

State of New Hampshire HOUSE RECORD

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

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Thursday, March 2, 2006

No. 18

Contains: Reports for March 7, 8 and 9, Hearings, Committee of Conference Report, Meetings, Notices and Order Form for the 2005 Permanent Journal

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Tuesday, March 7** at **1:00 p.m.**, **Wednesday, March 8** at **10:00 a.m.** and **Thursday, March 9** at **10:00 a.m.**

Chairmen and Vice Chairmen will meet on **Tuesday, March 7** at **9:00 a.m.** in Room 203, LOB.

The New Hampshire House of Representatives is pleased and honored to welcome to the State of New Hampshire an official Delegation of the Republic of Kazakhstan, which is sponsored and hosted by Partners in Peace – New Hampshire 2006, a joint undertaking of the University of New Hampshire, the New Hampshire National Guard and the US Department of Defense. The Delegation will be visiting state agencies, local governmental units and private units to study emergency preparedness and response in New Hampshire.

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Tuesday, **March 7** at 12:15 p.m., Wednesday, **March 8** at 9:15 a.m. and Thursday, **March 9** at 9:15 a.m. in Representatives Hall.

Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Tuesday, **March 7**, Wednesday, **March 8** and Thursday, **March 9** at **9:00 a.m.** in Rooms 305-307 of the Legislative Office Building.

Rep. James W. Craig, Democratic Leader

NOTICE OF RECONSIDERATION

This day, Thursday, the 23rd day of February, 2006, at 11:15 a.m., Representative Steve Vaillancourt, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby **HB 1384**, relative to standardizing the format for special education budgets, passed with amendment on a roll call vote of 190-140; was the subject of a rules suspension on a division vote of 263-67, and was referred to the Committee on Finance.

Karen O. Wadsworth, Clerk of the House

NOTICE

STATEHOUSE CAFETERIA TO BE A “WI-FI HOTSPOT”

In the very near future, the Statehouse Cafeteria dining room will be set up as a “**Wi-Fi HotSpot.**” Anyone using an 802.11 wireless compatible device (**laptop or PDA**) will be able to access the Internet for free during the hours that the cafeteria dining room is open. Unlike other areas of the Statehouse complex, where an Encryption Key must be used, the Cafeteria will offer open access. This new HotSpot will be set up on a separate network so that the legislative network will remain secure. This was made possible through joint efforts of House and Senate leadership, under the guidance of Stan Kelly, Manager of the Statehouse Information Systems.

W. Douglas Scamman, Speaker

SHUTTLE SERVICE

For the convenience of members during the winter months once again a shuttle service is available from the Storrs Street parking garage to the State House complex.

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

W. Douglas Scamman, Speaker

NOTICE

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

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2006 SESSION

January 4 th , Wednesday	Last day to introduce 2006 House Bills
February 9 th , Thursday	Last day to REPORT HBs going to 2 nd committee (noon)
February 15 th , Wednesday	Last day to ACT on HBs going to 2 nd committee
February 23, Thursday	Last day to REPORT all other HBs (noon)
March 16 th , Thursday	Last day to REPORT HBs from 2 nd committee (noon)
March 22 nd , Wednesday	CROSSOVER Last day to ACT on HBs
April 6 th , Thursday	Last day to REPORT SBs going to 2 nd committee (noon)
April 12 th , Wednesday	Last day to ACT on SBs going to 2 nd committee
April 20 th , Thursday	Last day to REPORT all other SBs (noon)
April 27 th , Thursday	Last day to REPORT SBs from 2 nd committee (noon)
May 3 rd , Wednesday	Last day to ACT on SBs
May 11 th , Thursday	Last day to FORM Committees of Conference
May 18 th , Thursday	Last day to SIGN Comm. of Conference Reports (3:00 pm)
May 24 th , Wednesday	Last day to ACT on Comm. of Conference Reports

TUESDAY, MARCH 7

CONSENT CALENDAR

COMMERCE

HB 1107, relative to requirements for commercial construction contracts. **REFER FOR INTERIM STUDY**

Rep. David H. Kidder for Commerce: This bill would establish timely payment requirements, regulate retainage practices as well as prohibiting “no-lien” clauses. The committee believes that this bill has some merit, but it has also raised many questions. The contractors and subcontractors have met and are working on solutions. The committee felt that interim study would provide the venue to achieve those solutions. **Vote 17-0.**

HB 1112, relative to disclosure of appeals processes under insurance policies. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Commerce: This bill would require all insurers to provide, on the first page of an insurance policy to an insured, a description of the appeals process along with the address and telephone number of the insurance department. After lengthy discussion and even talk of sending this to interim study, the committee felt that more work and more information from the insurance department was needed and new legislation should be filed. **Vote 15-2.**

HB 1126, relative to licenses for first mortgage bankers and brokers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill was a request by the banking department to update certain sections of the banking statutes that were found to be deficient during rulemaking. The length of the bill is due to the changes being duplicated in five different statutes. Definitions and a procedure to do background checks and fingerprinting of banking department employees were added. Those checks are required for those employees to participate in certain fraud prevention seminars offered by the federal government. **Vote 16-0.**

HB 1188, relative to notice before entry into a condominium unit. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill provides condominium unit owners with the same right to prior notice before entry that is presently afforded under the landlord tenant law to renters. Additionally, it provides the condominium unit owners’ association with the right to access after notice to enable them to exercise and discharge their responsibilities. **Vote 16-0.**

HB 1190, establishing a committee to study refunds of insurance premiums overcharged under SB 110. **INEXPEDIENT TO LEGISLATE**

Rep. Marshall E. Quandt for Commerce: This bill establishes a committee to study refunds of insurance premiums overcharged under SB 110. The committee felt that this information can be obtained by SB 125, Chapter 225, Laws of 2005 oversight committee. **Vote 18-0.**

HB 1192, relative to property and casualty insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This bill is the result of a request by the insurance department to make certain clarifications, updates and technical changes relative to property and casualty insurance. The committee is in complete accord with the insurance department suggestions regarding updates needed to current statutes as a result of advancements in technology, new types of coverage, etc. **Vote 18-0.**

HB 1233-FN, including public officials under the real estate practice act. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: This bill would require public officials to follow the Real Estate Practice Act and have real estate licenses. The committee felt this bill was not necessary. First, there was no testimony of any serious problems. Second, all public officials do take an oath of ethics to hold office. Third, licensure is not necessary. Training sessions sponsored by such organizations as the New Hampshire Municipal Association can give public officials the background and skills necessary in dealing with real estate issues. **Vote 16-1.**

HB 1274, relative to certain disclosures to the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen T. DeStefano for Commerce: The original bill and the amendment asked to repeal RSA 125:15-a VIII relative to rulemaking for certain disclosures to the department of health and human services. The second section of the bill asked to repeal RSA 125:25-c relative to disclosure of certain ownership interests to the department of health and human services. The committee felt that disclosure was very important, so the amendment was a compromise between owners filing reports and making sure that the insured have the information on file about ownership of physicians in the companies to which they have been referred. **Vote 16-1.**

HB 1276, relative to automobile insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This bill would prohibit an insurer from charging or increasing a premium under an automobile policy for an adult living in the household of the policyholder, if the adult holds a valid title to an automobile and the policyholder requests that the adult not be included on the policy. This cannot be done as it would be in violation of the provisions of RSA 264:18 which spells out the required provisions of a motor vehicle liability policy issued in New Hampshire. **Vote 17-0.**

HB 1291, relative to automobile insurance coverage for drivers in the same household as the policyholder. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This bill requires insurance companies to permit an automobile insurance policy holder to decline coverage for drivers in the same household. This cannot be done as it would be in violation of the provisions of RSA 264:18 which spells out the required provisions of a motor vehicle liability policy issued in New Hampshire. **Vote 17-0.**

HB 1327, requiring a vote by the tenants who are owners of manufactured housing park units prior to purchase of the manufactured housing park by the tenant or tenants' association. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: After a thorough review of the evidence presented, the committee felt that this bill would create a severe hardship for tenant associations to purchase manufactured housing parks by shortening the period for finalizing a purchase from 60 to 30 days, and requiring 51% of the parks' tenants to vote in favor of the acquisition prior to proceeding. The current rules are working well and we see no reason to change them at this time. **Vote 15-2.**

HB 1338, relative to medical malpractice insurance rates. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill would freeze malpractice rates until the final report of the committee to study medical malpractice insurance rates. This report is not due out until December 1, 2010. Although we appreciate the intent of the sponsors, freezing the malpractice rates for this long would effectively eliminate malpractice insurance in New Hampshire. **Vote 18-0.**

HB 1355, permitting the use of certain campers or recreational vehicles in manufactured housing parks. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: After hearing all testimony, it was determined that RSA 205-A:2 excludes campers or recreational vehicles within the definition of manufactured housing and therefore they are not eligible to rent space from a manufactured housing park. It also appeared to be primarily a local issue so the committee felt it could be better addressed through municipal rules and ordinances. **Vote 14-4.**

HB 1365, relative to public pooled risk management. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: This bill would require all three boards of the New Hampshire Public Pooled Risk Management to be elected or appointed public officials, officer or employees of an entity that is a member of the pool. The committee amended this statute in 1997 to require that a majority of the board be elected or appointed public officials, officers, or employees. Two of the boards already consist of all elected or appointed officials and the third has a 10-member board with two non-elected or appointed members. A representative of the board stated that they like to have the ability to include a board member with professional expertise at times and this has never proven to be a problem. Noting that no issues have occurred with these non-elected or appointed members, the committee did not feel this legislation warranted. **Vote 17-0.**

HB 1399, relative to the compensation paid to directors or officers of a charitable trust. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. Pelkey for Commerce: Setting percentage limitations on salaries of presidents and CEO's of charitable trusts is a violation of the 14th Amendment as stated by the Attorney General's office. Additionally, the Internal Revenue Service looks closely at reasonable compensation paid to directors and officers through 990 reporting of charitable trusts. Most of the testimony in support of this bill was focused primarily on the perceived high compensation paid to presidents and CEO's of hospitals which were within national averages for these positions to assume responsibility to manage budgets as high as 500 million dollars. **Vote 15-2.**

HB 1447, requiring a New Hampshire bank to credit a customer's account within 24 hours of notification that a check is good. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The determination of the availability of funds is determined by federal law, Regulation CC. Any law enacted to vary that procedure would only apply to our state-chartered banks, that quite often make funds available sooner than the federal guidelines provide. **Vote 18-0.**

HB 1469-FN, requiring hospitals to make the price of certain common procedures available to the public. **INEXPEDIENT TO LEGISLATE**

Rep. Marshall E. Quandt for Commerce: This bill requires hospitals to compile a list of charges for common services. This bill grants rulemaking authority to the commissioner of the Department of Health and Human Services. The majority of the committee, including the sponsor, agreed that the issues raised by this bill are expected to be covered by other legislation. **Vote 17-1.**

HB 1485, establishing a commission to study the feasibility of forming self-insurance groups for medical malpractice. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: There is nothing that now prevents any group from being formed to provide self-insurance for medical malpractice. In fact, the New Hampshire Medical Society has looked at this issue twice and Southern New Hampshire Medical of Nashua also investigated self-insurance. In all three situations, it was found that the capital requirement to allow a medical malpractice self-insurance group to be formed was so large as to make it impractical. It was felt by the committee that this commission was not needed. **Vote 15-3.**

HB 1488, establishing a committee to study regulation of employers self-insured group health plans. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. Pelkey for Commerce: Self-insured group health plans fall under federal jurisdiction of Employee Retirement Income Security Act (ERISA) and therefore are not subject to mandates imposed by the state. **Vote 15-2.**

HB 1513, requiring legislative approval for changes to the purpose of a special corporation. **INEXPEDIENT TO LEGISLATE**
Rep. Stephen T. Pelkey for Commerce: On September 20, 2005, SB 70, Chapter 282, Laws of 2005, relative to the powers of a special corporation, became law amending RSA 292:8-1 by adding paragraph II which permits the purpose of a special corporation to be changed by a majority vote of the corporation and the filing of a certified copy of the vote with the Secretary of State. This bill would basically nullify what was passed last session after only five months of existence. The Attorney General's office opposes this bill. **Vote 17-0.**

HB 1528, establishing a committee to study the adequacy of consumer protection laws in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: This bill would create another committee to study the adequacy of consumer protection laws in New Hampshire. The committee felt that this study committee was not necessary. These issues have all been addressed under separate legislation in the recent past. **Vote 18-0.**

HB 1533, relative to services provided by manufacturers and distributors of beer to beer retailers. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Kidder for Commerce: This bill would permit manufacturers and distributors of beer to provide carbon dioxide filters to beer retailers and would be an exception to RSA 179:11. It was decided that it was more appropriate to tackle this problem from the Liquor Commission end as opposed to the distributor/vendor end of the situation. **Vote 18-0.**

HB 1537, relative to the procedure for resolving disputes regarding construction defects between homeowners and contractors. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The committee made great effort last year to put in place a dispute resolution process to keep contractors and homeowners out of court. This bill was filed prior to the new procedure becoming effective on January 1, 2006. We have enhanced the powers of the Attorney General's Office, Consumer Protection Division to pursue and prosecute the criminals who are holding themselves out as contractors and defrauding consumers. We would like to wait and see how the new law works. **Vote 18-0.**

HB 1555, establishing a commission to investigate cost drivers in providing health care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stella Scamman for Commerce: The amendment to this bill adds a member from the Retail Merchants Association and creates a 20 member commission. The amendment also refers to federal and state reimbursement associated with cost shifting. The committee believes that passing this bill and investigating healthcare cost drivers is an important step to finding solutions. **Vote 18-0.**

HB 1592-FN, making certain changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald H. Flanders for Commerce: This is a bill that was requested by the insurance department to clarify certain continuation of coverage proceedings in the group accident and health insurance provisions. It also requires insurance carriers to continue to provide benefits to covered members under a group insurance policy which has been cancelled for any reason for up to 39 weeks or until such member becomes eligible for benefits under another group, whichever comes first. Where coverage has ended as a result of nonpayment of premiums, the member electing continuation coverage shall not be liable for any accrued and unpaid premium that was the employer's responsibility under the policy, or any amount previously paid by the person for coverage under the policy that, due to the employer's actions, was not paid to the carrier. **Vote 18-0.**

HB 1652-FN, relative to certain insurance claims. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald H. Flanders for Commerce: This bill clarifies when an insurer may impose a retroactive denial of a previously paid claim beyond 18 months and codifies the details in such a manner that it should eliminate the problems that have occurred in the past. It was fully supported by both the industry and the insurance department. **Vote 18-0.**

HB 1668, relative to providing bank account balance information. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The intent of this bill was to prevent an unauthorized person from making a deposit into an account, learning the balance and then defrauding the customer. It appears only one bank prints balances on the deposit slip and they have never encountered this scenario. They testified it would be extremely expensive for them to change their software, which currently prints balances because 95% of their customers request it. Because this would only affect state-chartered banks, it could be an incentive for a bank to change to a federal charter. Additionally, a minimal deposit made, on camera at the bank, would be unlikely and most likely generate a "suspicious activity" report by the lender. **Vote 18-0.**

HB 1769, relative to insurance records required for market conduct purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Commerce: This bill would interfere with existing contracts between insurance companies and their agents with respect to record keeping. The record keeping is a cost of doing business and should be left to the parties to agree upon. This bill goes far beyond its intended purpose of market conduct examination. **Vote 15-3.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill is a 2nd committee referral, having already passed the house on the consent calendar. The bill simply places all of the existing DWI statutes under one title (XXI) making no changes to existing law. The committee amended the bill to assure that Fish and Game officers could still retain the ability to enforce portions of the DWI laws pertaining to OHRV's, snowmobiles, watercraft and boats that they currently have under existing statutes. **Vote 18-0.**

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

Rep. John E. Tholl for Criminal Justice and Public Safety: Criminal Justice received this bill as a second committee to review the penalties. No one appeared at the public hearing to oppose the issue and the committee felt that making the penalty consistent with the other licensing statutes was the appropriate thing to do. **Vote 15-2.**

HB 1137, relative to criminal trespass. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill attempts to make legal an action that was ruled unconstitutional by a district court judge. During testimony, the Attorney General's representative said these were serious constitutional questions. A further unintended consequence was pointed out in that if a person was arrested and convicted under the provisions of this bill, as soon as they were released they would be subject to immediate re-arrest ad infinitum. **Vote 14-2.**

HB 1155, creating a violation for failure to pay a highway toll. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill came to us as a second committee to review the penalty. The bill itself deals with failure to pay a highway toll and the committee unanimously agreed that a violation is an appropriate penalty for this infraction. **Vote 14-0.**

HB 1180, relative to distributing sexual offender registry information. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The bill intends to allow local law enforcement agencies, at the discretion of the governing body, to distribute information about sex offenders living in the geographical area. The committee felt there are many flaws in this bill. The governing body is different in different parts of the state. The committee feels this might become an Article 28A issue. The subject is addressed in another bill currently in the committee. **Vote 16-0.**

HB 1209, relative to notification requirements for criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background check and background investigation. It allows local law enforcement agencies to notify schools within its jurisdiction of the address of a registered criminal offender, provides limited liability to a school administrative unit, school district, or charter school for permitting certain volunteers to have contact with students. **Vote 16-0.**

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. **OUGHT TO PASS**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill modifies RSA 263:93-a. Under current law, there is no immediate tool available to law enforcement when a commercial driver, or that driver's employer, operates a commercial vehicle following the issuance of an "out-of-service" order to either a vehicle or driver. This bill creates a misdemeanor crime for "jumping" such an order. This bill is a deterrent to both the driver, or the driver's employer to such violation of an order and results in safer commercial motor vehicle operation. The Department of Safety testified in favor of this bill. **Vote 14-0.**

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. **OUGHT TO PASS**

Rep. Bob M. Fesh for Criminal Justice and Public Safety: This bill would permit establishment of state-wide rates which would be fair and reasonable relative to costs of personnel and rates for equipment use in hazardous waste incidents. This responds to the frustration expressed by municipalities and the Department of Environmental Services. **Vote 12-0.**

HB 1354, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill purposely removes the duty to retreat in the face of an attack. RSA 627:A as currently written already sufficiently covers this concern. The duty to retreat does not occur if you are within your dwelling or its curtilage or, if any other place, where you can do so with complete safety.

