep. John L. Ward for Education: The committee decided this is a local issue and should be resolved locally. Additionally, as a committee we were concerned with the policy of mandating, RSA 32, the Municipal Budget Law, without a full hearing in the appropriate committees. **Vote 14-4.**

HB 646-FN-LOCAL, proposing a definition of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for the **Majority** of Education: The non-germane amendment to this bill grew out of a concern statewide surrounding the designation of a "Highly Qualified Teacher." Following House Rules, a public hearing was noticed and held on November 10, 2005. Following the public hearing, it was announced an ad hoc committee would meet the following week to work out any details of the amendment. The amendment accomplishes four goals. One, it establishes that once a teacher receives a designation of HQT, that designation is portable in New Hampshire. Two, it states that a teacher shall not be "non-renewed" solely on the basis of not having enough time to earn HQT. Third, it establishes a commission to monitor the HQT situation, and fourth it sunsets all components September 2007. **Vote 14-3.**

Rep. Clifford A. Newton for the **Minority** of Education: It was unclear if there is any real emergency or need for this legislation since nowhere in No Child Left Behind or the Highly Qualified Teachers portion of it, does it state or require that a teacher shall be dismissed if they fail to attain the HQT designation. This is an administration decision and should be left as such. New Hampshire had a chance to reach for the stars in setting high standards for its teachers, yet chose to be anchored down in mediocrity. Because our founding fathers felt that government should be slow and deliberate, this fast and furious amended bill mandating protection that isn't necessary should be voted down.

ELECTION LAW

CACR 21, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Langlais for Election Law: The majority believes that a two year term for governor works well. Voters are able to review a governor's performance, as they do for all elected state officials, every two years thus providing accountability to the voter. These two year terms

better ensure an appropriate level of integrity and competency of elected officials. **Vote 13-5.**

HB 184, eliminating straight ticket voting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael G. Biundo for the **Majority** of Election Law: The majority believes that the straight ticket voting option available to voters provides an opportunity to all voters to simplify the marking of that voter's ballot when the action the voter wishes to take is to vote for all the candidates on the ballot that are of a single party. This option does not prevent a voter from voting for any candidate of another party when desired. Straight ticket voting does not contribute to recounts. **Vote 12-6.**

Rep. Claudia A. Chase for the **Minority** of Election Law: The straight ticket was originally designed to accommodate illiteracy by using symbols to represent political parties. Complicated instructions on our current ballot leads to voter confusion. Interpretation of a voter's intent when a straight party vote is indicated but a mark is made beside the name of a candidate of a different party is inconsistent. The need for recounts is frequently due to straight ticket voting and interpretation.

HB 380, relative to absentee voting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith D. Hirschmann for Election Law: This bill as amended provided a new title and will become new section of RSA 657:21-a: Absentee Voting, Special Assistance to Emergency Service Workers. The legislation will allow first responders (fire, police, national guard, Red Cross workers, utility workers) and others determined by Emergency Management and the Department of Safety to vote by absentee ballot. The Secretary of State will ensure delivery and collection of first response absentee ballots. **Vote 18-0.**

HB 501, relative to proving qualifications to vote, requiring identification to obtain a ballot, and relative to citizenship on New Hampshire identifications. **OUGHT TO PASS WITH AMENDMENT**

Rep. William O'Brien for Election Law: When a person is seeking to register to vote and does not have sufficient evidence of citizenship or domicile to determine qualification on either basis under RSA 654:12, election officials shall accept citizenship or domicile affidavits as that evidence. The statute as it now reads appears to assume, but does not expressly state, that this information has to be accurate in order for the ballot cast by the voter to be valid. This bill, as amended, makes this assumption clear by stating that all qualifying information given in one of these affidavits has to be accurate for the vote to be valid. By limiting the requirements to vote, inconsequential, minor errors in the affidavits will not invalidate a vote. **Vote 11-3.**

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael D. Whalley for the **Majority** of Election Law: This bill, as amended, will establish an Executive Branch Ethics Committee made up of seven members, three of whom shall be nominated by the Governor, no more than two of whom shall be of the same political party and one of whom shall be an attorney and member of the New Hampshire Bar Association. Two members shall be nominated by the Secretary of State and not be of the same political party and two members shall be nominated by the Treasurer and not be of the same political party. All nominations shall be confirmed by the Governor and Executive Council. Committee members shall have staggered three year terms. This amendment would recodify RSA 15-B, relative to gifts, honorariums and expense reimbursements, by among other things, prohibiting gifts with a value greater than ten dollars and money in any amount. This bill would not prohibit political contributions, commercially reasonable loans, ceremonial objects or awards with a value of less than fifty dollars, objects which primarily serve an informational purpose, gifts where the donor's act of giving is purely private and personal in nature and would have been given and received even if the person were not an elected official, public official, public employee, constitutional official or legislative employee, wages, salary and benefits, tickets or free admission to a charitable, ceremonial or political event and meals and beverages consumed in the course of official business. This bill as amended would also make changes to the financial disclosure requirement for public officials under RSA 15-A by more adequately defining persons required to file, how and when they would file and create more uniform forms for those filing. Changes would also be made to RSA 15-A relative to lobbyists by more appropriately defining lobbying to also include lobbying before the executive branch of government and to require lobbyists to report all fees received for all purposes, not merely what is left after expenses or the removal of payments that are claimed to relate to other matters. SB 206 would also place restrictions on simultaneous employment by prohibiting a lobbyist from serving at the same time as a public employee as defined by RSA 15-B:2, IX. It is important to point out that this prohibition shall not apply to service on a commission, committee, board, panel, advisory committee or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A, the Right to Know Law. This prohibition would also not apply to a public employee or appointee or volunteer testifying at a public hearing or making public comment. This bill as amended would also require that the chairperson and vice-chairperson shall be elected from among the legislative members of the committee. **Vote 11-6.**

Rep. James R. Splaine for the **Minority** of Election Law: It is not appropriate for the majority of the Executive Branch Ethics Committee to be appointed by the constitutional officers who are elected by, and thus beholden to, the legislative branch. We believe we should continue to follow the traditional well-proven procedure of the majority of the members of commissions to be nominated by the Governor with the confirmation of the Executive Council. The minority further believes that volunteers of all kinds will be discouraged by this bill. Volunteers are essential to the cost-effective and efficient operation of our state government. Instead of discouraging such volunteer participation in the executive branch, we should welcome it. We should require that volunteers not try to unduly influence government, and we should hold them accountable to the same code of ethics as other members of the executive branch.

ENVIRONMENT AND AGRICULTURE

HB 634-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: This state, as a whole, has not obtained the solid waste diversion goal of 40% established under RSA 149-M:2. Funding and expertise have not been available to our cities and towns to properly address their solid waste issues. Solid waste tonnage at our incinerators and land fills is increasing. This bill addresses the issue before us and directs monies to recycling programs. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 624-FN, relative to penalties in certain health and health-related professions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ronald J. Nowe for Executive Departments and Administration: Under current law there are no penalties for practicing without a license in 21 professions that are identified in this bill. This bill will establish a uniform penalty for knowingly practicing without a license in these 21

regulated professions. **Vote 16-4.**

HB 685-FN-A, permitting casino gambling. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James M. Fitzgerald for the **Majority** of Executive Departments and Administration: The committee felt that the bill as written was too restrictive in that it designated that a casino be built in the White Mountains. The committee heard conflicting testimony as to the economic benefit that a casino would have in the White Mountains and there was concern about the social impact it might have. The committee felt that if the State should decide that it wants to expand gaming in New Hampshire to include casino gambling, a thorough study should be done to determine what type of casino, the number of casinos and what locations would best serve the needs of the state. Also the committee felt that it is premature to consider expanding gaming in New Hampshire before the committee established in the last legislative session to look into expanded gaming in New Hampshire has made it report. **Vote 18-2.**

Rep. Pamela V. Manney for the **Minority** of Executive Departments and Administration: For decades, the State of New Hampshire has been wrestling with the idea of establishing casino gambling in the State of New Hampshire. Study committees were formed to discuss the impact of expanded gambling in New Hampshire. Proponents, for and against, have had ample opportunity to express their opinions on the matter. It is now time to vote. Are you in favor of establishing a casino in the White Mountain Region or not? Proponents believe to do so would be an economic boon to the local economy and to the local citizens starving for year round employment in that area of New Hampshire. They also believe it would be a boon to the state economy as well.