This bill also would create a presumption that an attacker intended to cause serious bodily injury. This raises many concerns and could result in unintended consequences. **Vote 13-3.**

HB 1369, relative to the posting of signs restricting the bearing of arms. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: While the committee understands the intent of the bill, the members of the committee were unable to produce an amendment that would have been workable. Numerous attempts by the sponsor and others failed to provide an acceptable piece of legislation that satisfied the committee. **Vote 16-0.**

HB 1377, relative to certain mandatory minimum sentences. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill eliminates a mandatory one year sentence of imprisonment in addition to the sentence provided for the underlying felony for the felonious use of a firearm, first offense. In addition, it eliminates the three year minimum mandatory sentence for reckless conduct, a felony, an element of which is the possession, use or attempted use of a deadly weapon which is a firearm. This will give judges more sentencing discretion. We have seen instances where shooting a firearm in the air has resulted in three years mandatory jail time. Another element of the

bill clarifies a violent crime under incest and endangering the welfare of a child. The violent crime will apply if the victim is under the age of 18 under the incest statute and under the age of 16 under the endangerment statute when the prosecution is for the solicitation to engage in child pornography, or sexual penetration. **Vote 16-0.**

HB 1386, relative to exceptions to the prohibition on carrying and selling knives. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill, as amended, includes the following in the exception clause RSA 159:17 to the Carrying or Selling Weapons statute RSA 159:16: emergency medical technicians, firefighters, military personnel while in the course of their duties, as well as duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from their customary places of assembly. The committee attempted to include knife dealers and collectors in this exception. However, neither group is defined anywhere by statute and the committee felt that including that category would lead to unintended consequences. **Vote 15-1.**

HB 1389, relative to firearms in locked vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as introduced had few supporters. The committee was unable to devise a workable means of addressing the bill's intent. **Vote 16-0.**

HB 1390, relative to official oppression. **INEXPEDIENT TO LEGISLATE**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill is an attempt to address violations of civil rights. As this area is already covered under federal law, the committee felt that it is not needed in state statute. **Vote 15-1.**

HB 1420-FN, prohibiting remote control and Internet hunting. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee received the bill to review the penalties. The committee amendment brings the penalty section in line with other penalties under the codes. Additionally, after a public hearing, a change was made to RSA 159:12 to allow firearms instructors to lawfully utilize live ammunition during hunter safety or other firearm instruction while instructing minors. This will be done with the permission of the parents or legal guardian. The Attorney General's office had advised Fish and Game that unless current laws were changed they would have to curtail the hunter safety programs. The committee acted to allow this essential activity to continue. **Vote 17-0.**

HB 1480, amending the provisions relative to registration of criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation requires criminal offenders required to register because of a violation of RSA 632-A:2, aggravated felonious sexual assault, or RSA 632-A:3, felonious sexual assault, to be designated as offenders against children if the victim was under the age of 18 at the time of the offense. These names will be available to the public for reasons of safety. **Vote 18-0.**

HB 1482, relative to false information provided in connection with registering a motor vehicle belonging to a foreign national. **INEXPEDIENT TO LEGISLATE**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: While the committee recognizes that the fraudulent application for motor vehicle license/registration is a real problem, it was pointed out that RSA 260:10 already requires that all applications filed with the New Hampshire Division of Motor Vehicles display the notice "This application is signed under penalty of unsworn falsification pursuant to RSA 641:3" including those for foreign persons. **Vote 17-0.**

HB 1522, relative to extended authority for law enforcement assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The authority of law enforcement officials to respond to requests for assistance from outside of their jurisdiction is covered by RSA's 48:11-a, 104:6, 105:9-a and 106:C. The committee believes that existing law is more than adequate to address current needs and that this bill would only undermine the intent of existing statutes. **Vote 17-0.**

HB 1620-FN, relative to hunting restrictions of certain convicted felons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill came forward from the law enforcement arm of New Hampshire's Fish and Game Department where some of the enforcement officers came upon convicted felons hunting with Cross Bows, which are not defined as being a dangerous weapon under N.H. Statutes. Two of our courts in Carroll and Coos Counties ruled that the felon was hunting bear and not humans and was licensed to so do. They were found not guilty. Further, the amendment states it is an affirmative defense if a person convicted in another jurisdiction of a felony which would not have constituted a felony in the State of New Hampshire at that time of the offense. The bill prohibits certain felons from obtaining a hunting license, or signing an application for a license **Vote 17-0.**

HB 1624-FN, relative to boat noise. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill was referred to the committee to review the increase in fine from \$100 to \$250 according to RSA 270:41-A. Additionally, the amendment eliminates an increase in penalty which was not supported. Section 4 of the bill is eliminated by the amendment which would have added a misdemeanor for a natural person, or a felony for a business or corporation, for failure to pass a noise test, or for altering a marine engine that results in a failure to pass a noise test. **Vote 17-0.**

HB 1625, establishing penalties for court-appointed advocates who fail to file reports which are required by the court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The committee came to the conclusion that something needed to be done. We heard from the public, a judge and other interested and affected parties. Reports should be on time and when they

are not, there should be a penalty. Included in the amendment is a charge for the cost of the parties to the action for the day of the hearing. People have taken time off from work, attorneys are present and in some cases children. When a report is not done on time and there is a continuance it becomes costly to all parties. Furthermore, we feel that it is imperative that the Guardian Ad Litem Board continue with the completion of the rules and regulations as soon as possible, so that Guardians Ad Litem come under one board. **Vote 18-0.**

HB 1660-FN, regulating identity theft. OUGHT TO PASS

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill requires any persons who own or license computerized data that includes personal information to notify affected individuals of any security breach of such system as soon as they become aware of the breach. It sets forth the manner in which notification will be given. The penalty listed is consistent with similar corporate violations. **Vote 16-0.**

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The amendment replaces the bill. The committee strongly believes that methamphetamine use and especially the production of methamphetamine (labs) is a serious danger to the citizens of New Hampshire. Of the 18 labs discovered in New England during 2005, twelve of the labs were in New Hampshire. The production of methamphetamine exposes New Hampshire residents to the dangers of explosion and contamination which can and often does lead to serious long-lasting injuries or death. For every one pound of “meth” produced there is 5 to 7 pounds of toxic waste produced which is often disposed of without regard for others. The bill provides for appropriate penalties for manufacture/possession of methamphetamine. **Vote 17-0.**

HB 1674-FN, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials. OUGHT TO PASS WITH AMENDMENT

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill requires emergency care providers to report any relevant information on certain sexual assault crimes to law enforcement officials. The bill also provides that an emergency care provider who has shown due diligence shall not be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse. **Vote 16-0.**

HB 1706-FN, requiring certain persons to have Transportation Security Administration training and certification to provide airport security support in emergency situations. INEXPEDIENT TO LEGISLATE

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill would require that at least 100 persons who are National Guard members or state, or county or local law enforcement officers, be trained and certified by the Transportation Security Administration to provide airport security support in emergency situations. The fiscal note attached to the bill states that it is impossible to estimate the fiscal impact since the breakdown of personnel among governments, the cost of training each person, or what government or governments would absorb the cost is unknown. The High Sheriff of Rockingham County and the administration at the Manchester Airport have expressed their opposition to this bill. **Vote 16-0.**

HB 1745-FN, relative to methamphetamine-related crimes involving children and incapacitated adults. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl for Criminal Justice and Public Safety: As amended, this bill provides for laws that directly impact those persons who knowingly engage in conduct involving methamphetamine labs or the illicit production of methamphetamine in such locations where a child or incapacitated adult may come into contact with the drug production, or its residue. It further provides that the Department of Health and Human Services shall be responsible for the care, shelter and medical treatment screening of the children found in or near a lab, or that may have been exposed to the toxic chemicals or residue. **Vote 18-0.**

HB 1749-FN, relative to access to motor vehicle records by certain defense contractors. OUGHT TO PASS

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill alters RSA 260:14, Records and Certification, to allow NH contractors with certain Department of Defense contracts to obtain limited information from motor vehicle records under a waiver from the Commissioner of Safety which can be granted for a period of up to one year. This bill addresses concerns of national security.. **Vote 15-2.**

EDUCATION

HB 1113, adding a definition of "public academy" to New Hampshire law. OUGHT TO PASS WITH AMENDMENT

Rep. David W. Hess for Education: The committee unanimously recommends that this bill be passed as amended. It contains a useful definition of a “public academy” and the amendment ensures that this definition will have no bearing on whether or not public academies and their employees are eligible to participate in the New Hampshire Retirement System. **Vote 15-0.**

HB 1136, establishing a commission to study the care needs of medically fragile students in the school system.

INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Education: The committee voted unanimously to kill this bill after the sponsors advised that the bill was unnecessary. **Vote 15-0.**

HB 1159, relative to procedures for certain court ordered out-of-district placements. INEXPEDIENT TO LEGISLATE

Rep. Nancy F. Stiles for Education: The committee recognized the value of the requirement for courts to consider school district

information from special education teachers and specialists prior to out of district placement. HB 1159 will be considered in the Special Education Ad Hoc Committee review of all special education laws where we can also discuss the inclusion of the IEP which includes parental involvement. **Vote 15-0.**

HB 1170, requiring state education aid to be used exclusively for public education. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: By a unanimous vote the committee believes current law is appropriate. We found the following as problematic: aside from an error by government, no additional money can be sent to a school district. The Dept. of Revenue Administration (DRA) reviews warrants and minutes to assure approvals are legal and DRA reduces appropriations for any illegal expenditure. Further, education aid is paid directly to the school district and not to the municipality. **Vote 15-0.**

HB 1532, revising the special education statutes. **REFER FOR INTERIM STUDY**

Rep. Clifford A. Newton for Education: This bill, while well intended, was originally brought forward as a housekeeping bill. It was soon realized that there were additional concerns with the bill and an amendment was then offered. The amendment, while clarifying some concerns of the committee, brought up even more concerns. The bill was then referred to interim study so that the appropriate time and energy could be given to the issue of revising the special education statutes that this deserves. **Vote 15-0.**

HB 1640-FN-L, requiring school boards to disclose the financial costs of contracts to the voters. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Health, Human Services and Elderly Affairs: This bill would impose additional obligations and possibly additional costs on local school districts in requiring them to inform the legislative body of the district; i.e. the public, about contracts of any value over which the legislative body has no power or authority. In addition, it has potential Article 28-A problems as an unfunded mandate. **Vote 14-0.**

HB 1736-FN-L, relative to tuition payments made to charter schools. **INEXPEDIENT TO LEGISLATE**

Rep. Michael A. Balboni for Education: The purpose of this bill, to authorize the Dept. of Education to send tuition money directly to state-approved charter schools instead of through a local school district, and to authorize the state treasurer to distribute these adequate education grants from the Education Trust Fund, has already been incorporated into HB 76 that passed the House and is now in the Senate. Therefore, there is no longer a need to pass this bill. **Vote 15-0.**

ELECTION LAW

HB 1172-FN, relative to registration of political committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claudia A. Chase for Election Law: This bill strengthens existing law pertaining to the registration of political committees by requiring that such a committee file an amendment to it's registration reporting any change of officers or purpose. **Vote 12-0.**

HB 1217, requiring the secretary of state to publish certain information on campaign contributions. **OUGHT TO PASS**

Rep. Richard B. Drisko for Election Law: The committee feels that this bill has merit. This is or is about to become the practice of the Secretary of State. Information is already being published by way of the internet. Because the technology already exists, and Help America Vote Act (H.A.V.A.) dollars are already in place to federally fund this venture, it seems that it is the right time to fully implement this information technology which will enable the Secretary of State to identify campaign contributions and contributors online. **Vote 15-0.**

HB 1219, prohibiting the use of public funds to advocate for the success or defeat of a candidate or ballot question. **REFER FOR INTERIM STUDY**

Rep. Claudia A. Chase for Election Law: Representatives of such entities as the New Hampshire Municipal Association, government services and town administrations were concerned that activities they perform in the service of providing requested information would be construed as electioneering. Representatives of the judicial branch were concerned that their practice of advocating for ballot questions, which they routinely do, would be made illegal. In the service of such concern, it is necessary to fully explore the consequences and wording of this bill. **Vote 15-1.**

HB 1237-FN-L, requiring matching expenditures when public money is paid for purposes of electioneering. **REFER FOR INTERIM STUDY**

Rep. Jane A. Clemons for Election Law: The committee has agreed to study a number of bills regarding public money, campaigns, electioneering and will address these issues in the fall in order to make an appropriate recommendation. **Vote 16-0.**

HB 1312, clarifying the definition of gift as it applies to elected officials. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: This bill was filed to clarify the definition of a gift relative to the prohibition of cash gifts passed in the spring of 2005. The committee now believes that this is unnecessary because of the passage of SB 206 which does a thorough job of defining gifts. **Vote 15-1.**

HB 1421-FN, relative to campaign contributions and expenditures. **REFER FOR INTERIM STUDY**

Rep. James R. Splaine for Election Law: This legislation would establish a fund to provide campaign financing for eligible candidates for governor, executive councilor and state senator. Candidates would qualify for that financing by collecting a required number of small contributions and by complying with other provisions of the state's financing laws. The candidate

would then use money received from the fund instead of so many private contributions to finance his or her campaign. The committee believes that the concept and purpose of this bill are positive and deserve further review and study. **Vote 13-3.**

HB 1481, establishing a moratorium period for lobbying by certain state officers. **REFER FOR INTERIM STUDY**

Rep. Richard B. Drisko for Election Law: This bill would amend RSA 15:1-a by extending the moratorium period on allowing former state officials or employees to become lobbyists. The bill expands the definition of affected employees and public officials. The committee is concerned that the bill as written has the potential to unfairly limit employment opportunities for certain individuals after they complete a period of service to the state. The committee felt that the issue should be subjected to additional review. In addition, some of the content of the bill was considered in SB 206. **Vote 13-4.**

HB 1544, establishing a committee to study the propriety of a university of New Hampshire employee working in and being paid by the governor's office. **INEXPEDIENT TO LEGISLATE**

Rep. James M. Carew for Election Law: The committee recommends this bill be inexpedient to legislate as the content of this bill is incorporated into SB 206. The sponsor has agreed with the decision of this committee. **Vote 16-0.**

HB 1547, clarifying what constitutes physical presence for purposes of establishing domicile under the election laws. **REFER FOR INTERIM STUDY**

Rep. Jane A. Clemons for Election Law: This bill was put in interim study because the committee feels we need time to look closely at what constitutes "physical presence" and domicile. The committee agrees we need to be careful as not to disenfranchise legitimate voters and further study is appropriate. **Vote 15-1.**

HB 1553, relative to electioneering. **REFER FOR INTERIM STUDY**

Rep. William L. O'Brien for Election Law: This bill brought before the committee the important issues of the conduct of elections at and near polling stations and electioneering by public officials. It quickly became apparent that each component of the bill introduced a host of competing public safety and freedom of speech issues, as well as a need for substantial public input on current voting practices, concerns and suggestions for improvement. No one aspect of the bill would permit legislative remedy now, without greater consideration and study, and that any attempt to do so would surely result in unintended and adverse consequence. This concern was shared by each member of the committee who considered the bill in unanimously voting to recommend the bill be referred to interim study. **Vote 15-0.**

HB 1613-FN-L, relative to polling place arrangement and accessibility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: This legislation was requested by the offices of the Secretary of State and the Attorney General to bring our RSA's into full compliance with the Help America Vote Act and the Americans with Disabilities Act of 1990. The original bill specified that the Secretary of State shall provide one disabled voter accessible voting booth to each municipality. The amendment clarified that the voting booth would be provided to each polling place to be in compliance with the subject laws. **Vote 15-1.**

HB 1635-FN-L, relative to direct recall elections. **INEXPEDIENT TO LEGISLATE**

Rep. Ralph G. Boehm for Election Law: We may all feel at sometime that a recall maybe necessary, but this opens up elected public officials to abuse by a minority of voters. This bill calls for 15% of voters to sign a petition and then 30% of voters to vote in a special recall election. This would cause additional cost to municipalities. **Vote 15-0.**

ENVIRONMENT AND AGRICULTURE

HB 1111, designating the pumpkin as the New Hampshire state fruit. **OUGHT TO PASS**

Rep. Derek Owen for Environment and Agriculture: The bill to designate the pumpkin as the state fruit met little opposition. This opposition came from apple growers who felt the apple was considered more popular and well known and sold more pies than pumpkin pies. The various pumpkin festivals, including the largest pumpkin grown in the state and the Keene pumpkin lighting, help to prompt the importance of our fall agricultural economy. The committee felt the versatility of the pumpkin warranted the designation as the state fruit. **Vote 17-0.**

HB 1216, relative to the sale of unpasteurized milk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane E. Beaulieu for Environment and Agriculture: This bill is a matter of choice. Unpasteurized milk and milk products may be sold and served only if such milk products are clearly labeled as unpasteurized similar to the labeling of unpasteurized apple cider. All dairy farmers will continue to follow all rules and regulations set forth by the Department of Agriculture and the Department of Health and Human Services. The Commissioner may adopt rules pursuant to RSA 541-A relative to the manufacturer, labeling and the sale of milk and milk products in New Hampshire. **Vote 13-0.**

HB 1394, relative to determination of value of property in current use. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: Current use value is determined by the income producing value of the property solely for growing forest or agricultural crops and not its real estate market value. The amendment defines current use value to further clarify RSA 79-A. **Vote 18-0.**

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. **OUGHT TO PASS WITH AMENDMENT**

Rep. J. David Knox for Environment and Agriculture: This bill seeks to amend RSA 147-A:9 and RSA 147-B:10 to remove strict liability to municipalities in transporting locally collected household hazardous waste to regional hazardous waste collection centers. The New Hampshire Department of Environmental Services accepts the responsibility of any inadvertent spillage in

this transportation and thus eliminates a concern municipalities have had in sponsoring local hazardous waste collection events. This would thus help eliminate the problem of mixing hazardous waste with municipal solid waste at local disposal facilities. No one testified against this bill and all individuals and groups representing municipalities in New Hampshire that spoke to the committee were supportive of this change. **Vote 13-1.**

HB 1438-FN, relative to mandatory recycling of solid waste. **INEXPEDIENT TO LEGISLATE**

Rep. David E. Essex for Environment and Agriculture: This bill would have prohibited the disposal of construction and demolition (C & D) waste except through an appropriate recycling program. The committee heard testimony that such a requirement might add an onerous burden to businesses and municipalities, and conflict with other pending legislation and studies, thus making this bill premature. **Vote 14-0.**

HB 1455-FN-A, relative to the recovery, reuse, and recycling of used electronic devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzanne S. Butcher for Environment and Agriculture: Hundreds of thousands of computers, monitors and televisions will become obsolete in New Hampshire this year. They should not go into our landfills or incinerators, both because of sheer volume and because they contain toxics such as lead (several pounds in each CRT), cadmium, and mercury. HB 1455 was introduced as part of a ten-state Council of State Governments effort to develop coordinated legislation to deal with consumer e-waste, requiring manufacturers to assume responsibility for the cost of recycling. Since the CSG discussions are not yet completed, the Environment and Agriculture Committee amended HB 1455 simply to ban disposal of computer monitors and televisions in landfills and incinerators. New Hampshire businesses accept and process e-waste. Until more comprehensive regional or national legislation can be developed, consumers will have to continue to pay to recycle our old computers and TVs, or continue to store them in our basements or garages. **Vote 13-0.**

HB 1479, relative to debris and solid waste removal at manufactured housing parks. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Environment and Agriculture: The committee recognized an existing problem at a particular manufactured housing park, which gave rise to this bill. But, the committee believes a) that existing statutes provide adequate authority to address the situation, and b) that, even if passed, the bill would offer no greater guarantee of remediating the aforementioned problem and/or avoiding court action than existing statutes. **Vote 16-1.**

HB 1534, relative to maintaining construction and demolition debris as a solid waste. **OUGHT TO PASS**

Rep. James F. Powers for Environment and Agriculture: This bill regulates the wood component of construction and demolition waste as a solid waste thereby ensuring that there will be proper control and oversight of wood waste products that contain or are treated with toxic pollutants. The committee was unanimous in its opinion that care should be taken in handling such wood debris, particularly as much of it is being imported from out of state. Salvaged materials and items, such as doors, wood frames, window frames, and other wood products, as well as reusable dimensional lumber from dismantling or deconstructing buildings and structures are not affected by this classification. **Vote 18-0.**

HB 1571, relative to reports of legislative standing committees on environmental legislation and relative to the adoption of rules concerning environmental regulation. **INEXPEDIENT TO LEGISLATE**

Rep. Betty B. Hall for Environment and Agriculture: The subject matter of this bill, requiring standing committees of the House and Senate review environmental matters to include a technical and scientific basis for regulation, will be considered with another bill on developing environmental policy being studied by the committee. **Vote 13-0.**

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill shifts the responsibility for the land use change tax involving a right of way to the party responsible for causing the change. Today, the party who caused the change is not responsible for paying the tax. This bill also mandates that the land beneath the right of way remains in current use. **Vote 12-1.**

HB 1689, relative to the New Hampshire-Vermont interstate waste compact. **INEXPEDIENT TO LEGISLATE**

Rep. Betty B. Hall for Environment and Agriculture: The process of withdrawing from the New Hampshire-Vermont interstate waste compact is proceeding on schedule and this bill is premature. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1247-FN, relative to licensure of pharmacy benefit managers. **REFER FOR INTERIM STUDY**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: Pharmacy drug benefit managers negotiate drug prices with pharmaceutical firms for health plans and health insurance companies for drug dispensation to covered individuals within the state. Pharmacy benefits managers owe a fiduciary duty to covered individuals but expressed concern about revealing trade secrets. Issues of drug substitution, lower priced generic drugs and negotiated rates raised significant questions in the committee. The breadth and depth of pharmaceuticals in the spiraling costs of health care moved the committee to explore this issue in greater detail. **Vote 12-0.**

HB 1287, requiring legislative approval of any rules proposed by the state board of education. **INEXPEDIENT TO LEGISLATE**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: Testimony from the Department of Education reassured the committee that the multiple rules processes (10-12 per year) which take 12-18 months in time are working. The current process is more open thanks to the last successful set of rules. The committee also objected to subjecting rulemaking requirements for the Board of Education to an extent that exists for no other agency. **Vote 11-0.**

HB 1298, establishing a commission to evaluate disciplinary procedures of the board of medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: This committee felt a performance audit would better serve the purpose than a commission. The bill was amended to indicate a study committee in case the request for a performance audit was denied. The committee expects that the performance audit will result in additional legislation to correct any problems found. **Vote 11-0.**

HB 1337, relative to the regulation of carnival and amusement ride operators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will establish an Amusement Safety Advisory Board within the Department of Safety. The board will be like the Tramway Board to ensure that rides are inspected, employees are trained, etc; to help ensure the safety of the public. **Vote 12-0.**

HB 1347, relative to licensure, registration, or certification of regulated professions. **REFER FOR INTERIM STUDY**

Rep. Donald F. Ryder for Executive Departments and Administration: The committee felt this bill to be of great importance to the public but some relevant points were not covered. Many meaningful ideas were presented but time prevented the committee from fully addressing them. Interim study will allow the committee to review them and make the bill more protective. **Vote 13-0.**

HB 1351, relative to the rulemaking process. **OUGHT TO PASS WITH AMENDMENT**

Rep. A. Laurie Harding for Executive Departments and Administration: This amended bill does the following: 1) requires proposed legislation which contains rulemaking to include a clear statement of intent; 2) establishes a process for dealing with a preliminary objection by the Joint Legislative Committee on Administrative Rules which includes the option of sending a copy of the objection to the standing policy committee and requiring notice to the agency effected; and 3) establishes a study committee on the rule process to discuss a number of concerns including but not limited to: (a) the development of a process to record a clear statement of legislative intent on every bill sent out of a house or senate committee with a favorable report; such process may involve requiring a purpose clause to be included in every bill in the form of either chapter law or statute, requiring a statement of intent to be included in every bill filed, requiring a statement of intent to be included in each house committee report, or requiring all house hearing and executive session to be recorded; (b) the development of a formal process for ensuring that the Joint Legislative Committee on Administrative Rules receives input from the appropriate policy committees on proposed rules; such process may involve the establishment of a rules review subcommittee within each policy committee of the house and senate and/or participation by a policy committee member prior to the agency public comment period; (c) adopting methods to provide for an expedited rulemaking process to adopt rule changes with minimal impact, including the adoption or revision of forms used by agencies; (d) developing an RSA 541-A training program for members newly appointed to the Joint Legislative Committee on Administrative Rules and an educational program on rules for all House members. **Vote 13-0.**

HB 1381, requiring the department of environmental services to do a criminal background check on any applicant for a permit. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: The Department of Environmental Services issues over 10,000 permits per year. The bill was amended so that air pollution permits would not be granted to anyone for various reasons, including felony convictions in the previous five years as well as numerous other subjective reasons. The committee, after much discussion, felt that DES has enough enforcement power to revoke permits now. **Vote 10-2.**

HB 1397, prohibiting an agency from adopting rules over the objection of the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Executive Departments and Administration: This bill was not necessary as HB 1351 would address the concerns of the rule making process. **Vote 12-0.**

HB 1456-FN, relative to licensure of septic system inspectors. **INEXPEDIENT TO LEGISLATE**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: The committee heard testimony on the increasing number of problems confronting sellers and purchasers of real estate that deal with septic systems. Currently, there are no regulations in New Hampshire concerning qualifications for inspection of septic systems or the qualifications of inspectors themselves. The committee supports the work of Department of Environmental Services and home inspectors to address these problems and encourages them to pursue in greater depth the mechanism for licensure versus certification, requirements for continuing education, and the requirements for qualifications as a septic inspector. **Vote 12-0.**

HB 1517-FN, relative to membership on the board of medicine and the medical review subcommittee. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: The committee agreed that more public oversight on the board and subcommittee was a good thing. An amendment added one public member to the board and two public members to the subcommittee. It also staggered the terms of the public members and cleared up some wording. **Vote 12-2.**

HB 1526, relative to the composition of the medical review subcommittee of the medical review board. **OUGHT TO PASS**

Rep. James B. Coburn for Executive Departments and Administration: This bill deletes the requirement that one member of the medical review subcommittee be a medical director. The requirement was specified back when there were perceived issues with HMOs that a medical director would be best qualified to address. The issues never became serious and now there are only a few medical directors in the state. The Board of Medicine and the New Hampshire Medical Society support this bill. **Vote 12-0.**

HB 1572, establishing a commission to study the mission and organization of the fish and game department. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Nowe for Executive Departments and Administration: While we oppose the forming of a commission to investigate the mission and organization of the Fish and Game Department, we feel an LBA performance audit would objectively identify problems which then could be rectified. We also realize that the Fish and Game Committee has the intent of setting up a study of the Fish and Game Department. In an effort to eliminate duplication of effort and redundancy, we could not support this bill. **Vote 13-0.**

HB 1574, relative to membership on the public employees deferred compensation commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill permits the director of the Office of Securities Regulation to appoint a designee to serve on the Public Employee Deferred Compensation Commission. **Vote 11-0.**

HB 1590-FN, relative to the pari-mutuel commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill, as amended, was brought forward at the request of the pari-mutuel commission after consultation with the attorney general's office to make technical changes and strengthen language in pari-mutuel licensing. The bill provides the pari-mutuel commission and the attorney general with authority to conduct criminal background checks, require proper disclosure of information and set conditions for license holders and applicants. It also gives the pari-mutuel commission and the attorney general authority to audit and investigate at the applicant or licensees expense. The bill also defines the duties and powers of the racing stewards and judges, bringing them into compliance with common practices in the industry. **Vote 13-0.**

HB 1595-FN, relative to voluntary certification of electronic systems technicians. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will license electronic system technicians who install sound systems and home theaters and place them under the Electricians Board. Presently, systems that are being installed that do not meet wiring codes could result in a public safety concern. **Vote 14-0.**

HB 1602-FN, eliminating the reduction of a New Hampshire retirement system annuity at age 65. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: At the present time when an eligible employee retires, he or she receives a retirement check from the New Hampshire Retirement System. Upon reaching the age of 65, the benefit is reduced by 10%. This bill if passed would require an additional \$11 million dollars be collected from both employer and employee. In the 60's, 70's and early 80's, there was a 100% reduction at age 65 because of the Social Security benefit that was reduced to 10% sometime in the 1980's. **Vote 9-2.**

HB 1616-FN, establishing a performance measurement system for state agencies. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Coburn for Executive Departments and Administration: This bill would establish a performance measurement system that requires state agencies to identify program objectives and to measure program outcomes. There was an amendment submitted to establish a commission on the development of a performance measurement system for state government. The committee agrees that setting performance objectives for agency programs and measuring results or outcomes is important because it could help identify and remove failing programs. The committee felt that a successful program would require participation of performance management experts and ongoing action by the House. This activity will require long term cultural change with supporting administrative/IT resources. It requires state agency sponsorship. **Vote 13-0.**

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This makes a few technical changes to the New Hampshire Retirement System. It would also change the date the fiscal committee may approve COLA'S from February 1 to May 31 of each year. This would also allow four more months to analyze the returns the system has attained. **Vote 12-0.**

HB 1683-FN, establishing a homestead food license for residential, non-commercial kitchens. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald F. Ryder for Executive Departments and Administration: The establishing of a homestead food license causes out of state suppliers to be subject to the same requirements as in-state suppliers. It establishes a two level license based on gross sales. The bill reduces a one-time registration fee and requires training and certification of processors and manufacturers of home made foods. **Vote 16-0.**

HB 1696-FN, relative to the cremation of human remains. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill provides for licensing and annual

inspection of crematoria under the auspices of the Department of Health and Human Services. The committee heard testimony from law enforcement and family members about multiple egregious violations of practices, bookkeeping and behavior in a New Hampshire crematorium and believes that it is imperative to the grieving families of New Hampshire to insure that this tragedy never be repeated. Provisions are made to allow the assistant deputy medical examiner to remove pacemakers and other such devices at the crematorium. Regulations are put in place to protect the final remains and mandates that only one remain be processed at one time unless the remains are family members whose authorizing agent so deems. Crematory authorities shall retain for at least seven years after the cremation, with appropriate backup if electronic, documents required under this chapter. Finally, the department may impose disciplinary actions as well as fines not to exceed \$20,000 per violation. **Vote 14-0.**

FINANCE

HB 1284-FN-A, increasing the appropriation to the firemen's relief fund. **REFER FOR INTERIM STUDY**
Rep. Robert Wheeler for Finance: The firemen's community had met to consider this bill but did not conclude on the subject. As a result, the sponsor and the community requested Interim Study and the committee concurred. **Vote 21-0.**
HB 1740-FN-A, making an appropriation to increase the hourly rate of pay for care providers for persons with developmental and acquired disabilities. **INEXPEDIENT TO LEGISLATE**
Rep. Elizabeth Hager for Finance: The contents of this bill are now contained in HB 1710-FN-A. **Vote 21-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1546, establishing a committee to study the application of the patients' bill of rights to all licensed health practitioners and their facilities. **OUGHT TO PASS WITH AMENDMENT**
Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill extends the Patient's Bill of Rights list of health care providers under RSA 332-I:1,II to include pharmacists, mental health professionals and adds office (practice) clinic and health center. This bill also includes office employees or agents working in this setting. The bill outlines a Patient Bill of Rights pertaining to the health care providers listed under RSA 332-I. The Bill of Rights included 5 specific sections dealing with the right to courtesy and respect; right to receive information regarding the benefits, risks and cost of treatment; the right to an extensive and specific treatment plan; the right of the patient to make decisions about their case. Finally, the healthcare provider shall not reveal confidential information without the consent of the individual. The committee unanimously supported the bill as amended. **Vote 17-0.**
HB 1672-FN, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults. **OUGHT TO PASS WITH AMENDMENT**
Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill deals with an existing critical gap in our system to safeguard adults receiving care in the health and human services system including developmental and mental health services. The gap is the difficulty in identifying persons who have abused individuals in the past if they have not been arrested and convicted of a crime. DCYF has a well-established system to identify abusers who are listed in a registry. This bill will provide the same protection for those agencies providing services to adults. This bill also requires that DHHS write administrative rules including rules to protect the confidentiality of the registry. No one spoke against this bill and it was strongly supported at the public hearing. The amendment was also agreed to by DHHS and the Disability Rights Center. **Vote 17-0.**
HB 1718-FN, relative to the provision of medical services at nursing facilities. **OUGHT TO PASS WITH AMENDMENT**
Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill, as amended, requires nursing homes to provide a written statement disclosing all the medical services offered on site; the rates charged by the nursing home and what is included in the rates; and the client's rights in the event of a necessary temporary absence from the nursing facility or discharge (or transfer) to another facility. **Vote 17-0.**

JUDICIARY

CACR 35, Relating to an automatic address of judges every 10 years. Providing that all judges shall be reviewed every 10 years by governor and council as if there has been an address for removal of the judge by both houses of the legislature. **INEXPEDIENT TO LEGISLATE**
Rep. Bea Francoeur for Judiciary: This bill would create an automatic presumption every ten years that sitting judges in the state of NH would be subject to the constitutional bill of address procedure. In addition, all sitting judges would still be subject to the bill of address procedure by legislative act. Thus by the act of individual legislator, the possibility exists that any number of bills of address could be taking place simultaneously at any given time at great cost to the state and individual judges. The committee believes that such a circumstance would not further the efficiency of justice for the citizens of New Hampshire. There currently exists periodic review of judges by the judicial branch, the results of which are public. Additionally, the legislature can address or impeach a judge. The committee believes these are sufficient safeguards to assure the quality of members of our judiciary. **Vote 17-1.**

HB 1116, relative to service of the notice to quit and writ of possession in landlord tenant actions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill, as amended, clarifies and simplifies the procedure for evictions by changing the name of the “Notice to Quit” to be the less confusing “Eviction Notice.” It also directs the district court system to create forms for both the Demand for Rent and Eviction Notice for use by landlords in order to minimize the number of eviction actions dismissed for technical defects that sometimes occur in such documents when prepared by non-lawyers. Finally, it allows for service of the Writ of Summons in a landlord/tenant action by either a local law enforcement officer or the county sheriff. **Vote 17-0.**

HB 1129, relative to eminent domain. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: This bill proposes a statutory definition for “public use” in New Hampshire law. The committee noted that this bill closely resembles HB 1254 and SB 287 and therefore recommended Interim Study. The sponsor agreed to this recommendation. **Vote 17-0.**

HB 1234-FN, reducing the maximum amount of debt or damages for small claims actions. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This bill would reduce the amount of debt or damages for a small claims action from \$5,000 to \$2,500. The committee felt that the small claims courts truly are the people’s court. They allow private individuals to seek damages by representing themselves in nonevidentiary proceedings. This bill would increase the cost to plaintiffs by necessitating the need to hire legal counsel for a formal hearing. Plaintiffs would also incur additional court cost, which are not imposed in small claims cases. **Vote 13-2.**

HB 1254, relative to eminent domain. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: The committee received 2 bills this session relative to defining “public use” for the first time in New Hampshire law. After careful consideration, this bill closely resembles SB 287 which recently passed in the Senate 24-0. The committee voted to place this bill into Interim Study and work off of SB 287 to define “public use” and update eminent domain law. **Vote 17-0.**

HB 1340, relative to references to "United States citizen" in the New Hampshire statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Gail C. Morrison for Judiciary: The bill changes all statutory references to “United States Citizen” to “American Citizen of the United States.” The sponsor believes the language proposed would better describe a citizen’s relation to the judicial government. The committee disagreed and determined the language change is unnecessary. **Vote 19-0.**

HB 1556, relative to the disclosure of certain financial documents filed with the probate court. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: This bill is another attempt to protect New Hampshire citizens’ financial records from being publicly available. Although the committee would very much want to do more, this legislation unfortunately is not workable. All findings by the court must be publicly available. The committee did consider studying the issue further, but since this bill was a result of a study committee, it was decided that more studying would not find a solution. **Vote 17-2.**

HB 1560, shortening the enforcement period for a restraining order against one's spouse. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This bill would shorten the enforcement period of a restraining order against a spouse to three months. The committee believes that the current law is perfectly adequate. This belief was reinforced by testimony from the NH Association of Chiefs of Police, the Attorney General’s office, Merrimack County Attorney’s office, and domestic violence counselors. Currently, a NH judge can set the period of enforcement for a restraining order not to exceed one year. Upon motion of a defendant, the order can be reviewed at any time during this period. The proposed change in the law would cause an unnecessary burden to the plaintiff and additional work for the court system. **Vote 17-2.**

HB 1569, relative to trust protectors, trust advisors, and directed trusts. **REFER FOR INTERIM STUDY**

Rep. John B. Hunt for Judiciary: This bill would create several new kinds of trusts. Given that there is a Senate bill that would also include these and other new forms of trust, the committee decided to keep this bill in committee in case the Senate bill is unsuccessful. **Vote 14-2.**

HB 1598-FN, relative to publication of the New Hampshire Revised Statutes Annotated. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill would remove the Supreme Court Case Citation that currently appears in the state’s publication of the Revised Statutes Annotated. These citations, when they appear after a law, describe the case and the interpretation of the law or a position of the law to the court. The citations are helpful to parties conducting legal research. **Vote 16-0.**

HB 1759, relative to liens for labor and materials. **INEXPEDIENT TO LEGISLATE**

Rep. Robert D. Mead for Judiciary: The sponsor failed to appear at the hearing and no one spoke in favor or against this bill. It appears to be unnecessary legislation which solves no known problems and is not needed at this time. **Vote 17-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 524, relative to outsourcing of jobs. **REFER FOR INTERIM STUDY**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The committee would like to work on this bill over the next few months. An amendment is being worked on to narrow the scope of the bill. **Vote 10-2.**

HB 1109, establishing a committee to study the calculation of unemployment benefits. **INEXPEDIENT TO LEGISLATE**
Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: While the committee understood the sponsors' concerns and desires to study this issue, we believe this task is already performed periodically by the Department of Labor and through the Department Advisory Board. **Vote 13-0.**

HB 1139, relative to the time required between mandatory shifts or other work periods. **INEXPEDIENT TO LEGISLATE**
Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The committee believes that appropriate rest between shifts is important and that each industry, occupation job, etc. should be dealt with individually. This bill would cover all employees and employees and the committee believes the bill is too broad and may have significant negative effects during emergencies. **Vote 12-2.**