FINANCE

HB 116, relative to changes in eligibility for state programs. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth Hager for Finance: This bill is not necessary. The Legislature has several points of control/information about eligibility for programs; both the Fiscal Committee and the Joint Legislative Committee on Administrative Rules review eligibility standards. This bill would create redundancy. **Vote 16-4.**

HB 191-FN, relative to using school building aid for leased classrooms. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth Gould for Finance: Part of this bill has been passed in other legislation. The remainder of this bill raises questions about school owned buildings versus leased buildings. It also creates friction between town and school as regards building permit fees. **Vote 19-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 110-FN-A, establishing the New Hampshire Rx plus program for prescription drugs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for the **Majority** of Health, Human Services and Elderly Affairs: Approximately 135,000 citizens of New Hampshire, more than 10% of our population, do not have health insurance or prescription drug benefits and are of lower income. For individuals and families living on low incomes, being able to afford prescription medicines is a significant hardship. Pharmacists report that often customers ask which of their prescriptions they should fill because they cannot afford to fill all of them. Individuals with no health insurance are the people who pay the highest prices for their medicines when they can least afford it. This discount drug program was studied over a period of months beginning last February, with subcommittees meeting a total of nine times. During that period, a number of amendments were considered, and testimony was heard from all interested, parties, including pharmacies and pharmaceutical manufacturers. The final amendment, voted OTP 6-1 by subcommittee, is based on a similar bill enacted in Hawaii last year, offering a combination of discounts from both pharmacies and the pharmaceutical industry to individuals up to 300% of federal poverty limit who have no insurance for prescription drugs or have reached the limit of their coverage. Since that time, similar programs have been enacted in Michigan and Montana. The committee amendment has several distinct advantages. Participation for both pharmacies and pharmaceutical manufacturers is completely voluntary. Therefore, no federal Waiver from Medicaid officials is required, and the state Medicaid plan does not need to be amended. The Pharmaceutical industry representatives who attended subcommittee meetings did not oppose the program; nor have they in Hawaii. In addition, the pharmaceutical industry has sponsored a ballot initiative in California that creates a similar voluntary discount program and has collected \$78 million from member drug companies for marketing efforts in support of it. The committee amendment received supportive testimony from the coordinator of New Hampshire’s program to help low income people obtain free medications from drug companies. We heard testimony that bridge program cannot meet the full need of New Hampshire’s under-insured. The majority of the committee believes that this program will increase retail pharmacy purchases from customers who will pay cash and buy other items when they are in the stores. Members of the retail industry in New Hampshire attended some of the subcommittee meetings, and did not oppose the bill. The majority of the committee felt there was a need in our state for a prescription drug discount program for the lower income under-insured population. **Vote 17-4.**

Rep. Fran Wendelboe for the **Minority** of Health, Human Services and Elderly Affairs: This bill creates a bureaucratic state program with at least a million dollar fiscal note for start up costs and a Health and Human Service Department fiscal note stating that drug company rebates will not cover yearly administrative costs in the first three years of the program. The drug industry currently has a nationwide free/or nearly free program for all ages who are uninsured and under 150-200% of poverty. This is where our efforts should be – supporting outreach and enrollment in the free programs. Additionally, no pharmacies have agreed to participate and it is unlikely they will since this legislation does not provide any reimbursement for discounts the pharmacies are required to provide or any payment of a dispensing fee. Since it is voluntary participation, pharmacies are likely to not participate. Drug companies also have not committed to participate with “rebates” to the state for non medicaid population. BRA 98 requires discount rebates for the “poverty” medicaid program but are under no obligation to give kickback (rebates) for uninsured people who make up to \$65,000 a year. While the minority agrees some people need assistance with their drug costs, there are other ways to get them assistance at little cost to the state.

JUDICIARY

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the **Majority** of Judiciary: This is a comprehensive bill that contains long awaited updates to advance directive laws. The bill clarifies the language within Durable Powers of Attorney for Health Care and Living Wills and modernizes the requirements for

same. The definitions of terms, such as “near death” and “permanently unconscious,” are specifically crafted to coincide with modern medical practices. This bill, as amended, will make advance directive laws easier to understand and practical for ill people, families, designated agents and health care providers alike. Additionally, this bill institutes guidelines for Do Not Resuscitate Orders in accordance with the wishes of a patient or his/her own designated agent named in an advance directive. Such Orders determine whether or not performing cardiopulmonary resuscitation is in full compliance with the consent of a patient or the patient’s hand-chosen agent. This section of the bill again clarifies the law allowing people to determine their own future medical care. **Vote 15-5.**

Rep. Nancy J. Elliott for the **Minority** of Judiciary: This bill does a disservice to our citizens by expanding the authority of an agent to make healthcare decisions, to withhold or withdraw treatment, which may result in the death of the principal, without having it expressed in a signed document. It also adds the definition of “permanently unconscious” to mean “a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent.” This definition is to be used in connection with end of life decisions to withhold or withdraw treatments. Many elderly patients could fit this definition. The advanced directives (living will) in this bill are slanted toward death giving very little option to citizens wishing to choose life. This bill also changes wording of our current law protecting an “unborn child” to fetus.

MUNICIPAL AND COUNTY GOVERNMENT

HB 653-FN-LOCAL, relative to bonds for construction, development, improvement, and acquisition of broadband facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for the **Majority** of Municipal and County Government: This bill allows the issuance of municipal bonds or notes for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any area of a municipality that is not served by a wireless or facilities based broadband service or provider. The municipality would be prohibited from bonding unless it first sent out a request for proposals (RFP) to the private sector to see whether any private vendor was willing to build the broadband infrastructure. If no RFPs were positively replied to within two months or if there was not activity on the part of a private vendor within 14 months of the RFP process, then the municipality could undertake its own proposal to bond and build the infrastructure. As with any bond or note in excess of \$100,000, a public hearing is required prior to the vote on the bond or note, along with a super majority to pass the bond question. The amendment only authorizes the bonding for broadband infrastructure, and does not authorize the municipality to become broadband carrier, service, or provider. It is anticipated that with the passage of this bill economic development will be stimulated in those areas not currently served by broadband carriers. **Vote 12-3.**

Rep. Laurie J. Boyce for the **Minority** of Municipal and County Government: The intention of this bill was to give municipalities, with no available broadband service, the opportunity to issue bonds to build the necessary infrastructure to provide broadband. With a last minute amendment, it was expanded so any municipality without 100% broadband coverage will have the ability to issue bonds that will have to be paid for by the broadband users, not the town, although the town will have issued the bond. What happens if the “town broadband” goes broke? What is the cost for this service going to be that only a few have to pay? Much progress has taken place in getting broadband to the New Hampshire rural areas. Passage of this bill could have a negative effect on future private investments in broadband and put an undue burden on the local taxpayer. Proponents of this bill say they will build networks with public monies so private providers could then use them. We were told at the public hearing that private companies would not want to use infrastructure set up by someone else because of the “unreliability” of their system and the cost. There are just too many unanswered questions that could cost taxpayers money.