HB 1510, relative to leave of absences to serve as a legislator. **INEXPEDIENT TO LEGISLATE**
Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill tries to establish a procedure for leaves of absence in order to be a candidate for and, if elected, serve as a legislator in the New Hampshire General Court. The committee understood the intent of this bill, which was to encourage participation in our governmental process, but determined the bill as written to be a burden to the employer with many unintended consequences. Concerns about encouraging citizen participation can be addressed in Interim Study on HB 1133, Establishing the Employee Civic Duty Act. **Vote 10-4.**

HB 1543, relative to protections for temporary workers. **REFER FOR INTERIM STUDY**
Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee unanimously realized the importance of this bill but had several unanswered questions. In an effort to pass responsible legislation the committee and the prime sponsor agreed Interim Study was the best option. **Vote 13-0.**

HB 1751, relative to penalties for failure to have workers' compensation coverage. **OUGHT TO PASS**
Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: Current law only allows the Department of Labor to levy fines when it is made aware that an employer does not have workers compensation coverage. This bill changes the law and allows the Department to levy fines back to a point where it can show when an employer had employees and did not have workers compensation coverage. **Vote 12-1.**

HB 1752, requiring notice regarding the classifications of employee and independent contractor. **OUGHT TO PASS**
Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill requires that, in every workplace, information concerning the classifications of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice. The committee believes it is important that all employees working in the State of New Hampshire be advised of their rights and strongly supported the bill. **Vote 12-0.**

LEGISLATIVE ADMINISTRATION

CACR 33, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor's intent was to increase representation for the North Country. Unfortunately, the United States Supreme Court would rule that it violates the one-man one vote rule and it would be struck down. The sponsor wanted the committee to pass it anyway, but the committee is reluctant to take on an expensive and ultimately futile effort. **Vote 9-0.**

CACR 42, relating to sessions of the legislature. Providing that the legislature meet biennially and only on weekday nights and weekends. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor's intent was to help more people to be able to serve in public office and to help the public to attend legislative sessions. Unfortunately it does not affect hearings and committee work and one of the reasons we now have annual sessions was because of the many special sessions that were occurring before the constitutional change. **Vote 11-0.**

HB 1207, establishing a committee to study the creation of a flag to honor all police departments in the state. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor requested that the bill not go forward since the efforts to create the flag are proceeding without the need for the committee. **Vote 11-0.**

HB 1326, relative to donation of compensation by members of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The committee did not see the need for this legislation since anyone can make a donation to help print copies of the constitution. **Vote 11-0.**

HB 1357, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Legislative Administration: This bill was an attempt to clarify the laws related to the Facilities Committee. The amendment replaces the bill with the same intent to delete obsolete laws and clarifying the committee responsibilities, but removed any new responsibilities. The only real change is that the minority and majority leaders can either serve or now appoint someone to serve for them. The name of the committee will not change. **Vote 11-0.**

HB 1442, relative to identifying legislative enactments as public policy. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The committee was very concerned with the chaos that this law would create and questions its constitutionality. New Hampshire is well representative of the people with its 400 member House and does not need referendas. **Vote 10-1.**

HCR 20, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve. **OUGHT TO PASS**

Rep. Michael S. Rollo for Legislative Administration: This resolution honors the committee that makes it possible for New Hampshire Guard and Reservists to serve our state and nation without fear of reprisal by their employers if they are away from their jobs for an extended period of time. The committee serves as an ombudsman if the need arises to protect both employee and employer. **Vote 9-0.**

HR 20, recognizing Mendon McDonald for his service as chairman of the state committee on aging. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor's needs were met with a Proclamation from the Speaker, so the resolution was not necessary. **Vote 9-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1124, relative to the wording of ballot questions and specifying that a simple majority is required to pass a ballot question, unless a supermajority vote is otherwise required. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: This bill would require that any question seeking an appropriation be worded in a manner that requires a "yes" or a "no." This bill also sought to require only a simple majority vote to pass a ballot question unless the law required a super majority vote. The committee feels that this is a solution looking for a problem. The committee feels that the municipalities are wording their questions in an appropriate manner that allows understanding by their voters. **Vote 16-0.**

HB 1174, requiring that voters who request a secret ballot be present at the town meeting. **OUGHT TO PASS**

Rep. Andrew Renzullo for Municipal and County Government: This bill clarifies the RSA's to specify that those requesting a secret ballot at a town meeting must be present at that town meeting. The committee feels this is common sense. Presently the law is silent and could be construed to allow signatures requesting a secret ballot to be collected outside of the meeting. While this may be highly unlikely to occur, the law needs to be made specific to prevent unintended consequences and ambiguity. **Vote 15-0.**

HB 1196, relative to cost items submitted to the town meeting. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: In the collective bargaining statute, RSA 273-A, cost items of a multi-year contract need to be addressed in a warrant article in the first year and then may be placed in the operating budget in subsequent years during the period of the contract. This bill mandates placing the cost items every year on the ballot as a special warrant article. Public employee labor relations' statutes require both parties to bargain in good faith. The placement of the cost items in a "special" warrant article may be construed as not bargaining in good faith. The bill also added to RSA 32:3, VI an additional definition of what constitutes a special warrant article. **Vote 12-0.**

HB 1206, relative to the assessing standards board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill deletes a requirement that the assessing standards board recommend the guidelines for the adequacy of tax maps since RSA 31:95-a already sets the requirements pertaining to tax maps, clarifies that a quorum of the assessing standards board is not required when holding public forums because no decisions are made during these public forums and changes the name of a job category for property assessor trainee to property assessor assistant. The bill, as amended, also requires the assessing standards board to recommend certain guidelines relative to revaluation and to adopt rules relative to the practices and procedures for mass appraisals. These guidelines will give documentation of the analysis of market data, assumptions and calculations used to set property values so that the governing bodies and the taxpayers of the State of New Hampshire will be able to understand the process by which their tax bill was generated. **Vote 12-0.**

HB 1253, authorizing contracts and probationary periods for the hiring of appointed police chiefs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill authorizes a town or city to appoint a police chief pursuant to a contract specifying that employment be for a certain period of time and/or a probationary period. Currently, the governing body may appoint the police chief. This position may continue as long as the office holder maintains good behavior unless sooner removed for cause by the governing body after notice and hearing. This bill seeks to add a provision for the governing body to hire a police chief pursuant to a contract. This contract will need to be signed by the police chief and members of the governing body that specifies that employment be for a certain period of time or subject to a probationary period, or both. The committee heard testimony from several members of the law enforcement community who were opposed to the bill. Much of this testimony highlighted that hiring a police chief through contracts/probation manner could undermine the authority of the chiefs, placing their position subject to the whims of the governing body. **Vote 15-0.**

HB 1272, relative to the authority of elected police chiefs in towns with populations of more than 3,000. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: This bill expands the authority of elected police chiefs in towns with populations of more than 3000. It sought to give exclusive authority to control all law enforcement services within the police department to the police chief. This included the terms and conditions of employment of subordinate officers and civilian employees. It further directed the selectmen to not interfere with the chief's direct provision of law enforcement duty. The committee feels that the police chief should have control of any and all law enforcement activities within his jurisdiction without interference from the governing body. Currently, selectmen in these municipalities implement general policies for all departments. The selectmen at this time are also responsible for terms and conditions of employment for police officers and all civilian employees. The committee feels that to take away this general authority of the governing bodies would be inappropriate. **Vote 15-0.**

HB 1282, establishing a committee to study the reasons why the economically disadvantaged are relocating to rural communities. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill asked for the establishment of a committee to study the reasons why the economically disadvantaged are re-locating to rural communities. The underlying reason seemed to be a way of discovering how to stop poor people from moving to the north country to find social services and low cost housing. While obtaining more information can be helpful, the committee felt enough is known about the problems (results of a current survey were presented to the committee). What is needed now are suggestions for solutions which the legislature can then consider.

Vote 12-2.

HB 1301-LOCAL, relative to the purchase of conservation, preservation, and agricultural preservation restrictions. **REFER FOR INTERIM STUDY**

Rep. Nancy K. Johnson for Municipal and County Government: This bill applies to statutes in RSA 331-A:26 which are for governing the New Hampshire Real Estate Practice Act to the agent or agency using public funds for the purchase of conservation, preservation and agricultural preservation restrictions. The reason the committee wants to put this in interim study is it is recognized that there may be ethical abuses surrounding the purchase of the easement restrictions. **Vote 14-2.**

HB 1320, relative to penalties for planning and zoning violations. **OUGHT TO PASS**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill sets a fixed dollar amount for the daily fine for the first planning/zoning ordinance violation. The committee agrees with the sponsor that this provides for a non-discretionary fee schedule, whereas the current statute allows a judge to set a civil penalty of his/her choosing for the first offense. This makes the statute more standardized with the second and subsequent offenses already having a fixed dollar amount in the current statute. **Vote 16-0.**

HB 1330, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: The committee heard testimony that most municipalities in New Hampshire adopted flood plain ordinances when there was no statutory authority. This was not done irresponsibly; it was an oversight of the National Flood Insurance Program (NFIP) process. This bill ratifies these previously adopted municipal flood plain ordinances as well as enabling the adoption of flood insurance rate map amendments by a simple resolution of the local governing body. **Vote 16-0.**

HB 1339, relative to voting procedures for local land use boards. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require any tie vote of a local land use board be declared a vote in favor of the motion. Implementation of this bill would reverse a time honored procedure that a tie vote fails. The applicant has the opportunity to appeal the decision. This bill could lead to mischief making of all sorts. **Vote 12-2.**

HB 1391, relative to the default budget in official ballot towns. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill requires a default budget to be reduced by unspent funds and defines certain items to be used in a default budget. Concern about default budgets that are no lower than the proposed budget are problematic for some. While sympathetic to that concern, the committee believes this particular bill tries to remedy the problem by swapping the local boards' responsibility for a solution and mandating what should be and what should not be in the default budget. It belies the principal of local control. Several administrators directly involved in the process of creating default budgets made it clear that such "micro-managing" of budget making in this way will make the problem worse, not better. What is expended in one year does not necessarily have anything to do with what you have to spend next year. For instance, towns often don't know what "unspent funds" in the warrant budget will be when they are preparing next year's budget. Because the language in this bill is unclear, it would make its application in the wide variety of circumstances now existing in towns and school districts difficult at best and impossible at worst. **Vote 11-1.**

HB 1392, relative to school budget committee membership. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: This bill requires the additional member in a cooperative school district that has a budget committee to serve as a non-voting liaison between the cooperative school board and the budget committee. The intent of the bill was to remove the ability of the liaison from having two bites of the apple in respect to the

budget. Also, the bill increased the deadline for filling a vacancy on a cooperative school budget committee from 5 to 21 days. The committee was concerned that the action of making a non-voting member would create a possible situation that would affect other budget committees where governing bodies are part of the committee. In order to be fair and consistent it would be necessary to review all the different types of budget committees in their formation and composition. **Vote 14-2.**

HB 1405, relative to the schedule for the adoption, revision, and amendment of municipal charters. **REFER FOR INTERIM STUDY**

Rep. Robert W. Brundige for Municipal and County Government: Much work has been done pertaining to municipal charters but more needs to be done. An adhoc committee presented our committee with a recommended amendment. Due to time restrictions there was not sufficient time to do justice to the subject. Interim study will give the opportunity to study and present a bill that will improve the procedure for amending, revising and adoption of municipal charters. **Vote 13-0.**

HB 1430, allowing cities, towns, and counties to adopt an October 1 fiscal year. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: During last year's budget process, a timing issue revolving around when the local school districts were notified of the amount of education funding that would be received was noticed by the sponsors of HB 1430. When the education funding formula was first established, the amount each district would receive was set in the fall and provided to the school districts in time for their budget preparations and spring school district meetings. Since then, the legislature has changed the education funding formula after local school district's budgets had been determined. The sponsors of HB 1430 attempted to address this issue by allowing cities, towns and counties the ability to adopt an October 1 fiscal year. However, the bill does not give school districts the same authority. The bill also raised more questions than it answered. There could be unintended consequences for the counties because of the December 17th required date for the towns to pay the county portion of their taxes in accordance with RSA 29:11. The committee felt that at this time there is no need for another fiscal year. It would be too financially confusing in the cities, towns and counties and would not address the intent of the sponsors. **Vote 14-0.**

HB 1441, relative to the procedure for amending a municipal charter. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: Under current law, charter amendments that are initiated by petitioners are approved by the state only after signatures are collected and verified. This bill requires the state to review the petitioner initiated amendment prior to the issuance of petitions, rather than after signatures are collected. The committee understands the merit of HB 1441. However, the committee also would like to take the subject matter of this bill and study it in relation to HB 1405, relative to the schedule for adoption, revision and amendment of Municipal Charters, which the committee is recommending to Interim Study. **Vote 14-0.**

HB 1449-FN-LOCAL, requiring a reduced property assessment when a building is damaged. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: The premise that property loses value if it is damaged has merit. However, the selectmen or board of assessors can abate property tax if such damage occurs. Problems would occur with town assessment values for the following year. Property valuation is tied to April 1st. If this bill passed it would create a moving target for assessments and valuation which would increase the need for documentation and changing of the assessed values that would increase costs at the local level. **Vote 12-0.**

HB 1451-FN, requiring a prorated assessment of new construction in the year completed. **INEXPEDIENT TO LEGISLATE**

Rep. Jessie L. Osborne for Municipal and County Government: This bill requires that any new construction shall be assessed at its improved value when it is completed and not at the current assessing property tax year. Currently, property is assessed at its market value as of April 1 annually. This bill would require the local assessor to determine the value of the completed structure, then notify the tax collector within ten days of the new value. The tax collector then shall, within ten days, deliver a supplemental bill based upon the prorated amount. This procedure would add to the workload of the assessor and tax collector of the municipality which would constitute an unfunded mandate. **Vote 12-0.**

HB 1487, relative to marriage licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Prichard for Municipal and County Government: The original bill removes the three day waiting requirement for a marriage license. When blood tests were required for a marriage license, sufficient time was needed to complete the tests and get the results. Blood tests now are no longer required. Secondly, the bill also makes terms gender neutral when referring to those officiating at weddings. Lastly the original bill required town clerks to determine the sobriety of both the applicants. The bill as amended removes the sobriety determination by the town clerks. **Vote 15-2.**

HB 1508, relative to acceptance of applications by planning boards. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Buhlman for Municipal and County Government: This bill sets the timeline for applications to planning boards to be vested at the point when the planning board notifies the abutters regarding a specific application. After that point the application will not be subject to proposed changes in building codes or zoning ordinances. At this time there is confusion as to when plats or applications are considered to be "formally accepted" by a planning board. This proposed point in time balances the needs of applicants and planning boards to permit a predictable process of arriving at a decision. **Vote 14-0.**

HB 1520, requiring certain information in the financial reports of counties. **INEXPEDIENT TO LEGISLATE**

Rep. Eric Stohl for Municipal and County Government: This bill requires financial reports of counties that are submitted to the

department of revenue administration to include capital expenses, operating expenses, and revenues allocated by town. The required information that counties need to provide now is a summary of receipts and expenditures according to uniform classifications. A balance sheet showing assets and liabilities at the close of every year is also required at the present time. The committee feels that the additional requirement to list this information by municipality would require additional work for the counties. Some counties stated that they would have to hire additional personnel and purchase new software to accomplish the data that is required by the bill. The committee feels that this data is available now at the counties to anyone that wishes it. The committee does not believe that this bill is needed. **Vote 13-1.**

HB 1529, establishing a committee to study the implentation and use of growth management ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The intent of this bill was to look at the requirements of growth management ordinances described in RSA 674 and to study the impact of the growth in all its aspects at the local and regional level. Some town growth ordinances seem to be forever while some towns are fulfilling the requirements to update and upgrade the town infrastructure to accommodate growth. At the present time, the Growth and Development Roundtable, consisting of a broad coalition of diverse interests concerning growth and its impact on our quality of life, our economy, our landscape and our ability to afford homes, is meeting to address some of the growth management issues. The sponsor is willing to attend these meetings and to listen to the concerns of the group that may result in another bill in the coming session that will suggest solid solutions. With this energy already being focused within the state, the committee felt that a less formal arrangement is a better solution than a study committee at this time. **Vote 12-0.**

HB 1614-FN-LOCAL, relative to bonding requirements for certain roads. **INEXPEDIENT TO LEGISLATE**

Rep. Jessie L. Osborne for Municipal and County Government: The committee believes that this bill should be voted inexpedient to legislate because it would allow builders to escape any responsibility by having the subcontractors pay for the bonds. The site review cost per square foot is arbitrary and might not cover the actual costs and there is no definition as to what constitutes a disturbed area. **Vote 12-0.**

HB 1627, relative to the assessment of open space land. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: This bill eliminates the requirement that the valuations of open space land be equalized for the purposes of assessing current use taxes. Equalization brings all property assessments to fair market value within the community, county and state. Current use values are assessed by the category of potential revenue that could be produced from the land. The amount of tax generated from current use properties is significantly less than residential/commercial properties. The workload placed upon the municipalities to equalize current use values is not cost productive. **Vote 12-0.**

HB 1631-FN-L, relative to property taxation of certain property of the Appalachian Mountain Club. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: The Appalachian Mountain Club (AMC) is a major factor in promoting the protection, enjoyment and wise use of the natural resources of the State of New Hampshire. AMC assists in the search and rescue of hikers in the White Mountains and maintains hiking trails and hut systems within the forests and mountains of New Hampshire. The bill, as originally introduced, provided for taxation of the land and buildings of the Highland Center in the town of Carroll, the Pinkham Notch Center in the unincorporated place of Pinkham's Grant and the Cardigan Lodge in the town of Alexandria operated by the AMC because the bill sponsors believe that some of the facilities may create competition with local lodging and restaurant businesses. To address this concern, the committee recommends that the public policy should be to encourage payment in lieu of taxes. The final amendment that was submitted to the committee for consideration subjected these facilities to certain payments in lieu of taxes (PILOT) to their host municipalities. The committee feels that it is imperative that the AMC and the host municipalities enter into negotiations in good faith so that AMC does not compete with the local business and, if they do so, they should pay their appropriate share of property taxes in the form of a PILOT. The committee further feels that if the parties cannot agree on the amount of the PILOT that either party may file an appeal with the Board of Tax and Land Appeals (BTLA). **Vote 14-0.**

HB 1637-FN-L, reducing the rate of the timber tax. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: This bill reduces the rate of the timber tax from ten percent on the stumpage value at the time of cutting to seven percent. Many communities, especially in the North country, rely on this tax to supplement their budgets. The intent of the timber tax, also known as yield tax, is just that – a yield tax, due to the fact that property in the State of New Hampshire that has standing timber on it is only assessed for the value of the land itself and the value of the timber is never assessed until it is harvested. Therein lies the term “yield tax.” In a general sense this timber tax/yield tax is paid by the person doing the harvesting, not the landowner. The result of reducing the timber tax will be to increase the property tax rate. **Vote 14-0.**

HB 1755, establishing a statutory property tax relief commission, and relative to information on property tax bills. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Dowd for Municipal and County Government: This bill establishes a statutory property tax relief commission to make recommendations on tax exemptions, reverse mortgages and other methods for tax relief. The bill also requires that a

reference to a brochure and where to get the brochure is printed on the tax bill or inserted in the tax bill. Many municipalities still use “mailers” that do not allow for any inserts. Also if the municipalities are forced to add additional information, it will require supplements to be mailed, effectively doubling the cost of mailing tax bills, possible creating an unfunded mandate. The Department of Revenue Administration already has brochures available to explain any and all property tax exemptions that could be sent to the municipalities upon request. Therefore, there is no need for this bill. **Vote 11-1.**

HB 1757, relative to taxation of renewable generation facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Renzullo for Municipal and County Government: While the committee may support renewable energy facilities, the burden of their economic viability should not be transferred to the backs of the residential property owner. If the state wished to encourage alternative energy development it should do so with its own funding sources. In addition, the President’s State of the Union address spoke of encouraging alternative energy initiatives. Thus the federal incentives should precede any state incentives. It is noted that an amendment was submitted on deadline day. This amendment was sufficiently different from the original bill as to have necessitated a public hearing. **Vote 13-1.**

PUBLIC WORKS AND HIGHWAYS

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: Since 1967, the Commissioner of Transportation has been authorized to reimburse the towns of Colebrook and Stewartstown for the winter maintenance of 4.33 miles of a class III highway, known as Diamond Pond Road, from January 1 until April 1 of each year. The last increase in the rate of payment was in 1985. This bill increases the rate from \$1500 to \$2500 per mile and the amendment provides for future payments to be 102 percent of the previous biennium’s payment. **Vote 15-0.**

HB 1223-FN, relative to the use of real estate brokers by the department of transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. David B. Campbell for Public Works and Highways: The intent of this bill is to allow the Department of Transportation flexibility in the use of real estate professionals (brokers) in the disposition of excess industrial or commercial real estate owned by D.O.T. The current legislation as passed last session, according to the Attorney General’s Office, can be interpreted to require that D.O.T. must use real estate professionals in disposition of all excess D.O.T. industrial and commercial property. This was not the intent of the Public Works Committee when it recommended passage of the original legislation last year. The amendment adds further flexibility and legislative accountability by giving the Long Range Capital Planning and Utilization Committee (which has oversight in the disposition of excess D.O.T. property) the power to require that D.O.T. use real estate professionals in the sale of any particular parcel or parcels. **Vote 17-0.**

HB 1344, relative to a certain highway project in Merrimack. **REFER FOR INTERIM STUDY**

Rep. John A. Graham for Public Works and Highways: The bill as introduced would have dedicated the proceeds from the sale of certain parcels of land to be dedicated to the construction of portions of the Nashua “circumferential highway.” The committee feels that any discussion regarding highway or bridge construction, including the sources of funding, should take place in the context of the state’s Ten Year Transportation Plan. The prime sponsor of the bill was agreeable to this approach and the issue will be discussed during the public hearings on the Ten Year Highway Plan. **Vote 14-0.**

HB 1352, relative to the placement of regional electronic toll collection system transponder readers. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin T. Tilton for Public Works and Highways: This bill would restrict the placement of transponder readers for the regional toll collection system to toll booths. The committee felt that this bill would have deprived the Department of Transportation of a useful tool that could be beneficial in traffic counting and traffic management. The committee strongly encouraged the Department of Transportation to establish a policy for any use of transponder readers at locations other than toll booths and the Department of Transportation agreed to do so. **Vote 10-3.**

HB 1360-FN-L, relative to law enforcement accounts in the regional electronic toll collection system. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Public Works and Highways: The committee felt that this bill, in allowing all unmarked municipal law enforcement vehicles to be exempt from tolls on the turnpike system, creates too many issues and problems. There is no limit on how many free transponders could be issued to each municipality for law enforcement vehicles. The issue of off duty use and the fact that the transponders are easily transferable makes accountability difficult. Presently, marked and/or unmarked vehicles may pass through the toll plaza free of charge by showing the proper identification. Additionally, the Department of Transportation has no method to renew accounts to insure proper on-going use. The Department of Transportation is constantly working on the evolving E-Z Pass program and as technology improves the department will be in a better position to accommodate these few municipal vehicles. **Vote 16-1.**

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place. **OUGHT TO PASS**

Rep. Robert A. Foose for Public Works and Highways: This action, requested by the Supreme Court, honors the memory of Charles Doe (1830-1896), a native of Derry, who served with distinction for thirty-five years on the Supreme Court until his death in 1896. The committee feels that this is totally appropriate. **Vote 16-1.**

HB 1536, relative to bonds required from persons excavating or disturbing certain highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark E. McConkey for Public Works and Highways: Testimony from timberland owners stated that RSA 236:10 does not allow persons or entity's the right to offer cash as an acceptable form of security and they have had difficulty collecting their security after the excavation or disturbance was complete. House Bill 1536 amends RSA 236:10 adding the option of cash as an acceptable form of security and once work is completed, the authority that granted permission shall not arbitrarily withhold funds, but shall make a good faith effort to resolve any difference with the contractor. Timber owners additionally testified that they were having trouble with authorities requiring restoration that exceeded the condition of the roadway prior to their disturbance. RSA 236:11 requires the contractor to restore the highway to the satisfaction of the official empowered to give such written permission. House Bill 1536 amends RSA 236:11 to read that the highway shall be returned to a condition at least equal to the condition that was present before the excavation, or disturbance was initiated. **Vote 12-1.**

HB 1655-FN-A, making rail system development a complement to the Interstate Route 93 highway expansion project. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee understands and respects the motives underlying this bill. We understand the desire for a multi-modal transportation system to serve the needs of one of the fastest growing states in the nation. However, this bill relies on bonding in excess of the states capacity for a project inferior in priority to the Lowell to Nashua to Manchester rail line. This bill, as submitted, does not answer questions as to what operating costs would be subsidized by the state's general fund. It has not been shown that a commuter rail line built with no plan for Massachusetts' cooperation would reduce the need for a four lane addition to I-93. Furthermore, the committee heard testimony that at this time commuter rail is not as flexible as the express bus service that could be provided by paving the "extra lane" in the DOT's plan. **Vote 16-0.**

HB 1684-FN, establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Rausch for Public Works and Highways: This bill established a commission to study leasing of state owned waterfront property. The committee recognizes that there are existing statutory regulations and an existing process that governs the leasing of these properties. The existing process requires extensive review by the Department of Transportation and then legislative review by the Long Range Capital Planning and Utilization Committee. If approval is granted, the request must additionally go before the Governor and Council for final review and approval. Also, the Council on Resources and Development is required to give advice on the leasing of the property. The committee feels this process is sufficiently comprehensive and that no study committee is necessary to study this process. **Vote 13-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1259, relative to the classification of wetlands as contributing or noncontributing. **INEXPEDIENT TO LEGISLATE**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill would require the department of environmental services to develop criteria for classifying wetlands as contributing or noncontributing and makes noncontributing wetlands exempt from regulation. The majority of testimony opposed the bill for a variety of reasons, including severe costs to develop such a classification system especially as wetlands are not static; the current cooperative application system between the US Army Corps of Engineers and the State of New Hampshire is a streamlined and cost effective program that could be in jeopardy; and the need for SB 140 relative to wetland in-lieu fee program would be virtually eliminated. This bill would essentially allow small "noncontributing" wetlands to be filled without regulation, and there would be more of a negative impact to existing wetlands programs and regulations, than would be gained. **Vote 18-0.**

HB 1289, relative to Pennichuck Brook and its watershed. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This provides a structure for protecting the water quality of the principal drinking water supply source for Nashua and other municipalities of the region. The Department of Environmental Services (DES), US EPA, and the US water supply profession affirm that source protection is a key component of their preferred approach. **Vote 18-0.**

HB 1315, relative to the definition and classification of dams. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This bill clarifies the definition and hazard classification of a dam. The current ABC designation does not tell you which is best or worst. We now classify each as low, significant or high level of hazard potential. It also exempts certain storm water detention areas from being defined as a dam. **Vote 17-0.**

HB 1317, relative to the eradication of exotic aquatic weeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill was initiated by the Exotic Aquatic Weeds Committee which was established as a clearing house and legislative focus for addressing invasive species in state waters. During the past couple of years, an integrated approach that includes hand-pulling, barriers, monitoring, mapping and targeted

herbicide application has yielded significant success. The experience of a treatment for variable milfoil to Lower Suncook Lake two seasons ago has even raised the possibility of eradication. If this possibility is to be fulfilled, however, it was clear that a more flexible and straight-forward aquatic herbicide application process was necessary. The original bill changed primary oversight of aquatic herbicide application from the Department of Agriculture to the Department of Environmental Services. The amendment eliminates this change, but instead requires the four departments that have oversight (including Fish and Game and DRED) to prepare a report to be submitted to the Exotic Aquatic Weeds Committee that evaluates the current permitting process for aquatic herbicide applications and offers suggestions for improvements. **Vote 17-0.**

HB 1395, relative to public drinking water protection. **REFER FOR INTERIM STUDY**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, and various proposed amendments, has the intent of protecting our drinking water. The committee agrees with intent but had several problems with the language of the bill and proposed amendments and felt more study was needed. **Vote 17-0.**

HB 1446, establishing requirements for the development of a regional all terrain vehicle (ATV) park in the city of Berlin. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: New Hampshire's newest and third largest park will be developed to accommodate New England wide ATV use. It will also include the current uses of Jericho Lake, snowmobiling cross country skiing and hiking. The committee felt that a management plan for the park should be developed and presented to the public and the legislature before the park is formally opened. This would include financial plans and memoranda of understanding for enforcement and emergency services. The Department of Resources and Economic Development (DRED) has agreed that the plan can be readily prepared and presented to the public by the time the park opens. The bill also calls for DRED to present a progress report to the legislature to pull together data gathered but not assembled in a comprehensive report. **Vote 17-0.**

HB 1462-FN-LOCAL, placing a temporary moratorium on the issue of certain water permits. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: This bill would have established a temporary moratorium on some groundwater withdrawals. At the Public Hearing, no testimony was given to indicate that our groundwater supply is in jeopardy. The Department of Environmental Services (DES) testified that there have been no issues indicating the need for a moratorium to date. A similar bill, SB 326, was unanimously voted ITL by the Senate last week. Finally, there is a groundwater commission established by SB 155, Chapter 305, Laws of 2003 which shall report its findings annually, with a final report due November 2008. The committee felt that this commission is better prepared to make the proper decision. **Vote 17-0.**

HB 1463-FN, relative to boating and water safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: The sponsors of HB 1463-FN did an admirable job incorporating several suggestions for boating safety that were gleaned from last summer's hearings. The amendment removed a couple of impractical sections and reworked the section on safe boater education. In its amended form, the bill requires for the passage of a safe boater education course the completion of a proctored examination with a passing grade of 80% or more. This is a change from the on-line option with a passing grade of 70%. In addition, this bill: 1) requires kayaks, rowboats, canoes and similar vessels to carry a safety signaling device, such as a distress flag or whistle under most circumstances; 2) stipulates that a flag be displayed when a person towed on water skis, aquaplane or similar device has fallen; and 3) prohibits the display of any lights on shore visible from the water that resemble required navigation lights. **Vote 16-0.**

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill establishes a commission to study the publicly owned wastewater treatment plant needs of New Hampshire. This study is particularly timely since many of these facilities will be encountering their own limitations due to age and capacity even as population increases and more stringent environmental standards will demand more. The amendment adds two representatives appointed by the New Hampshire Water Pollution Control Association and changes the report date to November 30, 2007. **Vote 17-0.**

HB 1493, declaring that groundwater is part of the public trust. **REFER FOR INTERIM STUDY**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This one-line bill will put squarely in statute a principle that has run through numerous passages of RSA's and rules: that the state has the right and obligation to protect groundwater for the public interest. This does not interfere with the reasonable use by private land owners of water under their land. It would duplicate provisions in the statutes that state that New Hampshire surface waters are part of the public trust. The committee wanted to retain the bill to study its legal intricacies. **Vote 17-1.**

HB 1506, requiring children 12 years of age or under to wear personal flotation devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Resources, Recreation and Development: This bill only increases the age from five to age twelve. The current law is working well for the "little guys" and is a common sense answer for protecting the older child who will now be required to wear a coast guard approved flotation device. **Vote 16-0.**

HB 1686-FN, relative to the allocation of certain off highway recreational vehicle fees. **INEXPEDIENT TO LEGISLATE**
Rep. Harry C. Merrow for Resources, Recreation and Development: This would increase fees for ATV registration and rearrange the appropriations to give Fish and Game more money for enforcement. Fish and Game was asked several times to present a plan to the committee on how the money would be spent. None came forth so the committee is recommending that the bill be voted ITL. **Vote 16-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1568, establishing a committee to study the siting and construction of industrial wind energy facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill establishes a committee to study the siting and construction of industrial wind energy facilities (windmills). The committee learned that several siting proposals are now under consideration for large electric energy windmill projects in the state. Although we amended the bill to reflect the existing energy facility evaluations (RSA 162-H: 1), we agreed with the sponsors that it was in the state's interests to study the unique aspects and options for these new wind projects. **Vote 15-0.**

HB 1758, classifying biodeisel as a renewable energy source. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Science, Technology and Energy: This bill, as amended, clarifies the definition of biodeisel fuel as a renewable energy source for the use as a substitute for petroleum based diesel fuel. The bill further amends the following affected Revised Statues Annotated: RSA 362-A:1-a,X; RSA 374-F:3,V (f)(3); RSA 362-A:1-a, I; and RSA 374-D:1,IV. The bill in addition requires that biodeisel fuel meet the requirements of the American Society for Testing and Materials (ASTM) specification D 6751. **Vote 15-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HJR-26, urging Congress to reevaluate Title IX. **INEXPEDIENT TO LEGISLATE**

Rep. Russell A. Albert for State-Federal Relations and Veterans Affairs: The committee felt that it is just good governance to have a in-depth review of all legislation such as special education and Title IX every 10 to 15 years to insure the original intent is being accomplished and to enhance the positive effect with removing or correcting negative parts. However, this bill only addresses the impact on male sports, thus overlooking Title IX legislation as a whole. Over al, Title IX has had a positive impact on the education experiences of women in general. Today we have women participating in sports that were closed to them. More women graduate from college then men, more women take part in the political process, more women are now in business and community leaders. Much of the credit goes to Title IX. **Vote 10-0.**

TRANSPORTATION

HB 1260, relative to informing first-time driver's license applicants of the controlled drug laws, and prohibiting the issuance of a youth operator's license to controlled drug violators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill, upon passage, will inform first time driver license applicants of controlled drug laws along with the driving while intoxicated laws. The law will say it is unlawful for any person to manufacture, possess, have under his or her control, sell, purchase, prescribe, administer or transport or possess with intent to sell, dispense, or compound any controlled substance, except as authorized by law. The prime sponsor wanted the bill to read the director shall not issue a license to any applicant 16 years of age or older and under 21 years of age who has been convicted of any offense involving a controlled substance during the one year preceding the application. The committee felt the punishment part should be the same as driving under the influence. This bill and two other bills dealing with the same issue were considered and therefore the bill was amended to read the same as driving while under the influence. **Vote 10-0.**

HB 1353, relative to addresses on motor vehicle registrations. **REFER FOR INTERIM STUDY**

Rep. Brenda L. Ferland for Transportation: This bill would establish requirements for vehicle registration by persons without a permanent street address. The committee agreed that there is a problem with people who sell their homes and live in a motor home. They do not have a permanent street address. The language of the bill was objected to by the Town Clerks' Association and therefore the committee would like the chance to come up with language that will solve the problems. **Vote 12-0.**

HB 1356, relative to on-board diagnostic system inspections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A Packard for Transportation: This bill, as introduced, had three sections. The first would require all inspection stations to post the price that they charge for safety inspections and the price for OBD II testing. The committee agrees with this section. The second section would eliminate three counties from having to do OBD II testing. If this section were to pass,it would violate our agreement with EPA. The committee felt that it was unfair to single out only three counties for elimination. The third part would continue to allow inspection stations that do less than 200 inspections a year not to participate in the Gordon Darby Program. This is an issue that the Advisory Committee will address. The committee amendment eliminates the second and third sections of the bill. **Vote 12-0.**

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement. **OUGHT TO PASS**

WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: Any person under 21 years of age who is involved in the sale, possession, use, or abuse of alcohol or controlled drugs may at the discretion of the court be subject to revocation or denial of a drivers' license. The amended language adds for not less than 90 days but not more than one year on the first finding or conviction. The director, upon receipt of notification from the court, shall issue a formal order of suspension or denial of an application. Nothing in this amendment prevents the court from requiring any person to successfully complete any abuse education. **Vote 10-0.**

HB 1466-FN, relative to registration of slow-moving vehicles. **REFER FOR INTERIM STUDY**

Rep. Brenda L. Ferland for Transportation: This bill will be looked at along with other bills the committee held. The use of farm, tractor, and agricultural plates has been expanded to include other types of vehicles and their usage. The time has come to study what these plates were meant for, different types of vehicles being used today on the farms and highways, and how do we register and inspect them. **Vote 13-0.**

HB 1582, prohibiting New Hampshire from participating in a national identification card system. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill as written, and with two proposed amendments, prevents us from participating in the Real ID Act of 2005. The committee as a whole abhors the Real ID Act. Agreeing with the sponsors for our dislike of this federal legislation we must be realistic about the consequences of our actions if we refuse to participate. The law states that all states driver licenses and non driver identification cards must conform to requirements of Real ID. At present, certain requirements are certain in the law. The Department of Homeland Security has the responsibility to finalize the rule making and expand on any areas not specified in the law. The minimum requirements on a DL/ID card are full legal name, date of birth, gender, DL/ID number, digital photo, address of legal residence, signature, and security features to prevent tampering. A New Hampshire driver's license already conforms to these requirements. There are a number of verification requirements that a DMV must adhere to before issuing a DL/ID. These requirements will be for US citizens and foreign nationals. Real ID doesn't penalize a state by withholding any federal monies if New Hampshire does not comply, but our DL/ID cards will not be accepted by a federal agency. This means anyone boarding an airplane, entrance into a federal court house, social security buildings, medicaid or medicare facilities or entrance into federal parks, national monuments or congressional office buildings. The list has not been finalized by DHS. If our DL/ID cards are not accepted, then any New Hampshire citizen would be required to obtain a passport for federal purposes. Imagine telling a family of two adults and four children that they must have passports to visit Grandma and Grandpa by plane. A passport price is \$95.00. It was suggested that we could pass the law, send a message and then repeal if the Real ID Act was not changed at the federal level. New Hampshire and Kentucky have been chosen as pilot states to start the implementation of Real ID. We have been given a grant of \$3 million. If this bill passes, it prevents us from legally using the money to proceed with changes needed to implement Real ID. IF we send the money back because we refuse to participate in Real ID and then change our minds later, we will have to make a state appropriation that could run into the millions of dollars. The Senate has a resolution condemning Real ID as do many other state legislatures. We hope that if enough states pressure their congressional delegates they will change or repeal the law. We ask that you vote against placing us in the position of having to inform our citizens at some future date that their DL/ID's are not accepted at any federal facility. This could and would cause undue hardships on an unknown number of New Hampshire citizens. **Vote 12-1.**