HB 695-FN, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John P. Dowd for the **Majority** of Municipal and County Government: The university system has a statutory tax exemption that has been in effect since the middle of the 1800s along with the tradition of not taxing state, local, county-owned property. The statutory tax exemption actually dates back to 1842 and has not been changed significantly since. There is recognition that the host communities do bear some costs for the university system but also reap many benefits. In order to be partners together in the public arena, the university system requested that the presidents of each university negotiate with their host communities and come up with an agreement or contract that would address the needs of both the community and the university – either in services supplied or payment in lieu of taxes. If there are differences of opinions, there is a permanent Public Higher Education Study Committee in RSA 187-A:28-a that shall examine the goals, purposes, organization, and financing of public higher education in New Hampshire, and shall evaluate and make recommendations on the university of New Hampshire, Plymouth State University, Keene State College, the Granite State College, and the Regional Community-Technical College System. This is the latest in a long line of bills attempting to do away with the tax exemption for Plymouth State University (PSU) properties. It is specific to the town of Plymouth and Plymouth State University. The bill is a ruse to negate a contract between the town of Plymouth and PSU, which was agreed to and unanimously signed by the selectmen of Plymouth in February 2002. The contract is in effect for a period of seven years. This agreement more than doubled the dollars in payment in lieu of taxes (to more than \$800K) that the university system pays the town from the previous contract. This is a local issue that should be settled locally. **Vote 10-5.**

Rep. Mary R. Cooney for the **Minority** of Municipal and County Government: The problem of the university system of New Hampshire buying property and thereby removing it from the tax roles varies in magnitude in different communities. In the small town of Plymouth, whose resident population is less than 3,000, the problem is greater than in a city or larger community. The issue is fairness and loss of local control in all host communities. Since the inception of the University System of New Hampshire, millions of dollars worth of property has been taken off the tax roles. This bill would not affect past property purchased, only future property. Presently, USNH host communities have no control over the university purchasing property, nor over what the university does with that property. The immediate affect is that the host community loses the tax revenue on that property but is still responsible for providing services to that property. Plymouth State University has a \$250 million dollar master plan which will require the purchasing of additional property. The host communities have no control over the taking of property. This bill, as amended, would simply mitigate that impact by requiring the university to make a payment in lieu of taxes for 5 years, reducing the amount by 20% each subsequent year. The citizens of Plymouth at the town meeting have supported efforts to achieve a fairness in reimbursement agreements with the university. The select boards of the towns of Plymouth and Holderness, the city of Keene, along with the New Hampshire Municipal Association, gave written testimony in support of this bill. The state must recognize that the shifting of costs from USNH to local taxpayers has reached an untenable level. The provisions of this bill are reasonable and fair.

RESOURCES, RECREATION AND DEVELOPMENT

HB 317-FN, relative to mooring permits and fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: The original bill set up a process whereby residents in a community could petition the Commissioner of the Department of Safety to have a lake or pond included in the moorings program which currently requires permits for moorings on the six largest lakes. Currently, lakes may be added only through legislative action and the committee felt strongly against delegating this authority. The portion of this bill that provided for increases in the mooring fee for those six lakes in the mooring program is being recommended in an effort to have the program support itself. The initial decal or permit would require a \$125 fee. The initial mooring permit requires a site visit. The annual renewal fee under this bill would be \$50 (up from \$25). The committee felt this increase was more than justified given the time and effort needed to coordinate and monitor the program. These fees are more in line with the actual cost of program to the state. **Vote 20-1.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 128-FN, relative to the establishment of emissions reduction standards as required by the Clean Power Act. **INEXPEDIENT TO LEGISLATE**

Rep. Lynne M. Ober for Science, Technology and Energy: This bill, recognizing that no proven technology was currently available to achieve proposed reduction levels, provided for a cap and trade program as well as a mitigation program. The committee retained the bill until results were available from testing at the PSNH power plant, done under the direction of the Department of Environmental Services (DES). Testing results showed limited mercury reduction. The committee held numerous public hearings. DES, which originally requested this bill, now recommends legislation supporting the installation of scrubber technology by 2013 and legislation has been filed to support this new, revised request. **Vote 9-5.**

TRANSPORTATION

HB 298, relative to consolidating statutes relating to driving while intoxicated. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill takes all DWI laws relating to any motor vehicle, boats, and OHRVS from multitude of sections of current statutes and combines them into one section with no major changes, just some language clarification. **Vote 9-0.**

WAYS AND MEANS

HB 645-FN, relative to fire-safe cigarettes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Ways and Means: After passing the House by a 199-134 vote on March 9, 2005, this bill was referred to Ways and Means to study any possible fiscal impact should New Hampshire require that all cigarettes sold in the state be “fire safe.” These cigarettes are manufactured so as to be more likely to go out if left unintentionally on a chair or sofa and thus reduce the potential for fires. After retaining the bill and studying it over the summer, the committee could find no evidence that there would be a fiscal impact. Cigarettes would not increase in price, and all indications are that these cigarettes would taste the same and smoke the same as cigarettes currently sold in the state. In fact, there is ample evidence that smokers will not even recognize the difference. The committee amendment does three things. While an exploration of the efficacy of these cigarettes in preventing fires was beyond the scope of the committee, it was agreed that “fire safer” would be a more appropriate name than “fire safe” lest anyone think that these cigarettes would be totally fire safe. So that no money will be spent developing standards for such cigarettes, the committee mandated that the New York safety standards be used. Vermont and California have passed legislation using this standard as well. The committee believes that a nationwide standard would be appropriate and that congress could mandate fire safer cigarettes in all 50 states. Since that does not appear likely any time soon, New Hampshire can join an increasing number of states which are passing such legislation. So as to make the transition a smooth one, the amendment gives the Commissioner of Safety, in consultation with the State Fire Marshal, until January 1, 2007 to adopt the standards and does not require that only “fire safer” cigarettes be available in New Hampshire until July 1, 2007. **Vote 17-2.**

WEDNESDAY, JANUARY 18
REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 485, relative to the basis for awarding custody to a stepparent or grandparent. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth Walz for the **Majority** of Children and Family Law: This bill attempted to make NH statutes consistent with state and federal court decisions. However, the committee believes that further changes are necessary to comport with Supreme Court decisions. Thus, the committee voted to send this bill to Interim Study to allow time to complete the work needed. **Vote 10-3.**

Rep. David J. Bettencourt for the **Minority** of Children and Family Law: The bill originally passed with amendment 17-0, then a week later was reconsidered. The minority strongly felt that the law allowing grandparents and stepparents to take custody away from parents during the parents’ custody action is unconstitutional. The minority feels it is unwise to leave unconstitutional laws in statute. The interim study is directed toward an unrelated issue to solve court jurisdiction. We feel that issue should have come under a different bill.