HB 1587, establishing a committee to study the use of electronic traffic monitoring systems. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have set up a study committee to explore the use of traffic monitor systems. During the 2005 session, there was a bill that would have allowed traffic cameras at intersections to catch red light violations. This bill was soundly defeated by the House. The committee saw no reason to study this again. **Vote 12-1.**

WAYS AND MEANS

HB 1238-FN, relative to centralized voter registration database information. **OUGHT TO PASS**

Rep. Sharon M. Carson for Ways and Means: This bill allows the Secretary of State to sell to any political committee of a political party as defined by RSA 664:2 or a candidate who has filed for or who has been nominated for any office in a general election a statewide public voter checklist of more than 2,500 names for a fee of \$25 plus \$0.0005 per name in excess of 2,500, plus any shipping costs. This will not interfere with a town selling its local public voter checklist which will charge the same fee as the state. Fees collected at the state level are to be deposited in an election fund established by RSA 5:6-d. Fees collected at the local level will remain at the municipality. The Secretary of State will provide the public voter checklist to the administrative office of the courts and to the clerks of the District Court of the United States to prepare master jury lists. The bill also establishes penalties for the use of the public voter checklist for commercial purposes. **Vote 18-0.**

HB 1278, increasing the fine for violating certain laws relative to labor. **OUGHT TO PASS**

Rep. Peyton B. Hinkle for Ways and Means: This bill came to Ways and Means from the House after being considered by the Labor, Industrial and Rehabilitative Services Committee. It increases the fine paid by employers who violate any provision of RSA 275-A from \$1,000 to \$2,500 per day per employee. This would apply to employers who hire professional strikebreakers, or professional pickets, or an alien that is not in possession of any of the appropriate documents authorizing him to work in the

U.S.A. Thus, this would increase the penalty for employers who hire illegal aliens. **Vote 18-0.**

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. **OUGHT TO PASS**

Rep. Jim Ryan for Ways and Means: This bill passed the House in a recent session and was referred to Ways and Means on the issue of making permanent the use of boat registration fees to fund the successful Milfoil and Exotic Aquatic Plant Prevention Program. The committee agrees the registration fee should remain permanent. **Vote 13-1.**

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. **OUGHT TO PASS**

Rep. Jim Ryan for Ways and Means: This bill offers an amnesty period to encourage good reporting by employers and develops a discretionary fine schedule for use by the Department of Employment Security with regard to employers who misclassify employees. We recommend, consistent with the work of a prior House committee, the bill ought to pass. **Vote 18-0.**

HB 1715-FN, relative to funding of the professional assistance program of dentists. **OUGHT TO PASS**

Rep. Jim Ryan for Ways and Means: This bill was referred to Ways and Means after passage by a House policy committee. The bill authorizes the board to augment licensing fees in a sum of not more than \$30 to be utilized exclusively to fund programs designed to aid dentists who encounter professional difficulties and are ordered to take certain steps as required by the Board of Dentistry. **Vote 17-0.**

TUESDAY, MARCH 7

SPECIAL ORDERS

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1335, relative to the authority of law enforcement officers during a state of emergency. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill, as amended, addresses the possibility that during a declared State of Emergency, additional uniformed law enforcement assistance may be needed from outside the state. The bill provides for an avenue to obtain the assistance. The responding uniformed officers will have the necessary authority during the declared State of Emergency. Supervision of the responding officers will be by N. H. law enforcement, thus retaining local control. **Vote 19-1.**

HB 1639-FN, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: While the committee understands the concerns of the sponsors, there has never been an instance in New Hampshire where the concerns addressed by the bill have ever even remotely arisen. The committee felt that although it may be an emotional issue for some, the bill is not needed. The genesis for this bill were the incidents that took place in Louisiana. New Hampshire is not Louisiana. **Vote 13-5.**

JUDICIARY

HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: This bill is attempting to address the same problem as CACR 39, related to the last sentence in article 72A in the constitution. The bill directs the Secretary of State to remove the sentence "the rules so promulgated shall have the force and effect of law." The sponsor brought in extensive research from the constitutional convention to demonstrate the last sentence was deleted at the convention. The Secretary of State, however, brought in a single copy from the convention with the last sentence included. Finally the committee felt the only constitutional way to change the constitution is with another constitutional amendment. **Vote 15-4.**

HB 1266, relative to acceptance of consular identification documents. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: A consular identification is an identification card issued by a foreign embassy for its expatriates. The bill would require that state agencies and law enforcement accept the card as proof of citizenship and that financial institutions may accept the card as a form of identification. The majority of the committee felt that since the federal government may include regulation of these cards in the real ID legislation, it is premature and unnecessary for N.H. to pass anything. The committee, also, was concerned that state agencies must accept an ID that is not a passport but issued by a foreign country. **Vote 13-5.**

HB 1322, relative to the establishment of allodial rights. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This law makes reference to NH colonial laws and methodology by which property was transferred. The bill would require that property could only be "acquired" by the use of "lawful" money. The term "lawful" money was defined as being gold or silver coin. It was the feeling of the committee that this would cause a tremendous burden to the citizens of New Hampshire, and be extraordinarily disruptive to commerce. Furthermore, it is the responsibility of the federal government to define what is "lawful money," not the State of N.H. **Vote 13-0.**

HB 1641-FN, establishing a common law court. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This bill would set up a court of "Common Law." The committee felt that this was unnecessary, unwarranted, and an added expense for our citizens. N.H. has a workable court system that relies on common law, when no applicable law exists. This new court would be unmanageable and duplicative. **Vote 13-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. **OUGHT TO PASS**

Rep. Lars T. Christiansen for State-Federal Relations and Veterans Affairs: The committee agrees that the General Court should request that the United States withdraw funding for the United Nations if it adopts a resolution to forbid private ownership of firearms and any other constitutionally guaranteed rights which would be in violation of the United States Constitution and the New Hampshire Constitution. **Vote 9-1.**

WAYS AND MEANS

HB 1628, relative to expenses of operating bingo games. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: This bill would allow charitable organizations to opt out of retaining the seven percent collected from bingo players in a winner take all game. This seven percent take was only just authorized this past session. While some charities have seen a drop in attendance, given a number of factors such as rising fuel prices and hurricane relief, it is unlikely that the drop in attendance in the past few months has much if anything to do with the seven percent retention. Having a situation where organizations have a different payout percentage for the same game will no doubt lead to confusion and even angry players, when they receive less than they were expecting. It will also create a situation where the operators of games, who run bingo on different nights for different charities, will be subject to a different percentage according to the dictates of the various charities. This could easily lead to incorrect payouts. **Vote 20-0.**

HB 1638-FN-A, reducing the rate of the communications services tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the **Majority** of Ways and Means: Reducing the communications services tax will reduce general fund revenue by \$15 million per year beginning in FY 2007, without an offsetting reduction in spending or an increase in another revenue source. The bill's sponsor felt this bill would have a revenue neutral effect due to the people who continue to use land-lines. The committee felt it is unlikely that the proposed reduction in the communication services tax would be the area which would enhance our overall tax climate, dollar for dollar. **Vote 17-2.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: This bill would reduce the communications service tax from 7 to 5.5 percent. More commonly, that's known as the tax on telephones, and it generates approximately \$70 million a year. This 1.5 percent reduction would mean \$15 million a year less for state coffers, a fact the minority readily acknowledges. How are you going to make up for such a loss? That's the first question those of us on Ways and Means ask when considering tax reductions, and without an answer a bill is virtually dead on arrival. The same day the committee voted on this bill, we began the process of revenue estimates and learned that business taxes could well run \$35-50 million ahead of schedule this year and at least \$10 million ahead for next year. Other taxes, except rooms and meals taxes and the real estate transfer taxes, are mostly on target, so there is ample evidence that the state, even after resupplying the rainy day fund, can afford this tax reduction. The minority believes this bill can stand as a proxy for lower taxes. The minority believes we should view it as a good-faith down payment to our citizenry, which has been hit with numerous tax and fee increases this biennium, everything from the 28 cent per pack cigarette tax increase to an increase on motor vehicle violation fines (which went into effect without even as much as a public hearing) to an increase in filing fees in district courts. We could not afford to temporarily reduce the gasoline tax as proposed by the sponsor of HB 1473. That would have cost the state approximately \$60 million in total. We could not afford to eliminate the BET and reduce the BPT (HB 1599) as proposed by the sponsor of this bill. That would have cost the state approximately \$144 million a year. We could not afford HB 1319 which would have reduced the cigarette tax by 28 cents a pack and would have cost the state more than \$47 million this year. The same argument cannot be made for this bill. Quite simply, we can afford to do this. What we cannot afford to do is continually tell the public that we favor lower taxes and then not reduce them when provided the opportunity to do so. This tax was enacted in 1990 at a rate of three percent with a surcharge of 66 2/3 percent, making the effective rate five percent. A year later, we kept the rate at three percent but increased the surcharge to 100 percent, making the effective rate six percent. Through the years, we kept saying this was going to be a temporary tax, until in 2003 we made it a permanent tax at the rate of seven percent. Since this tax has such a muddled history, we should do everything we can to roll it back and live up to past promises. Since virtually everyone has a telephone, the decrease would be spread to virtually everyone in the state, at least to those who pay the tax. (The exemption on the first \$12 per month of a phone bill would remain in effect). To say no to this reduction when we can afford it is to acknowledge the sad truth that our top priority here is to increase spending rather than to reduce taxes.

HB 1699-FN-A-LOCAL, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Ways and Means: This bill is really a disclosure bill rather than a tax bill. There is a lot of related historical information that has an affect on the issue of disclosure and many in the committee feel the bill should be recrafted with the appropriate amount of study given to those issues. **Vote 18-1.**

TUESDAY, MARCH 7

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1229-FN, prohibiting the use of false documentation for employment, government services, or permits. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: At the deadline for reporting this bill to the House, the committee did not see a purpose for the bill. We have learned, however, that more information may be available very soon. If this happens, the committee will provide the information to the House when the bill is before the body for debate. **Vote 12-2.**

EDUCATION

HB 1525, relative to the safety of school bus stops. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F. Stiles for the **Majority** of Education: This bill was brought forward to address a single situation and to outline a process of recourse. Two amendments were offered and defeated. Since this particular situation had already been resolved locally, the majority of the committee felt this bill would micro manage local school boards. **Vote 11-4.**

Rep. Deanna P. Rush for the **Minority** of Education: This problem was brought forth because of a bus safety problem. A sub-committee came up with an amendment that would have laid out the process for a parent or guardian to request the local school board to evaluate the safety problem. IT also allowed for a review by the State Board of Education if the problem was not resolved. The amendment was defeated on a 9-6 vote, thus the bill as written did not pass.

HJR 21, urging the university of New Hampshire to restore intercollegiate baseball and softball. **OUGHT TO PASS**

Rep. Timothy E. Easson for Education: In 1997, the University of New Hampshire discontinued the baseball program citing budget cuts and obstacles brought on by Title IX. Since that time, private groups comprised of UNH alumni, New Hampshire business owners, and citizens have worked to raise money to try to reinstate the baseball program and to implement a softball program. Despite this private effort, UNH has refused to reinstate baseball and implement softball, even though many students and alumni desire to see these programs at the school. UNH is the only state university in New England to not have baseball or softball as part of a Division 1 athletics program. If UNH alum and Hall of Fame catcher Carleton Fisk were a student today he would not be able to play baseball for his school. Statistical analysis shows that baseball is one of the top three sports offered at the high school level across the state. This resolution has no financial obligation and makes it clear the legislature has not forgotten the issue and that a re-evaluation is appropriate and overdue. **Vote 9-3.**

ELECTION LAW

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas J. Langlais for the **Majority** of Election Law: The majority of the committee feels that this legislation would simplify in laymen's language the wording of any future constitutional amendments that may be voted on by our citizens. This would further eliminate any bias either way and pose the question in a simple voter friendly, yes or no context. This bill would have the General Court approve the language beforehand so as to avoid future litigation in the Supreme Court. **Vote 11-3.**

Rep. James R. Splaine for the **Minority** of Election Law: While the intent of the sponsors is good, this legislation gives much greater power and political voice to the majority by allowing their selected persuasive words to be written on the ballot. Editorializing does not belong on the ballot. The integrity of democracy and the credibility of the election process requires unbiased ballots and full balanced public discussion. The solution is to write ballot questions that are clear and make sense, not allowing advocacy writing printed on the ballot to get the voter to say "yes".

ENVIRONMENT AND AGRICULTURE

HB 1123, requiring equestrian helmets for first-time riders. **INEXPEDIENT TO LEGISLATE**

Rep. Burton W. Williams for Environment and Agriculture: The majority of the committee members felt that the use of equestrian helmets is a matter of personal responsibility rather than a legislation issue. **Vote 9-3.**

HB 1130, relative to the definition of necessary shelter for dogs. **INEXPEDIENT TO LEGISLATE**

Rep. James G. Phinizy for Environment and Agriculture: The majority of the committee felt the problem this bill tried to address would best be dealt with by better enforcement of current statute. At present, dogs are required to be sheltered from inclement weather and sun, have fresh water, be properly fed, and provided shelter that will retain the dog's natural body heat.

Anything less subjects the owner to a misdemeanor fine of up to \$2000 and a class B felony for the second offence. Current statute is worded in such a manner with such latitude to allow the arresting officer or animal control officer to seize the dog immediately on probable cause, if that officer feels that the dogs is in danger or “. . . left without supervision or adequate provision for its care.” This bill, while its intention is to be helpful, creates more problems than it solves. For example, its one-size- fits-all definition of shelter for dogs would have made illegal some of the better quality, commercially sold doghouses. “Whether a shelter has 3, 4 or 5 sides or is square, rectangular, obtuse or igloo-style should not be the issue. What is important is the . . . it protects the dog from injury, mistreatment, unnecessary suffering or the clear and imminent threat thereof.” Current law provides those protections, if enforced. **Vote 12-5.**

HB 1265, establishing the council on the relationship between public health and the environment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betty B. Hall for Environment and Agriculture: This bill extends the Council on the Relationships between Public Health and the Environment. It released a comprehensive report for the years 2003-2005 and would like to continue its work. The amendment increases public membership by two individuals. **Vote 8-3.**

HB 1333, relative to solid waste reduction goals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: The committee amendment replaced the bill. In regards to the solid waste diversion goal of 40%, neither imported tonnage nor byproducts of imported solid waste will figure in the calculation. To reduce unnecessary reliance on incineration and landfilling, the hierarchy of disposal solutions is revised to only include source reduction, recycling and reuse, composting, deconstruction, and as equally preferred options. **Vote 11-2.**

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: This bill addresses a problem with the handling and disposal of grease in our municipal sewers and wastewater treatment facilities. Also, it will study ways to handle and recycle the grease that develops. **Vote 13-1.**

HB 1433, establishing a committee to study secured landfills. **OUGHT TO PASS WITH AMENDMENT**

Rep. James F. Powers for Environment and Agriculture: This bill is to study the need to establish secured landfills for solid wastes which are high in concentrations of toxic pollutants, including materials from recycling or separation of construction and demolition waste (C & D) and ash from incineration of solid waste. The landfill study is particularly important because some portion of the materials from construction and demolition waste will have to be placed into these landfills despite efforts to recycle, reuse or find other uses for C & D debris. It is especially necessary since Massachusetts has banned the landfilling of C & D with the result that New Hampshire is becoming an importer of that state's debris. In 2004, New Hampshire disposed of 643,652 tons of C & D debris of which nearly 200,000 tons came from outside New Hampshire. Consistent with planning for the state's future needs in a sensible and logical manner, the majority of the committee also felt it important to extend the moratorium on burning C & D until the study committee established by HB 517 last year, produces it report, which will have an impact on the state's landfill needs. The Governor's Office and the Commissioner of the Department of Environmental Services testified before the committee strongly in support of this extension of the moratorium so that it would coincide with the recommendations of both the HB 517 study and this study. **Vote 14-3.**

HB 1551, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators. **REFER FOR INTERIM STUDY**

Rep. Betty B. Hall for Environment and Agriculture: Realizing that “pay as you throw” programs result in significant solid waste reduction in landfills and incinerators, exploring innovative incentives for “pay as you throw” is warranted. **Vote 9-4.**

HB 1594-FN, relative to eligibility of an owner of a dog or cat to participate in the animal population control program. **OUGHT TO PASS WITH AMENDMENT**

Rep. James G. Phinizy for Environment and Agriculture: The state spay neuter fund was started over ten years ago. It has been highly successful; however, the funds, which come solely from dog licensing, are depleted usually within the first three quarters of the year due to the demand. There are two parts to this popular program. Vouchers for spaying or neutering dogs and cats are given out through shelters and humane societies, when dogs and cats are adopted. These vouchers are dispensed regardless of income. The other part of the program consists of participation directly through veterinarians. Individuals who pass a means test receive a voucher and have their animals altered. The majority of the committee feels that it is important to direct the funds where they can do the most good, towards providing low cost spaying and neutering for individuals on limited means. This bill, as amended, not only brings the program completely in line with other state assistance programs by applying means testing uniformly and across the board, it will concentrate the funds where they are needed most regardless of whether the dog or cat is adopted from a shelter, humane society or the neighbor down the road. Every other aspect of this successful program will remain the same. For example, veterinarians will still be compensated for the animal's first visit and initial inoculations. **Vote 14-3.**

HCR 24, a resolution supporting the increased production of renewable energy by the agricultural community. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Babson for Environment and Agriculture: Unfortunately, this bill was not acted upon in a timely fashion which

now requires an ITL recommendation. The resolution is part of a nation wide campaign to promote alternative fuel sources. The committee may propose another action on the House floor. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1741-FN, relative to reporting requirements concerning infections in hospitals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. McMahon for the **Majority** of Health, Human Services and Elderly Affairs: The intent of the bill is to require hospitals to provide data on the incidence of Hospital Acquired Infections (HAI), their incidence rates and to make them available for public review. This is an important part of ensuring confidence in the level of quality care provided at health care facilities utilized by all of us in New Hampshire. When New Hampshire citizens make a decision as to where to go for a medical procedure, they deserve timely and accurate information as to a facilities' quality of care which is critical in making an informed decision. Testimony heard in committee highlighted the need for identifying the incidence of Hospital Acquired Infections, possible methods to reduce the causes and finally, procedures in how this data is provided to the public. It is imperative that the information be validated and risk adjusted by hospital and by procedure performed. This is the work that would be performed through the Department of Health and Human Services working with the Foundation for Healthy Communities, New Hampshire's Hospitals and Surgical Centers and health care professionals in the state. This information would be made available via a web site for public review, respecting the individual's confidentiality while fostering cooperation between the state and all health facilities. The committee agreed that the bill, upon completion of this important work, provided the citizens of New Hampshire the information required to evaluate an institution as to rates of infection and quality of care. The confidence in the information would be supported by the Health and Human Services Department and the State through the directive of this bill by the legislature to establish protocols for data validation and risk adjustment. With existing resources to assist the Department such as the New Hampshire Health Care Quality Assurance Committee authorized in 2005 via HB 514 and the Foundation for Healthy Communities, a non-profit partnership of hospitals, doctors and health plans, the state's commitment to achieving the goal of reducing HAI's, improving health care quality and saving lives can and will be met. We resolve, with the passage of this bill to provide the opportunity to improve the lives of New Hampshire citizens by setting a higher standard of care. Please join the Health, Human Services and Elderly Affairs Committee in supporting this important initiative. We ask for your support in joining the committee's vote of 13 to 4 for OTP as amended. **Vote 13-4.**

Rep. Joseph M. Miller for the **Minority** of Health, Human Services and Elderly Affairs: While hospital acquired infections have been a well recognized dilemma for infectious disease experts working to improve care and reduce hospital morbidity, New Hampshire had already taken steps to address this problem. HB 514, sponsored by a bipartisan group of legislators from both House and Senate, and signed into law in June 2005, had already established a Commission to study medical errors and other adverse events. The Foundation for Healthy Communities, a non-profit New Hampshire health consortium, became the Commission's administrator and quickly identified healthcare associated infections as its first priority. With help from the federally designated Quality Improvement Organization, the Commission established a liaison with all twenty-six New Hampshire acute care hospitals and existing ambulatory surgical units to make public evidence-based information of validated hospital infections. The first report of these data is scheduled for release on June 1, 2006. HB 1741 will now vitiate the good work of that Commission and assign these functions to personnel at the Department of Health and Human Services, whose expertise and epidemiologic-trained personnel appear to have limited experience in this area of research. Also, the budget for re-starting this endeavor will require substantially large state funding.