HB 590, excluding stepchildren from the definition of “child” in the context of support orders. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill removes “stepchild” from the definition of “dependent child.” It also amends RSA 546-A:1, Uniform Civil Liability for Support, that leaves stepchildren liable to support stepparents. **Vote 10-5.**

HB 610-FN, relative to the right to trial by jury in parental rights termination cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Stuart Gile for the **Majority** of Children and Family Law: This bill proposed that any person, at risk of having parental rights terminated as defined in RSA 170-C:10 shall have the right to a trial by jury upon written request. The committee struggled to address key issues for both parents and children. The majority was concerned that the current process of reaching termination of parental rights decisions which

protects the best interest of the child would be materially compromised. A jury trial could considerably lengthen the time before permanency could be achieved and result in additional costs for both state and counties. Also, there was no evidence presented that jury trials would improve outcomes. **Vote 9-6.**

Rep. Daniel C. Itse for the **Minority** of Children and Family Law: The minority believes that this is a clear New Hampshire Constitutional issue. The New Hampshire Supreme Court has held that parenting is an inherent and fundamental right under Part 1, Article 2. The minority believes that both Part 1 Article 15 and Article 20 require that parents have a right to trial by jury in termination of parental rights cases.

EDUCATION

HB 39, relative to sex education in public schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara J. Hagan for the **Majority** of Education: This bill, with amendment, merely allows an additional method for parents to exercise to opt their children out of any courses in human sexuality or family relations which conflict with their religious beliefs. The bill is patterned after current New Hampshire law with respect to the New Hampshire Immunization Program whereby parents sign a Certificate of Religious Exemption and are thereby exempt from having to be immunized. The bill gives an opening to parents where inconsistencies appear in the local districts. **Vote 12-8.**

Rep. Emma L. Rous for the **Minority** of Education: This bill is unnecessary and provides options for parents already in place in rules and practice around the state. By specifying a religious basis for opting out of sex ed, we may actually narrow the basis for opting out. In addition, the bill mistakenly allows parents to opt out of a “course” rather than a “unit.”

HB 76, revising the process of charter school approval by the state board of education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Claire D. Clarke for the **Majority** of Education: The majority of the committee agreed that local school districts should not have to make payments to charter schools from their adequacy dollars and then have to wait two years to be reimbursed by the state. Since New Hampshire law states charter schools are “public schools,” they should be funded accordingly. Since the state provides for education as a common goal for the benefit of all, the public charter schools, in order to be successful, should be directly funded by the state. **Vote 17-1.**

Rep. Paul C. Ingbertson for the **Minority** of Education: While this bill addresses an important problem confronting charter school funding, a portion of the bill goes well beyond state law by disallowing religious based institutions that serve a secular purpose from ever receiving state funds or becoming charter schools.

HB 258-LOCAL, relative to the terms of a collective bargaining agreement in a school district. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael B. Asselin for the **Majority** of Education: The majority of the committee members believe that this bill will disrupt the school collective bargaining agreements by allowing school administrators to increase the salary/benefits of a teacher to retain them if they have received another offer of employment. Merit pay already addresses the issue of rewarding more qualified teachers. **Vote 11-4.**

Rep. Mark S. Carter for the **Minority** of Education: New Hampshire is experiencing growing teacher shortages. These shortages fall disproportionately on our poorer districts. The minority of the committee feels that something can and should be done about the shortages. The minority will put forward a floor amendment should the ITL recommendation of the committee majority be overturned by the House. The legislature should enable local school districts, so that they have the ability to negotiate to keep their best and most necessary teachers.

HB 278, relative to the alternative budget procedure in school administrative units. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clifford A. Newton for the **Majority** of Education: This bill will allow communities to adopt the SAU budget at the annual school district elections. The committee feels that with the passage of this bill, towns belonging to multi-district SAU's will have better representation as more people come out to vote at district elections than at district meetings. **Vote 15-1.**

Rep. Michael A. Balboni for the **Minority** of Education: The bill would force towns to vote in SB 2 form even if not an SB 2 town. Why should the state dictate that a town must have a particular form of government when the residents of that town want a different form? This is a very dangerous precedent.

HB 650-FN-LOCAL, revising education funding and distribution and establishing needs-based matching grants. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David W. Hess for the **Majority** of Education: This bill is another education funding bill which was introduced last January and retained by the Education Committee. However, over the fall, the sponsor of the bill proposed an amendment which, if adopted, would have added yet another targeting factor to the five enacted into law in June. By an overwhelming, bi-partisan 3-1 majority, the committee rejected the amendment. The amendment would make an appropriation for education funding in addition to what is already in law commencing in the next biennium – FY 2008-2009, 20 months into the future. For the first four years, that appropriation would come from dedicated funds – the reductions in transition grants. The committee rejected the proposal for a number of reasons. First, the money that will become available from the reduction in transition grants is already intended to fund the increases in education funding automatically build into current law. Thus, this new targeting would require additional funding over increases already built into law, additional appropriations of approximately \$5 million dollars in FY 2008 and FY 2009, and approximately \$17 million in 2010. Second, such appropriations are being proposed almost 2 and 4 years before-the-fact when we don't know the fiscal condition of the state, either available revenue or new needs. Third, because the proposal is prospective only, we won't even know the exact size of the appropriation for 2008 until more than a year from now. Fourth, since the targeting is based on median household income, the data relied on will be 9 years out-of-date when it is first used, as this data is derived from the 2000 census and is not officially updated until the 2010 census. Fifth, there is no public call or outcry for such a formula. No one appeared in support of the amendment except the sponsor, and the overwhelming mood among the general public appears to be a request to, just once, leave the funding formula alone. There appears to be a near-universal feeling among the general public that what is needed now in education funding is stability, continuity and predictability. Sixth, no good reason was given for tinkering with the education funding formula this way this year. Any changes other than technical changes should be considered in the session in which they become effective. Seventh, using median household income will add confusion to education funding as current law already uses median family income in its calculations. Finally, many believe that there are better income criteria available than median household income. For example, the New Hampshire Center for Public Policy uses per capita income and median family income in its

wealth formula, but not median household income. For one or more of these reasons, the committee rejected the proposed amendment and then voted by the same margin to recommend Inexpedient to Legislate. **Vote 14-5.**

Rep. Mark S. Carter for the **Minority** of Education: The minority of the committee supported an amendment to the original bill that would improve the existing targeted aid law by incorporating aid based upon community income, which current law fails to adequately accomplish. A floor amendment and vigorous debate will be offered. The House accepted HB 616, as amended by the Senate, last year, in order to avoid a Committee of Conference outcome that could have been less desirable than the Senate version. It is now time to look at necessary enhancements to achieve improved funding equity.

HB 664-FN-LOCAL, mandating open enrollment in all school districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the **Majority** of Education: This bill creates communication between students, parents and school boards by allowing reasons for wanting to leave a school and reasons why a student would want to attend a school to be discussed as a real outcome by removing residency requirements. This bill maintains local control by authorizing local school boards to adopt procedures for open enrollment. **Vote 14-6.**

Rep. Emma L. Rous for the **Minority** of Education: School districts currently have the option to choose open enrollment, but this bill would make it a requirement. The bill repeals residency requirements for school attendance (RSA 193:12, I), repeals a district's option to vote for open enrollment (RSA 194 B:2, I), and repeals the assurance that no public school shall be required to be open enrollment (RSA B:2, III). The bill places an unreasonable burden on local districts and will lead to greater inequities between districts.

ELECTION LAW

HB 309-FN-A, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill would have established a commission to revise, clarify, simplify and recodify laws relating to financial contribution and disclosure and conflicts of interest and create funding for same. The committee recommended ITL as SB 206 would preempt the work of such a commission by providing omnibus ethical legislation to fulfill this need. **Vote 10-4.**

HB 345, requiring photo identification to obtain a ballot. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the **Majority** Election Law: Subsequent to the filing of this bill, two important developments occurred relative to the issue of requiring photo IDs in order to vote. The first was that on May 11, 2005 the Congress passed the REAL ID Act of 2005, which established minimum requirements for information displayed on state driver's licenses and for information that must be obtained in order to issue such a license if it was going to be accepted by a federal agency. The second development was that in September the Commission on Federal Election Reform, co-chaired by President Jimmy Carter and Secretary James Baker and including as commission members Senator Tom Daschle and Representatives Lee Hamilton, Bob Michel and Susan Molinari, as well as many others who have similarly distinguished themselves in service to our nation, issued a comprehensive report on needed election reforms. In that report the commission made the following observation: "The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important." Following this observation, the Carter/Baker commission noted further that the trend nationally is to require voter IDs, starting with 11 states in 2001, 24 states now and 12 additional states considering adding the requirements to their laws. Based on these observations, the commission recommended first "that the states use REAL ID cards for voting purposes." In addition, the commission recommended that one additional requirement be added to REAL ID cards if they are to be used for voting purposes: the cards should indicate citizen. Based on testimony received, the majority of the committee believes that requiring photo IDs to vote in New Hampshire would inspire greater confidence in our electoral process and thereby promote participation in voting. In recommending passage of this bill as amended, the majority was fully aware that some individuals may not have such an ID in effect. The bill therefore allows such voters to sign an affidavit claiming that has occurred and go forward and vote. The majority recommends this important measure that will address a perennial concern of many that our voting system does not have sufficient safeguards.

Vote 10-7.

Rep. Charles F. Weed for the **Minority** of Election Law: This bill will create more harm than good. Some citizens who have lost or forgotten their picture identification cards will be denied their constitutionally protected right to vote. This bill tries to solve a problem which does not exist. No charge of voter fraud has been proven even though there have been many careful investigations by both the Secretary of State and the Attorney General.

HB 347, requiring proof of identity for voter registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William O'Brien for the **Majority** of Election Law: This bill relates to HB 345, which would establish a photo ID requirement for voting with an affidavit exception. The September 2005 Report of the Commission on Federal Elections (the Carter/Baker report) recommended that the citizenship information that state agencies are required under the REAL ID Act of 2005 to collect to issue driver's license should be placed on those IDs so they can be used for voting purposes. This bill will implement that recommendation. Testimony was given that the Department of Safety already collects information and issues IDs in compliance with the REAL ID Act of 2005 and is considering a license redesign in which citizenship could be displayed with no additional cost. Licenses already indicate lack of U.S. Citizenship for some individuals through shorter effective dates and testimony also was received that although law enforcement officials are aware of this indication there never have been complaints of discrimination by law enforcement personnel. The majority of the committee was unpersuaded by concerns expressed that discrimination by police officers would result from citizenship being shown on licenses. The bill, as amended, will ease voter registration and voting, as well as add to the integrity of our electoral process. **Vote 10-5.**

Rep. Charles F. Weed for the **Minority** of Election Law: This bill goes well beyond the requirements of the Federal REAL ID Act. We feel that the requirement of inclusion of national citizenship on the New Hampshire driver's license could lead to discrimination against innocent individuals during times of national stress.

HB 391, relative to voter registration forms for students. **OUGHT TO PASS WITH AMENDMENT**

Rep. William O'Brien for Election Law: There are some individuals who wish to register to vote in New Hampshire and appear, sometimes on

election days, sometimes earlier, without sufficient evidence that they are U.S. citizens or that they are domiciled in New Hampshire or otherwise. In such circumstances, they are offered the opportunity to sign citizenship and domicile affidavits whereby on their word alone they are established as U.S. citizens with a New Hampshire domicile sufficient for voting purposes. Under present law, however, those affidavits become secret documents, hidden from public scrutiny by those who might know or be interested in the truthfulness of claims they make and information they provide. As Justice Oliver Wendell Holmes observed, and this legislature when it enacted RSA 91-A, the New Hampshire Right to Know Law, affirmed, “Sunshine is the best disinfectant.” This bill allows the light of public attention to shine on such affidavits by making citizenship and domicile affidavits subject to RSA 91-A. It allows those who are interested in confirming the integrity of voter registration by affidavits to have access to the information needed for such a review. The committee views this opening of public records as an important reform that will strengthen the New Hampshire electoral process. **Vote 12-6.**

HB 403, limiting permissible gifts to elected officials. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill would have limited permissible gifts to elected officials to meals, tickets, and other non-cash items with a value of less than \$250. By incorporating this bill into SB 206, this action will yield a uniform omnibus ethics bill. **Vote 10-4.**

HB 589, establishing a committee to study gifts and political contributions. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill would have established a committee to study gifts and political contributions and would duplicate the efforts on SB 206 that produced an omnibus ethics bill. **Vote 11-3.**

HB 607-FN, relative to gifts to elected officials. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill would have placed certain restrictions on gifts to elected officials. Its content was similar to HB 403 and is covered by SB 206. **Vote 11-3.**

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for the **Majority** of Election Law: This bill would have required lobbyists to report all gifts and campaign contributions to the Secretary of State. In addition, it would have required a candidate to disclose donations from registered lobbyists. Both of these issues are covered in SB 206. **Vote 9-5.**

Rep. James R. Splaine for the **Minority** of Election Law: We as a legislature should stand behind the highest standards of honesty and disclosure for lobbyists. Our amendment accomplishes that goal.

HB 639-FN, relative to voter registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the **Majority** of the Election Law: During testimony many witnesses raised concerns over the integrity of election day registrations in which the registrants use one or both of the citizenship and domicile affidavits that are available when no other evidence of citizenship or domicile is brought to the attention of the election official handling the registration. We allow individuals who first appear on election day to vote based on their word alone that they are United States citizens and residents of New Hampshire. The committee's concerns over the integrity of this process have grown as we have become aware that investigation and prosecution of all election law is handled by a single assistant attorney general who handles those election law duties on very much a part time basis as he has other, and often more pressing, duties to perform. These concerns have not been abated when we have heard that few problems have appeared, because we know that these affidavits are withheld from the public, including candidates and those promoting or opposing ballot measures, so they cannot be challenged for accuracy and because – and this we have considered quite important – there is no incentive to find and challenge the false affidavit because there will be no way to identify and remove the improperly cast ballot from a count. Considering these concerns and limitations, the majority of the committee has fashioned what it submits is the least intrusive, most straight-forward method to allow these wrongful votes to be retrieved and discarded when they have influenced the results of an election. Using the existing election recount procedure, and not in any way extending the deadlines or changing the approach for such recounts, HB 639 would allow these affidavits to be challenged in a recount and, if the challenge is successful, the wrongful vote to be removed from the count. The procedure for how the challenge would proceed will be established by the Secretary of State, as would the mechanism for marking ballots given only to election day registrants using citizenship as domicile affidavits so those ballots can be associated with the affidavits. The only requirement for marking such ballots is that it be done in a manner that will promote voter privacy. Methods were discussed that would reach that result, but the final determination was to allow the Secretary of State to choose and implement the best method. The only ballots that need to be associated with particular affidavits and therefore particular voters will be those ballots that resulted from materially false affidavits. **Vote 9-5.**

Rep. Charles F. Weed for the **Minority** of Election Law: Voters have a right to expect that they are casting a secret ballot. When they hear that challenged ballots will be marked and tracked it will lead to less trust and confidence in the election process, and will discourage transitional, homeless, and minority voters. More harm than good is caused by this bill which is strongly opposed by the people who conduct state, local, and federal elections, the city and town clerks association.