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Deborah J. Hogancamp for the **Majority** of Health, Human Services and Elderly Affairs: This bill as amended establishes an electronic controlled drug prescription monitoring program within the Department of Health and Human Services. There were 40 deaths from prescription drug abuse in NH in 1999, but by 2005 the number of deaths had risen to 147 – a 150% increase. The intent of this bill is far reaching – to reduce the mortality, morbidity and criminal activity associated with prescription drug diversion. The committee heard testimony from other states who have years of experience in running similar programs. The programs have been successful in helping those addicted to prescription drugs through treatment, while protecting individual privacy. Twenty-two states have addressed this issue by establishing similar programs, and have proved effective in reducing deaths and prescription drug addiction. These states include ME, MA, RI, NY, PA, and pending legislation in Vermont. This bill as amended establishes a data base to monitor controlled prescription drugs listed in Schedule II-IV. This program will be consistent with American Society for Automation in Pharmacy Standards. The program will be administered by an Advisory Committee comprised of representatives from health care regulatory boards, health care practitioners, the Attorney General's office and a single law enforcement officer, thus maintaining a health care focus. Costs associated with the design, implementation and administration of the program will be paid through grants and gifts. There are federal grants available to fund each step of establishing the program; however, should grants no longer be available, the bill allows the commissioner to use fees to support the program. Patient confidentiality in the program was discussed and investigated at length. Existing programs in Maine and Kentucky have reported no security breaches. The databases have proved over time to

be more secure than those found in pharmacies. Currently, the prescription information that will be contained in this program database is already held in databases in pharmacies around the state. This program brings the prescription information together in one database and allows controlled practitioner access to help provide patients with safe, appropriate medical care. Access to patient-identified data is limited to 5 entities and the individual. Unauthorized access and dissemination at anyone's personal data is a class B felony. The bill as amended does not allow fishing expeditions through the limited access. This program has been developed over 5 years by a number of medical practitioners, pharmacists, law enforcement officials (including the state medical examiner), and interested members of the public. It was supported by the Attorney General's Office, State Medical Examiner, physicians practicing pain management and addiction treatment, as well as the Department of Health and Human Services. **Vote 11-7.**

Rep. Cindy Rosenwald for the **Minority** of Health, Human Services and Elderly Affairs: The minority agrees that prescription drug abuse is a problem and that monitoring controlled substances will help cut down on the fraudulent use of prescription drugs. The question is what kind of program can target most efficiently the abuse problems while also protecting the privacy rights of the majority of New Hampshire's residents. The minority believes the committee amendment is far broader than necessary. The privacy of nearly a third of New Hampshire's population will be needlessly put at risk when a large amount of private personal and medical information is collected in an electronic database. To put this into perspective, methadone by itself accounted for one third of all drug deaths in New Hampshire last year. Further, among all the people who died from using drugs, 35 specific prescription drugs were identified. Yet, the committee amendment will collect the prescription records on nearly 200 drugs and result in the inclusion of significant personal and medical information in a new electronic database for almost 400,000 people. Along with patients whose doctors have prescribed narcotics, the individuals in the database will include children treated for ADHD, men who are treated for sexual problems, and thousands of people who take sleep aids or drugs for anxiety. The minority has grave concerns about the security of such a database, particularly given that one of New Hampshire's important electronic databases was recently hacked. Several other states have reported security breaches where personal information has fallen into the wrong hands. The minority believes that adding criminal penalties for willful misuse of someone's private medical information does not make up for the embarrassment caused by accidental misuse. We believe a more effectively targeted program should be developed to balance privacy rights of the majority of patients in New Hampshire who legitimately receive prescriptions for controlled drugs with the need to find those drug addicts fraudulently obtaining prescription drugs.

JUDICIARY

CACR 36, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules, that the general court may regulate these matters by statute, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall prevail over the rule. **INEXPEDIENT TO LEGISLATE**

Rep. David E. Cote for Judiciary: This amendment is unclear, in that it purports to establish the primacy of statute over court rule, yet states that "such enactment [of the legislature] may not abridge the Judiciary's necessary adjudicatory functions." Thus, it is neither fish nor fowl; sweeping too broadly or not broadly enough, and will serve only to confuse both the courts and the public. In addition leaving aside the question of its clarity, the subject matter has been before the public on two separate occasions in the last few years. **Vote 16-4.**

HB 1565, relative to evictions in cases involving incidents of domestic violence. **OUGHT TO PASS WITH AMENDMENT**
Rep. Nancy J. Elliot for Judiciary: This bill as amended protects tenants that are involved in an incident of domestic violence from an unfair eviction based solely on that single incident. It also protects a landlord from being unable to evict a tenant that has a lifestyle of disturbances. The bill represents a bipartisan effort to ensure that the rights of both landlord and tenant are preserved. Representatives of both landlord and tenant association are in agreement with this bill as amended. **Vote 15-1.**

HB 1761, Exempting vacation rentals from regulation as a tenancy and extending the committee to study the appeals process in cases between landlords and tenants, established in 2005, 45. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill, as amended, creates a new chapter 540-C to the RSA's, dealing with the eviction of tenants who rent seasonal recreational rental units in the off-season. By reason that, due to the high rent and short period of time for which such units can be rented during vacation season, advocates both for landlords and tenants agreed that it is appropriate and necessary to have an accelerated process for removing holdover off-season tenants. This chapter provides that, as long as the landlord makes the off-season rental by written lease specifying that it is seasonal property, specifying the date by which the off-season tenants must vacate, and specifying that failure to so vacate will result in removal by a law enforcement officer without any court order, the tenant may be so removed upon the law enforcement officer's being presented with the expired lease. **Vote 19-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1194, relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill allows a member of a fire department rescue

squad, or emergency medical services agency to take leave without pay from his or her place of employment to respond to a state of emergency declared by the Governor or the General Court under RSA 4:45. The employer shall not require the employee to use or exhaust his or her vacation or other accrued leave for the period of emergency services. Request for service shall be directed to the chief of the members for department, rescue squad, or emergency medical services agency and a copy to the member's employer. **Vote 15-0.**

HB 1564, prohibiting mandatory tip charges for small parties. **INEXPEDIENT TO LEGISLATE**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee overwhelmingly concluded that this bill would hurt the littlest of little guys, the waitperson. This bill targets the very people who need our help those men and women who receive \$2.38 hr. The bill further removes the owner's decision to protect his employee and just goes against the New Hampshire sense of fairness. **Vote 14-0.**

LEGISLATIVE ADMINISTRATION

CACR 37, relating to the legislature. Providing that compensation shall be based on present value. **OUGHT TO PASS**

Rep. Karen A. Hutchinson for Legislative Administration: Today's monetary value of our \$100 annual compensation is approximately \$2000. While this increase certainly does not change our "volunteer legislature" status, it is hoped that it will allow for more diversified legislative participation, particularly working-age individuals who are unable to serve in the legislature due to lost wages. **Vote 7-4.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1141, relative to innovative land use controls. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: Although the basic intent of this bill is to encourage towns to adopt open space housing concepts, this bill would mandate municipalities to allow the Village Plan alternative who had previously voted to only permit cluster development. There is already a mechanism in place for a municipality to adopt the Village Plan alternative. One unintended consequence might be municipalities choosing to reject both choices because they couldn't pick one or the other. **Vote 15-1.**

Rep. Gilman C. Shattuck for Municipal and County Government: This bill excludes salary and compensation increases from a default budget unless the increases are required by a collective bargaining agreement that was in effect during the preceding fiscal year. There are many concepts and interpretations of what should or should not be included in a default budget in an official ballot voting (SB2) town. Since the time that official ballot voting has been implemented there have been bills introduced every year to tweak the system which was created as a "one size fits all" solution. The local governing body needs to show their constituents what is in a default budget and explain the differences between the operating budget and default budget. The legislature needs to stop trying to tweak this form of government and encourage the governing bodies to have truth in budgeting. **Vote 11-1.**

HB 1342, relative to the development of land and cutting of trees on land surrounding burial grounds and cemeteries. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: HB 1342 as written restricts the cutting of trees and development within 25 feet of a known burial site. The majority of the committee agrees that cemeteries and the immediate surrounding area should be treated with respect. However the bill is too restrictive in some regards and omits many other needed restrictions. For example, if a tree is dead or needs to be removed, this bill would restrict the necessary activity. In addition, the bill does not address the need to limit the cutting of other vegetation such as lilac bushes or protecting stone walls around a cemetery. **Vote 13-3.**

HB 1345, establishing a commission to study community relations between the town of Plymouth and Plymouth state university. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G. Stohl for the **Majority** of Municipal and County Government: Municipal and County Government committee received two bills regarding conflicts between the town of Plymouth, Plymouth State University (PSU) and the University System of New Hampshire (USNH). HB 1679 was amended to resolve the issue where there was competition between the private vendors on campus and the private businesses in the community. The committee unanimously agreed on a 13-0 committee vote to a compromise, placed HB 1679 on the Consent Calendar and the bill was passed by a voice vote on the floor of the House. The second bill, HB 1345, sought to establish a commission to study community relations between the town of Plymouth and Plymouth State University (PSU). An amendment to replace the entire bill was introduced at the public hearing. This amendment required USNH to meet with the governing body of Plymouth at least once every three years to negotiate a reasonable cost-sharing agreement for public safety services and to determine a reimbursement amount for the same. It further required that if the parties reached an impasse in negotiations, the Board of Tax and Land Appeals (BTLA) shall conduct an expedited hearing and issue a ruling on the provisions to be contained in the new agreement. The majority of the committee feels that the resolution in HB 1679, relative to the property tax exemption for the university system property, will help assist in acquiring a resolution to the local issues stated in the amendment in HB 1345 in Plymouth and therefore no further action is needed to be taken by this legislature. **Vote 8-6.**

Rep. Mary R. Cooney for the **Minority** of Municipal and County Government: The people of Plymouth have had their constitutional rights violated by a system set in place in 1963 when the Legislature granted the University System of New Hampshire exemption from all taxation and responsibility to host communities for public safety costs associated with its buildings and residential population. HB 1345 as amended seeks to remedy a flawed negotiations' process between the town of Plymouth and Plymouth State University. True negotiations are characterized by equal power by both parties. The process as it currently exists puts 100% power in the hands of the University. USNH' legislative immunity from responsibility to its host community has produced unfair, lopsided public safety reimbursement agreements and gross underpayments, which in turn, have inflated local tax rates. This long-standing PSU cost-shifting, tolerated by the Legislature, is violating the Peoples' rights under Articles 8 and 12 of the NH Constitution and increasingly compromising the safety and security of an entire community, townspeople, and students alike. The issue is fairness. This bill simply seeks to eliminate the "Take it or Leave it " USNH attitude that presently prevails and replaces it with an authentic and fair negotiations process characterized by "Give and Take". To ensure fairness, HB 1345 establishes a requirement to negotiate at least every three years and an appeal process with the Board of Tax and Land Appeals in the event agreement is not reached. The provisions of HB1345 are necessary to remedy a flawed process, for future public safety negotiations. Town officials believe this legislation will restore a small measure of local control enabling the local recovery of fair share basic public safety costs from Plymouth State University. Plymouth is not seeking reimbursement for other municipal costs or any other public expenses. PSU cost shifting has reached an untenable level; the town and taxpayers do not have the tax base or fiscal means to continue absorbing the growing extensive and expensive impact. This bill simply corrects a flawed process ensuring just and fair compensation, hence, allowing the town's ability to provide for the most basic of services: public safety.

HB 1629-FN-L, relative to property revaluation schedules in towns and cities and review by the department of revenue administration. **Majority: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul R. Hopfgarten for the **Majority** of Municipal and County Government: This bill requires that the Department of Revenue Administration ensure that all towns or cities have a complete property revaluation in the past two years be completed by December 31, 2007. As a result of the court cases involving assessing practices statewide, the Assessing Standards Board was created. One thing that was mandated by the legislature was a time frame for all municipalities to have their assessments reviewed by the DRA. This review process needed to be completed within a five-year cycle that ends in the year 2007. The majority finds this legislation unnecessary in light of current practices already in place that will have all the municipalities' assessment review completed by April 1, 2007. **Vote 13-1.**

Rep. Harry S. Gale for the **Minority** of Municipal and County Government: If you thought that re-valuation and county taxing formulas were designed to create equalization, proportionality, fairness and equity, and you come to understand, for example, that a community with 8% of a county's population pays 28% of the county tax liability and that a community with a population of 850 citizens paid \$700,000.00 in county taxes and that a community which uses 3% of the county's services pays 28% of the county's taxes, and that a community with 12% of the county's population pays almost 30% of the county taxes, and that several communities pay more in county taxes than they do to operate their respective local governments, would you not feel compelled to file a minority report against a committees of ITL HB 1698? The minority feels that a motion to kill this bill is nothing more than a postponement of a legislative obligation to repair such matters. To do so would in fact achieve the greatest relief for property taxpayers throughout our state.

PUBLIC WORKS AND HIGHWAYS

HB 1343, establishing a committee to study the administration and jurisdiction of the council on resources and development. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill as amended, replaces the original bill and makes statutory changes that clarify the role of the Council on Resources and Development (CORD) to be advisory. Since the inception of CORD in 1950 the duties of the council were specified to be advisory only. In 1961 RSA 162, which established the council was repealed. In 1963 RSA 162-C was passed which re-established CORD and again stated the decisions were to be advisory only. This bill makes CORD advisory to the Long Range Capital Planning and Utilization Committee and the Governor and Council for the disposal of state-owned real estate. It additionally requires the Council to provide a copy of their minutes to the Senate President, Speaker of the House, Long Range Capital Planning and Utilization Committee and the Governor and Council. The amendment further requires the disposal of surplus property by the NH Housing Finance Authority to receive approval from the Long Range Capital Planning and Utilization Committee and the Governor and Council for the leasing of railroad properties. This bill makes no changes to the responsibilities CORD has under Chapter 162-C for L-CHIP property, or to any other existing statutory responsibility. The clarification of the advisory duties of CORD allows for the Governor and Council and the Long Range Planning and Utilization Committee to fulfill their statutory responsibilities. This bill as amended, passed by a unanimous bipartisan vote of 12-0. **Vote 12-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber

harvesting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill accomplishes four things: (1) All forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers established by the police standards and training council; (2) authorizes the director of the division of forests and lands to regulate entry into, or movement within, the state of any wood product which may cause the introduction or spread of a dangerous insect or disease; (3) defines and regulates wood concentration yards; and (4) penalizes the failure to provide a written contract for the purchase or sale of forestry products as a deceptive forestry business practice. This legislation supports the efforts of the Division of Forests and Lands, and while some committee members felt that the full-time police training is unnecessary, the bill will provide Forest Rangers with enhanced tools to better protect the forest resources under their jurisdiction. **Vote 14-3.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1666-FN-A, authorizing a memorandum of understanding between state and local law enforcement and the United States Department of Homeland Security regarding immigration enforcement and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Kris E. Roberts for the **Majority** of State-Federal Relations and Veterans Affairs: This bill as written raises far more questions than it answered. The majority of the committee believes that immigration enforcement is a federal government issue. Under current law, any law enforcement officer has the ability to arrest any person for violation of any state or federal law. They also have the right to hold an individual for immigration violations and then notify Department of Homeland Security for pickup. In most cases Department of Homeland Security will release the individual with future court date. Second, the majority of the committee has concerns with the uncertain fiscal impact of this bill on the state of New Hampshire. While the Federal Government may fund the tuition cost of the training, the local community in the state still has to fund the salaries of personal undergoing training, along with the cost of overtime. The only way to not pay their costs is create a gap in police portion. The majority believes this would be an uncertain expense to our general fund in the future. In addition, there is also a fiscal cost to our local communities. If the local law-enforcement officer is doing immigration enforcement, he/she is taken away from his/her primary job. The majority of the committee is not prepared to support the imprecise fiscal consequences of this bill. Third, the bill gives the Department of Safety discretion to enter into a memorandum of understanding with Department of Homeland Security. The majority of the committee believes this is much too broad and would have rather seen more details about what is in this memorandum on the bill. **Vote 9-2.**

Rep. Lars T. Christiansen for the **Minority** of State-Federal Relations and Veterans Affairs: Forthcoming federal legislation on local reimbursement funding left questions to be answered. My recommendation of interim study would provide time for such research, but was not accepted by the committee.

WEDNESDAY, MARCH 8 REGULAR CALENDAR

COMMERCE

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen T. Pelkey for Commerce: This bill requires insurance companies to pay for any insured NH resident for the costs associated with human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The amendment further allows the testing to be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists and is licensed under the Clinical Laboratory Improvement Act of 1967.