ENVIRONMENT AND AGRICULTURE

HB 722, relative to the spreading of biosolids in certain designated areas. **WITHOUT RECOMMENDATION**

FINANCE

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. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth Hager for Finance: The juvenile diversion money is some of the most effective state money in New Hampshire. It is administered through the counties so there is some local control and we know it keeps children out of our expensive institutions. This bill asked for an increase in the funds which a majority of the committee does not believe we can do right now. It also called for a study of the various programs and the committee is committed to working with DHHS to look at the effectiveness of diversion services. **Vote 13-7.**

HB 638-FN, relative to county liability for payment of nursing home costs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill deals with the county-state financial relationship. The counties have expressed a variety of concerns on this subject ever since the most recent major overhaul of the relationship in the 1990s. (SB 409, Ch. 388, Laws of 1998). As introduced, the bill returned the cost-sharing on non-federal Medicaid nursing home care from the current 50%-50% to the pre-1998 61% counties – 31% state, and it

eliminated any cost-sharing by the counties for the home- and community-based care program. A subcommittee carefully examined these and other programs in which costs were shared between the counties and the state and considered a wide variety of options to change them in ways that were “revenue neutral.” Several options were presented to the full Finance Committee. However, none was satisfactory to a majority of the committee or to a majority of the counties. The committee amendment makes no change in the current county-state financial cost-sharing relationship. However, in addition to extending the current moratorium on new nursing home and rehabilitation beds until June 30, 2009, it provides two significant benefits to the counties. First, it requires the Department of Health and Human Services to seek a federal match for unreimbursed nursing home costs paid by the counties and to pay such revenue, if obtained, to the counties. Second, it reversed the downshifting to the counties of certain costs imposed by the 2005-06 budget. These costs related to recipients of old age assistance and aid to the permanently and totally disabled, and would have cost county taxpayers approximately \$5.4 million from the anticipated biennium surplus to pay for the change. It is the committee’s understanding that work on the county-state financial relationship will continue in the next session through a variety of legislative vehicles. **Vote 14-2.**

HB 670-FN-A, relative to the land and community heritage investment program. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth Weyler for Finance: This bill was retained so that the budget process could be completed. It appropriated \$4 million in FY ‘06 and \$6 million in FY ‘07. In the budget, the Senate came up with the novel idea of dedicating the highway mitigation funds of \$3.5 million each year plus \$1.5 million or the same \$10 million. Highway fund monies are to be used to buy open space in the highway corridor towns or nearby. Most proponents of LCHIP do not acknowledge this \$3.5 million and insist that our appropriation is only \$1.5 million. This new idea has not had a fair demonstration. We should wait to see its effect before we change the funding sources. **Vote 12-7.**

JUDICIARY

HB 541, relative to repealing the incorporation of the New Hampshire Bar Association. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Stephen J. Shurtleff for the **Majority** of Judiciary: This bill seeks to revoke the corporate charter of the New Hampshire Bar Association and confiscate its assets due to the sponsor’s erroneous belief that the association is an illegal monopoly. However, extensive testimony and legal research refuted this notion, and in fact, case law in New Hampshire and in most, if not all, jurisdictions affirm that mandatory bar associations are not illegal monopolies within the meaning of the law. Additionally, the minority mistakenly believes that the Bar Association regulates the practice of law. This is simply not correct. The Supreme Court, through rules and court committees, regulates the practice of law in this state. The majority of the committee could find no justification of revoking the charter, let alone confiscating its assets, without giving the association the benefit of due process of law. It is simply not the New Hampshire way. **Vote 13-7.**

Rep. Robert D. Mead for the **Minority** of Judiciary: This bill seeks to repeal the corporate charter granted to the New Hampshire Bar Association by the Legislature in 1873 on the basis of some very valid concerns. The legal system and the courts established by our Constitution are intended to protect the public and private rights of our citizens by providing remedies and redress when those rights have been violated. Over time, however, our legal system has come under the indirect control of a private fraternal organization through mandatory membership in, and regulation of those who practice law by that private organization. This obligatory membership and regulation has extended to including the very judges presiding over the courts established to protect and administer justice for our citizens. Originally founded as and chartered on the basis of its being – an independent fraternal corporation organized to pursue improvement of the administration of justice as determined by its membership, the Association has become a monopoly in violation of Article 83, Part Second. This has occurred because, the Supreme Court, which already regulated admission of attorneys to the practice of law, some 35 years ago made membership in the Association mandatory for all attorneys. The monopoly power illegally conferred on the Association has led to a situation in which the legal system established by the New Hampshire Constitution to protect the rights of, and to provide remedies and redress for, its citizens has come in no small part under the indirect control of this corporation, whose officers are neither employees of the state, nor elected to their position by the citizens of New Hampshire. Slowly, over time and through various legislative actions and administrative rulings by the Supreme Court, controlling influences in some judicial and executive branch policies and practices have been granted to this private organization. Unique among professional organizations, it has become an authorized licensing board along with the other state and municipal agencies (RSA 161-B:2 X). This private organization determines who is qualified to satisfy some “members only” appointments by Governor and Executive Council (RSA 494:1 VIII, IX) and contracts issued for public defenders are subject to approval by its board of governors, to whose deliberations the public has no right of access (RSA 604-B:4). To further protect their unique position, New Hampshire Bar Association members are exempt from the state licensing required of members of other professions, such as physicians, dentists, insurance agents, realtors, and the skilled trades. The administrative controls that have been woven into the fabric of our state government by this private fraternal organization strike at the very heart of a free, open and representative government and the legal system and set New Hampshire apart from our neighboring New England states of Maine, Vermont, Connecticut, and Massachusetts.

HB 626-FN-LOCAL, relative to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cynthia J. Dokmo for Judiciary: This bill updates the Right to Know law to reflect new types of communications created by advancements in technology, such as the Internet and sophisticated phone systems. It neither broadens nor narrows the reach of existing law, but simply acknowledges these new forms of communications and clarifies when they are subject to the law. The update was the product of a two year study by a commission formed specifically by the legislature to address modern technology. The commission continues to meet with the object of updating other provisions of the Right to Know Law, such as copy costs and penalties. It expects to file additional legislation in the next term. However, all parties agree that it was essential to make the changes proposed in the current bill, to clarify issues related to new types of communications. **Vote 20-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 506, including employees of charitable organizations under the protection of the state law against discrimination. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill includes employees of non-profit charitable organizations under the protection of the state’s anti-discrimination employment law so claims can be investigated and resolved by the New Hampshire Commission for Human Rights, just like employees of for-profit employers. Exempt are clubs exclusively social, or fraternal or religious association, or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue

Service, nor does it include any employer with fewer than six persons in its employ, but shall include the state and all political subdivisions, boards, departments, and commissions thereof. **Vote 8-2.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 104-FN, relative to the tax exemption for water and air pollution control facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the **Majority** of Municipal and County Government: Currently there is an exemption from the local property tax for any treatment facility, device, appliance or installation that has the effect of reducing, controlling or eliminating any source of water and air pollution. This property tax exemption is granted in RSA 72:12-a. Originally, this exemption was granted in 1971, prior to the Federal clean air and water acts, and was for a specific time of 25 years. This enabled the industry, if a by-product of the facility created pollutants that might affect water or air, to use pollution control devices to help make our water and air cleaner. The application process for this exemption was made to the Department of Environmental Services (DES). A thorough review of the device and the amount of pollution that was controlled was done by DES and a percentage of the value of the device that was eligible for the tax exemption was determined. Then the applicant and the municipality were notified. The statute requires that the local assessor shall appraise the device every year and report that assessment to the Department of Revenue Administration (DRA). In 1996, there was a change in the time period that this exemption would be valid – forever or as long as the pollution control device was reducing, controlling or eliminating pollution. This amendment changes the time period to “until reimbursement for the investments costs are recovered by accumulation of value through this property tax exemption.” A further restriction on this tax exemption was adopted that the exemption “shall not exceed 25 percent of the applicant’s total assessed value of the facility at the time of the exemption.” We all know that air and water pollution is part of our everyday lives and cleaning up that pollution is a duty and obligation that we all share. That is why we encourage everyone to recycle, reduce and reuse. As with any tax exemption, the other taxpayers in the community pick up the cost of the exemption – whether it is for elderly, veterans or pollution control devices. The difference here is that the municipality has no vote in granting or denying the pollution control device tax exemption. We also all agree that clean air and water benefit everyone in the state, not just the municipality where the device is located. This amendment is intended to bring a balance to the need for clean air and water, businesses and our local taxpayer. The amendment also shifts the requirement for assessing these pollution control devices from the local municipality to the DRA, so that the information gathered is correct and available when decisions regarding the pollution control device tax exemption are needed. The committee is aware that balance is necessary in order to have continued support for businesses to grow and prosper in New Hampshire.

Vote 13-3.
Rep. Robert L. Theberge for the **Minority** of Municipal and County Government: The intent of this legislation was to resolve the on-going dispute which exists between the town of Bethlehem and a privately owned landfill. Although this bill aimed to help municipalities facing fiscal problems by dramatically reducing the amount of tax exemptions from which businesses currently benefit through the investment and installation of pollution control devices, the bill undermines years of good business working relationships between the state and industry. The minority believes that New Hampshire would lose its competitive advantage. By the reduction of tax exemptions, businesses may be forced either to downsize which would create a loss of jobs, increase the number of weeks of downtime, and/or locate to another state having a better tax exemption structure. In essence, any short-term gain will be offset by and or all of the above. The minority is gravely concerned that changes to RSA 72:12-a would negatively impact economic development, jobs and the environment. It was unclear on how the amendment is to be interpreted. As a consequence this bill may lead to unnecessary litigation.

RESOURCES, RECREATION AND DEVELOPMENT

HB 162, establishing boating speed limits for Lake Winnepesaukee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis F. Abbott for the **Majority** of Resource, Recreation and Development: This bill, as amended, establishes a speed limit on all state waters, provides for violations to be included in a person’s driving record, and provides for enforcement of a “reasonable and prudent” standard of boat operation. This bill was introduced relative to Lake Winnepesaukee but it was agreed by most of the committee that applying it only to that lake could have the unintended consequence of unfairly diverting the speed problem to other public waters in the state. The bill also allows for public safety exceptions and approved and sanctioned races. Furthermore, a recent survey indicated a vast majority of New Hampshire residents favor a speed limit on all the state’s waterways. In addition to the initial hearing, the committee held three public hearings in the Lakes Region over the summer, attended by upwards of a thousand individuals. In addition, the committee received hundreds of letters and petitions from citizens. The committee then conducted four additional meetings, solicited additional testimony and discussed and debated the issue in an attempt to reach the consensus that has been the hallmark of the committee during the past year. There was unanimous agreement that there is a serious problem on our public waters with real or perceived threats to the safety and enjoyment of a large number of individuals and families. The committee explored and debated various solutions including further education, better enforcement, a variety of speed limits, more discretion for marine patrol officers, and limiting high speeds to specific areas or times. The majority of the committee rejected the idea of merely applying a “reasonable and prudent” standard to speed enforcement because it would be confusing and unenforceable without a specific speed limit. Further, it would have little or no effect on boating safety. Expert testimony indicated that speed limits are enforceable, while the very low number of citations for “reckless operation” provide evidence that standards based on officer discretion are seldom used. In RSA 270:1 (II) the legislature states “...it is hereby declared that the public waters of New Hampshire shall be maintained and regulated in such a way as to provide for the safe and mutual enjoyment of a variety of uses, both from the shore and from water-borne conveyances.” The testimony of hundreds of residents, visitors, businesses and camp directors indicated that many do not feel this policy is being carried out satisfactorily. This is gradually undermining the desirability of New Hampshire as a safe place for individuals and especially families to recreate. Our public waters are reaching the point where there are just too many recreationists of all types to safely accommodate high speeds. In order to effectively enact the legislative policy, the time has come for New Hampshire to impose a reasonable speed limit on our waters. **Vote 11-10.**

Rep. D. L. Chris Christensen for the **Minority** of Resources, Recreation and Development: The key difference between the majority amendment and the minority amendment is that the majority wants an arbitrary 45mph day/25mph night speed limit on all New Hampshire waterways. The minority finds that the arbitrary speed limits is the wrong solution to a perceived problem. Consider this. Tourism is up. Boat registrations are up. Boating accidents have gone down over the last five years since mandatory safety education was introduced. No evidence was presented to

the committee showing that speed limits have improved water safety records anywhere. Law enforcement officials testified that speed limits will be difficult to enforce and the public opinion was split. State Police and Marine Patrol. We have two separate and distinct organizations because they face different tasks and operate in different environments. Traffic on the highway travels in one direction, mostly at similar speeds, in similar vehicles. Boats travel in all directions with a variety of speeds. Motor vehicle right-of-way is controlled by signs and traffic lanes. Boat right-of-way is controlled by navigation rules. There is no comparison. The minority looks to the Coast Guard for unbiased expertise. Speed should be reasonable and prudent for existing conditions, without using an arbitrary number. This is the approach used by the United State Coast Guard for inland waters. Other states reference Coast Guard regulations as their benchmark. The minority is sensitive to those who testified that they are scared to go out on the lakes. New Hampshire's waterways should be open to everyone. However, none of the incidents described would have been eliminated by the majority's proposed speed limit. Better enforcement of current laws and stricter penalties for violators are the solutions that the minority of the committee, most of whom are avid and experienced boaters, bring forward in the minority amendment.

TRANSPORTATION

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident. **OUGHT TO PASS**
Rep. Brenda L. Ferland for Transportation: The current law for suspension of license after a report of an accident reads that the director shall suspend the license of the driver. The committee has added one line saying that after a receipt of the report of an accident and notice that there has been an adjudication by a court that the driver was at fault, then the director shall suspend the license. **Vote 9-0.**

WAYS AND MEANS

HB 91-FN, repealing the local property tax exemption for wooden poles and conduits. **INEXPEDIENT TO LEGISLATE**
Rep. Susan W. Almy for Ways and Means: This bill is the exact opposite of SB 11 which was thoroughly agreed and passed last year. The majority of the committee agreed that the issue should only be raised once in a term, at most. **Vote 11-5.**
HB 553-FN-A, relative to a state tax on large lottery winnings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Howie Lund for the **Majority** of Ways and Means: The majority of the committee felt that a 10% state tax on lottery winnings of \$5,000 and higher would be double taxation for some and triple taxation for others. A state resident must pay a federal income tax on all winnings over \$599. The passage of this bill would cause our state resident to pay a double tax on all winnings of \$5,000 and over. Our "out of state" residents who purchase lottery tickets and have a winnings of \$5,000 or more would face a triple tax. They would first pay the federal income tax, second the New Hampshire 10% tax and third their home state income tax. The other concern was the fiscal note, which was incomplete. It was based on one year's numbers. When you look back six years, you see very erratic revenue streams. Those revenue streams are good in years when there are large power ball winnings and are poor in years without the big power ball winnings. **Vote 11-7.**
Rep. William Butynski for the **Minority** of Ways and Means: Many of the members who did not support the ITL motion felt that this bill would provide some additional necessary revenue to both the Land and Community Heritage Investment Trust Program (LCHIP) fund and the general fund. Also, since the bill would tax only large lottery winners (i.e. \$5,000 and above), most lottery players and winners would not feel any negative impact from the bill, while the additional revenue generated would provide substantial support for LCHIP, as well as some additional revenue for necessary state services supported by the general fund. Large lottery winners should not be excluded from paying taxes that businesses and individual consultants must pay.

COMMITTEE MEETINGS

TUESDAY, JANUARY 3, 2006

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), American Legion, Post 79, 35 West Brook Street, Manchester
5:00 p.m. Regular meeting.

WEDNESDAY, JANUARY 4

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY (RSA 186-C:3-b), Department of Education, Room 15, 101, Pleasant Street, Concord
4:00 p.m. Regular meeting.

MONDAY, JANUARY 9

COMMISSION TO STUDY THE STATE PARK SYSTEM (SB 5, Chapter 276:1, Laws of 2005), Room 100, State House
10:00 a.m. Regular meeting.
COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 308, LOB
10:00 a.m. Regular meeting.

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

OFFICIAL NOTICES

The State House Visitors' Center is happy to announce the arrival of the new 2005 State House Ornament. This year the ornament is a multicolored, brass representation of the New Hampshire state seal. In case you missed them we still have a few of the 2004 Ornaments, a three dimensional multicolored representation of the State House. After numerous requests we have obtained a limited number of golf shirts in adult sizes. The shirts come in blue, green or white with an embroidered representation of the state seal. Feel free to stop by to browse or to check on

when schools from your district are scheduled during the 2005-2006 school year.

Kenneth E. Leidner, Director

MEMBERS’ NOTICES

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

The House Republican Alliance will meet every Tuesday at 8:30 a.m. at the Upham Walker House, Park Street, Concord.
Rep. Michael A. Balboni

The Mainstreet Republicans will meet on Tuesday, **January 3rd** at 10:00 a.m. in Room 306, LOB.
Rep. Cynthia J. Dokmo

The Legislative Caucus for Young Children (LCYC) will meet on **January 3rd** at 10:00 a.m. in Room 206, LOB to continue review of 2006 legislation and to hear from sponsors.
Rep. Mary Stuart Gile

All Representatives, Senators and staff are invited to a Welcome Back Reception on Wednesday, **January 4**, 2006, at the Capitol Grille Restaurant located at One Eagle Square across from the State House in Concord. The reception, hosted by Murphy Public Affairs and Sheehan Phinney Capitol Group, will be held immediately following the close of the session (or at 3:00 p.m. should the session end early).
Rep. Sheila T. Francoeur

NH Optometric Association invites legislators and staff to a welcome-back reception on Wednesday, **January 11th** at 4:00 p.m. at the Holiday Inn, Concord. RSVP to 964-2885 or optometrist@comcast.net.
Rep. Pamela G. Price

The University of New Hampshire Cooperative Extension invites all legislators to a panel discussion on nutrition and well-being in Merrimack County with special guest, UNH President Ann Weaver Hart, on Wednesday, **January 17**, at 5:00 p.m. at Rundlett Middle School, 144 South Street, Concord. The event is co-hosted by President Hart, along with the Merrimack County Delegation, the Merrimack County Board of Commissioners, and the UNHCE Merrimack County Advisory Council. Please RSVP by January 12 to Gillian Hodges at 603-225-5505 or gillian.hodges@unh.edu.
Rep. Christine C. Hamm

All legislators are invited to attend a breakfast forum sponsored by the NH Coalition for Oral Health Action on Thursday, **January 19th** from 7:30 to 8:45 a.m. at the Tuck Library, NH Historical Society, 30 Park Street, Concord. Keynote speakers will be James Squires, MD, Endowment for Health and Susan Fichera, MS, NCSN, NP-C, School Nurse, Timberlane District. They will introduce “Watch Your Mouth,” a campaign to raise awareness of the importance of children’s oral health to their overall health. Please RSVP to Peg LePage at 228-2448.
Rep. James R. MacKay

STATE HOUSE VISITATION SCHEDULE 2005 & 2006 SCHOOL YEAR

Virginia Drew, Public Information Administrator Kenneth Leidner, Director

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
Jan. 9	10:00/11:30 SH/HM	Nottingham West School – Hudson	4/82
Jan. 10	10:00/11:30 SH/HM	Nottingham West School – Hudson	4/82
Jan. 11	10:00/11:30SH/F&G	Cutler Elementary School - Swanzey	4/65
Jan. 12	10:00/11:30 SH/F&G	Cutler Elementary School – Swanzey	4/45
Jan. 13	10:00/11:30 SH/HM	Maplewood Elementary School – Somersworth	4/86
Jan. 17	9:00	Beaver Meadow School – Concord	4/45
Jan. 17	10:30	Hills Garrison School- Hudson	4/50

Jan. 17	1:00	Hillsboro Christian School	1-5/23
Jan. 18	9:30/11:00 SH/CC	Penacook Elementary School	4/60
Jan. 19	10:00	Portsmouth Christian School- Dover	6/50
Jan. 20	9:30/11:00 SH/HM	Pembroke Hill Elem School	4/100
Jan. 20	1:00	Rochester Home School Group	14 + ages unknown
Jan. 23	10:00/11:30 SH/HM	Charlotte Avenue Elem School-Nashua	4/50
Jan. 24	10:00/11:30 SH/HM	New Searles Elementary – Nashua	4/40
Jan. 25	9:00	Penacook Seniors	14-20
Jan. 26	9:45/11:00 SH only	Auburn Village School	4/80
Jan. 27	9:30/11:00 SH/SC	New Franklin School – Portsmouth	4/54
Jan. 30	10:00/11:30 SH/HM	Charlotte Avenue Elem School-Nashua	4/50
Jan 31	10:30	Hills Garrison School – Hudson	4/50

NOTICE

The House Clerk's Office is now accepting orders for the **2005** hardcover Permanent House Journals. Work on the journal is awaiting final adjournment from the 2005 session.

Upon request, members of the Legislature in **2005**, and all state agencies are entitled to one Journal at no charge. There will be a charge for additional copies ordered by legislators and agencies, as well as any others who would like a copy. We estimate this cost to be approximately \$50 each, plus any applicable mailing expenses. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

In an effort to contain costs, the number of Journals printed will be determined by the number of advance orders received. Please do not order a Journal if you have no intention of claiming it.

Please clip this form and return it in person or via mail to:
Office of the House Clerk
Room 317, State House
107 North Main Street
Concord, NH 03301

Please Print

REP/SEN/NAME _____

AGENCY/BUSINESS _____

CONTACT _____

PHONE/EXT. _____

ADDRESS _____

CITY/STATE/ZIP _____

_____ COPY(IES) 2005 JOURNAL SIGNED _____