Currently, insurers cover all costs associated with the testing, transplant procedure, search of the donor registry as well as all costs for testing family members of the patient. The majority of the committee feels strongly that this bill would greatly improve the quality of life of those affected by a variety of cancers. Although not a determinable amount, the cost savings to the insurance industry, finding a donor match in the early stages of diagnosis, may greatly offset the ongoing associated treatment of these diseases. Most importantly, the small amount of money (\$75 per test) is a small price to pay to save just one life. **Vote 14-4.**

EDUCATION

HB 1707-FN-A-L, establishing a school choice certificate program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the **Majority** of Education: This bill is not an indictment or a criticism of public schools. The majority believes that public schools do a good job for most students, but some students can excel in a different educational

environment. HB 1707 is a constitutional and responsible step that gradually introduces school choice certificates over the next eight years in a manner that makes the certificates proportionately available across the state. HB 1707 is constitutional because the money is spent by the parent. The certificate is made out to the parent and sent to the school of the parent's choice. The parent must then go to the school and endorse the check over to them. There is a philosophical difference with regard to school choice. The majority sees that the greater purpose of public education dollars is to provide the best education possible to students, even if it means leaving a government school. To further that end, parents of limited financial means must be empowered to choose another school for the benefit of the child. This bill is designed to help the needy by giving first priority on the certificates to families whose income is at or below 200% of the federal poverty guidelines. Then, if certificates are left over, families up to 300% of the federal poverty guidelines can utilize this opportunity. During the committee process, the opinion was offered that bills such as this take money away from public schools. HB 1707 does not do that. The first year a student is in the program, the school is held harmless financially. In subsequent years, the sending public school continues to count the student in their ADM-R. Furthermore, they are able to plan ahead to be able to keep 20% of the per pupil aid amount. Thus the public school will benefit as well by getting money for a child they won't have to educate. For the sake of families of limited means, school choice is an idea that needs to be given a chance in New Hampshire. **Vote 11-9.**

Rep. Emma L. Rous for the **Minority** of Education: This bill directly opposes the New Hampshire constitutional provision that "no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination." (Part 2, Art. 83; also Part 1, Art. 6). Private religious schools are not subject to federal disability laws and are allowed to discriminate on the basis of religion. In January, Florida's Supreme Court struck down the nation's only statewide voucher program because it undermined a uniform system of free public schools. This proposal provides a middle class subsidy at the expense of local school budgets. It requires districts to pay private schools 80% of their "state aid" per pupil or the state average aid per pupil for each certificate awarded. In districts whose only "state aid" is the locally collected statewide property tax, all of this money will come directly from local tax dollars. Under this bill, up to 42% of a district's population could attend private schools at taxpayer expense and without taxpayer approval. A free democratic society depends on an educated citizenry; we are responsible to educate all of our children, not a few at the expense of many.

HB 1766, relative to the duties of the state board of education concerning educating pupils on AIDS and venereal diseases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Emma L. Rous for the **Majority** of Education: The State Board of Education already reviews and evaluates the effectiveness of course materials and instruction regarding venereal diseases. The bill blames school curricula for rising STD rates with no corroborating evidence, and only specifically recommends evaluating abstinence curricula. The legislature repealed the requirement that the Department of Education submit a written report of its findings, and no funding is provided in this bill to reinstate reporting. **Vote 10-4.**

Rep. Michael A. Balboni for the **Minority** of Education: This bill would simply require the Board of Education to do what it is supposed to do in current law: evaluate sexually transmitted diseases (STD's) education methods and materials used in this state as well as other states, and make recommendations on curricula that actually reduce STD rates. Why should you support passage of this bill? There is an epidemic of STD's in our state. Our own Dept. of Health and Human Services has tracked STD's in our state for many years. Their figures show huge increases in STD rates over the past 5 years especially within our teenage population. Yet the State Board of Education, responsible for curriculum recommendations continues to recommend STD education methods and materials that are ineffective in reducing STD's in our state. To not pass this bill condemns many of our teens to a lifetime of sexually-related problems that could have been prevented with the appropriate school instruction.

ELECTION LAW

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: The long standing tradition in New Hampshire is to have as many small representative districts as possible so as to best represent all the people of New Hampshire. This CACR, as amended, will allow the legislature to use floterial districts as used in the past without question or challenges in the courts. This will make sure that our state will have as many small house districts as possible. **Vote 16-0.**

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the **Majority** of Election Law: Over this legislative session, the Election Law Committee has received testimony from a number of witnesses who have expressed surprise that individuals could register to vote in New Hampshire without at that time having an obligation to obtain a New Hampshire operators license or register their motor vehicles in New Hampshire should they choose to operate or own a motor vehicle in New Hampshire. By simply stating that the presence and intent to maintain New Hampshire as a domicile will establish residency for motor vehicle purposes, HB 1566 eliminates this confusion. In order to further eliminate confusion, the bill establishes the same time period of 40 days for obtaining a new license or vehicle registration for persons moving their residence within the state and persons from other states coming to New Hampshire to live instead of the present rule of ten days for intra-state moves and 60 days for those first coming

into New Hampshire. This bill does not nullify any right to vote because it neither requires a New Hampshire driver's license to vote nor requires persons to obtain a New Hampshire drivers license if they vote when they otherwise do not want to have a driver's license. Unlike most states, New Hampshire does not require its voters to have a minimum period of residency in order to vote; all this bill would say is that by voting in New Hampshire, a person is confirming his or her residency for motor vehicle purposes and has to get a license and change vehicle registration if he or she wants to drive or keep a vehicle on the road. Clearly defining when residency begins does not discriminate against anyone except those who would choose to vote in a New Hampshire election and then want to claim that doing so does not confirm or make him or her a New Hampshire resident. **Vote 12-4.**

Rep. Charles F. Weed for Election Law: By equating residency for motor vehicle purposes with the fundamental right to vote, this bill will nullify the right of some United States citizens to participate in federal elections if they do not believe a New Hampshire driver's license should be a requirement to vote. Transitional voters may not be vested in any specific community, but are entitled to vote if they are citizens over age 18 and live more than one half year in a town or village in New Hampshire. If the legislature wishes to discriminate against some legitimate transitional voters in federal elections, then in order to meet constitutional requirements, New Hampshire must provide separate ballots for federal and state elections.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1711-FN, relative to the regulation of fuel gas fitters **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald F. Ryder for the **Majority** of Executive Departments and Administration: This bill is relevant to the regulation of fuel gas fitters. It has been referred to "Amilia's Law", which was the result of a gas explosion tragedy resulting in the loss of life. As such, it establishes licensing for persons who install or service liquefied propane and natural gas equipment. The bill allows the State Fire Marshall to define the license and renewal requirements, sets penalties for non-compliance and provides for inspection of work performed. In addition, the State Fire Marshall shall establish, through rules, pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses. The State Fire Marshall shall have the authority to appoint inspectors to insure compliance throughout the state with practices consistent with the public safety and welfare. It also provides license renewal relief for reservists called to active duty. **Vote 10-3.**

Rep. Ken Hawkins for the **Minority** of Executive Departments and Administration: This bill, as well intentioned as it is, is really searching for a solution to a problem that does not exist. The bill was brought forward because of a tragedy that occurred when a carpenter cut a gas line that was turned off in a wall when they were doing repairs to the house because pipes had frozen and had flooded certain sections of the house. The gas was turned on by the occupants on a week-end visit and an explosion killed a child. All of the testimony we heard agreed that licensing would not have prevented this tragedy.

JUDICIARY

CACR 30, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the **Majority** of Judiciary: In well-publicized case of Kelo et al. v. City of New London and New London Development Corp., 125 S.Ct. 2655 (2005), the U.S. Supreme Court held that private property may be taken by eminent domain and transferred to private developers solely to promote economic development. CACR 30 is a direct response to the Kelo decision. New Hampshire citizens were justifiably concerned that the Supreme Court had defined "public purpose" so broadly as to render meaningless the existing property protections found in our State Constitution and the jurisprudence of our New Hampshire Supreme Court. In prior cases, the New Hampshire Supreme Court has interpreted the constitution as allowing an uncertain and amorphous "balancing test" for "economic development" takings. Kelo has simply rendered that "balancing test" meaningless. It has set the bar so low as to ensure that property owners will never be able to stop, protest or obtain meaningful judicial review of a governmental entity's decision to take that citizen's property and immediately transfer it to enrich a wealthier or more politically influential private developer. CACR 30 is a legislative answer to these real concerns. Part I, Art. 2 of the New Hampshire Constitution lists "natural rights" which are "natural, essential and inherent" to citizens. Among those rights is "acquiring, possessing and protecting property." New Hampshire citizens want and deserve a chance to vote on whether to restore the fundamental property protections the U.S. Supreme Court stripped away in Kelo. CACR 30 will restore the original and common understanding that private property cannot be taken by eminent domain for anything other than use by a political subdivision, state-regulated public utility or common carrier, or when the taking is necessary for the ownership or the use of the property by the public at large (i.e., not for the private profit of private developers). The language of the amended CACR also mirrors SB 287, which comprehensively defines "public use" in the statutes. SB 287 recently passed in the Senate 24-0. Additionally, if approved by the voters, this amendment will be in its own new Article 12-a, so as to preserve the original 1784 language of Article 12, which addresses taxation, as well as property rights. We believe that we have an obligation to allow the citizens of New Hampshire to vote to affirm that Kelo-like takings were not, are not, and will never be, the New Hampshire way. As legislators, we took a solemn oath to support and defend the Constitutions of the State of New Hampshire

and the United States of America. When an event such as Kelo so threatens and undermines our long-standing, common understanding of what the government can and can not do to the citizens through the use of the eminent domain power, support for CACR 30 is the only appropriate response. **Vote 11-9.**

Rep. Bette R. Lasky for the **Minority** of Judiciary: The bipartisan minority of the Judiciary Committee feels very strongly in protecting our citizens' ownership of property. The NH Constitution says in Part I, Art.12 that "... no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." NH statutes and judicial decision have been consistent in the protection of private property rights as well. Also, the Senate has just addressed SB 287-FN with a resounding vote of 24-0 which further clarifies the term "public use" and makes the possibility or a "Kelo vs. New London" decision here even more remote. The minority feels a change on the Constitution is premature. Additionally there is legislation pending to form a study committee to review our existing eminent domain laws. The minority believes this should be place before we make any change in our Constitution.

HB 1224-FN, establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The purpose of this bill was to begin the process of establishing reciprocal arrangements with other states to limit the liability of each when sued for damages in another. The exposure to damages of each state enacting this or any substantially identical bill would be limited to the statutory limit (if any) enacted by that state, regardless of in which other participating state it was sued. In the case of New Hampshire, this would mean that, when sued in the courts of any other participating state, its exposure would be limited to the current statutory cap of \$250,000.00 establishing by RSA 541-B:14, the same limit to which it is exposed when sued in the courts of this state. Several objections to this bill were raised, which included its confusing wording, the question of why other states would wish to limit the recovery rights of its citizens to a cap so low as that of New Hampshire, and the constitutionality—notwithstanding decisions of our Supreme Court upholding it—of any statutory cap on damage awards, given the right expressed in Article 14 of our Bill of Rights that every subject of the state is entitled to have recourse to a complete remedy for all injuries. **Vote 15-5.**

HB 1492, Granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Vivian J. Desmarais for the **Majority** of Judiciary: This bill was an ITL in the subcommittee as well as the full committee. We felt that an immunity bill was unnecessary since the contraceptive bill law passed in the last session which states very clearly the responsibility and the duties of the pharmacist's in dispensing this pill. The current law provides that pharmacists must volunteer to dispense this drug and can only do so, after taking a course about procedures to be well. Anything further would just complicate matters, therefore putting the young women into a position of having an unwanted pregnancy. **Vote 17-3.**

Rep. Nancy J. Elliot for the **Minority** of Judiciary: There are some pharmacists in this state that have a moral objection to dispensing pills that in some instances abort a fetus. This bill allows a pharmacist to refuse to dispense the "morning after pill" and be free from liability for such refusal. Doctors who refuse to perform objections are protected; our pharmacists should be also.

HB 1768-FN, relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the supreme court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert D. Mead for Judiciary: Relative to establishing a committee to study rescinding the New Hampshire Bar Association charter, and removing references of the New Hampshire Bar Association in current statutes. Majority: Ought To Pass With Amendment. This bill in addition to establishing a committee to study the effects of rescinding the charter granted by the legislature in 1873 to the New Hampshire Bar Association and the subsequent incorporation of a voluntary membership organization, does the following. It established the authority and procedures for the regulation of attorneys by the Supreme Court, and removes from current law all references to the New Hampshire Bar Association, and its mandatory membership as a requirement to practice law or hold state appointed positions in RSA 494:1, RSA 363:1, RSA 604-B4, and RSA 161-B:2X. It further deletes the contract approval requirement by the "board of governors or the New Hampshire Bar Association" for the public defender program, and replaces with the words "State Bar" all previous references to the New Hampshire Bar Association. **Vote 13-7.**

HB 1770, requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Buxton for Judiciary: The sponsor was not the only person to appear in favor of the bill. The Attorney General, Chief of Police, State Police, New Hampshire Sheriffs and some local police all testifies against the bill. The concern was that this would take away an effective tool from law enforcement. Personally a warrant is necessary for a wire tap order but not a telephone record. The Attorney General and/or his/her designee may issue a subpoena for telephone records now. There are certain restrictions and there is no record of abuse of this process. **Vote 14-5.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1133, establishing the employee civic duty act. **MAJORITY: REFER TO FOR INTERIM STUDY. MINORITY:**

INEXPEDIENT TO LEGISLATE.

Rep. Sharon M. Carson for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill seeks to establish an employee civic duty act which gives employees the ability to take time off without pay to perform civic duties. The majority of the committee believes there is merit to this bill, but it needs additional work to create a mechanism which allows employees to engage in public service while respecting the needs and rights of employees. **Vote 11-4.**

Rep. Jarvis M. Adams for the **Minority** of Labor, Industrial and Rehabilitative Services: The genesis of this bill is a court case involving one person. No one who testified before the committee knew of even one other example that required this bill. New Hampshire has one of the highest rates of volunteerism in the country. The premise of this bill is faulty and not necessary for even interim study.

HB 1310, relative to strikes by public employees. **INEXPEDIENT TO LEGISLATE**

Rep. Jarvis M. Adams for Labor, Industrial and Rehabilitative Services: The committee believes that the day to day operations of the state or municipalities rely upon a wide variety of essential public employees that are not accounted for in this bill. Strikes by such employees would have a devastating effect on cities and towns if this bill became law. **Vote 11-3.**

LEGISLATIVE ADMINISTRATION

HB 1762, extending a committee and adding a certain duty relative to pharmacy reimbursement. **WITHOUT RECOMMENDATION.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1117, relative to the economic development section of a master plan. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the **Majority** of Municipal and County Government: The intent of the sponsor was to make the local land use boards aware of the issue of workforce housing and low income housing when they were developing the economic development plan section of their master plan. The inclusion of an economic development plan in the master plan is an option that the planning board can choose to include or not as stated in RSA 674:2, III, (c). The planning Board already does this type of planning in the housing section of RSA 674:2, II (I). So this legislation is not necessary. Also SB190 was passed by the Senate which establishes a committee to study including workforce housing in zoning ordinances. The committee has heard a great deal of concern from the business community, housing finance authority, chambers of commerce and other entities in the state about the lack of affordable housing. The number of bills that address this issue is growing. The legislature and the interested entities in the state need to sit at the table and find a solution using a public/private partnership template where both parties take responsibility for reaching a solution, not just putting out a percentage for the local communities. **Vote 12-4.**

Rep. Jessie L. Osborne for the **Minority** of Municipal and County Government: The minority of the committee believes that this bill ought to pass since it would provide a way for the municipalities to address the need for affordable housing in their master plans economic development section. This bill is enabling.

HB 1379, relative to the investment of trust funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John P. Dowd for the **Majority** of Municipal and County Government: This bill authorizes the trustees of the trust funds to invest in certain mutual funds if they conform to the trustees' investment policy which was adopted for trust funds. It also requires the trustees to adopt an investment policy for capital reserve funds and to file all investment policies with the Attorney General. By eliminating the reference to RSA 35:9, which regulates the establishment and handling of capital reserve funds, and only referring to RSA 31:5, which dictates how the trustees will manage all trust funds held by their town diminishes the investment policies of the capital reserve funds. Under RSA:9, the governing body shall review and adopt investment policies on a yearly basis. By removing RSA 35:9 and only referring to RSA 31:5 would mean only the trustees of the trust funds would adopt an investment policy for these capital reserve funds. The majority of the committee feels that no testimony was heard to indicate that the present policy making process is flawed. **Vote 10-6.**

Rep. Gilman C. Shattuck for the **Minority** of Municipal and County Government: The intent of HB 1379 is to correct a longstanding problem in existing legislation. It clarifies investment of funds by trustees. It was strongly supported in testimony by the Attorney General's Office. This is a minor technical correction that would facilitate the work of trustees.

HB 1527, allowing municipalities to establish local community services and care planning boards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert W. Brundige for the **Majority** of Municipal and County Government: This bill will allow municipalities to establish local community services and care planning boards. All communities have within them wonderful organizations such as churches, Rotary clubs, food kitchens, youth organizations, senior citizens and many more. These organizations contribute to the well being of their communities on a daily basis. Establishment of these local community services and care planning boards would add an additional layer of bureaucracy and duplication of effort. The committee believes this bill is not necessary. **Vote 13-4.**

Rep. Stephen G. Prichard for the **Minority** of Municipal and County Government: This bill would have allowed, not required, a

municipality to establish a local community services and care planning board. If created by a town, such a board would coordinate services and social activities and provide the continuity for such activities that all too easily get lost as service leaders come and go. It would not compete with service groups or tell them what to do only help enable them while assessing needs that might be met by such groups. Many towns could greatly benefit from such a board.

PUBLIC WORKS AND HIGHWAYS

HB 1426, granting a right-of-way over and a license to use certain parcels of state-owned land. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill, as amended, grants a right-of-way over state-owned land. In 1972, over 30 years ago, NH Fish and Game traded a land-locked 1 ¼ acre parcel on the west side of the Merrimack River in Concord for a 2 acre unrestricted access parcel on the east side of the Merrimack River. NH Fish and Game used this land to build a public-access boat ramp that is currently used today and listed on NH Fish and Games web site. The Fish and Game parcel is currently assessed by the City of Concord as having an appraised value of \$277,800.00. The parcel received from the State is currently appraised by the City of Concord with a value of \$5,400.00. This legislation conforms the deeds more fairly to complete that transaction, taking into account the original land sale and more than 30 years of conduct between the parties. The amended bill removes the right of this land owner to use public land for private use. The committee supports the current process of obtaining a lease approved by the Governor and Governor’s Council. **Vote 8-6.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1168, establishing a commission to determine how to optimize boating safety on water bodies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the **Majority** of Resources, Recreation and Development: At hearings in the past year, the committee heard repeatedly that enforcement of existing boating regulations has been ineffectual. This bill provides the opportunity to determine the causes and possible solutions to this problem. **Vote 13-4.**

Rep. John M. Gibson for the **Minority** of Resources, Recreation and Development: The committee heard numerous testimonies that major safety issues are occurring on New Hampshire waterways, the commission established under this legislation would make recommendations to the legislature to address water safety issues in 2008 and those recommendations will not take effect until the 2009 boating season. The minority believes the expertise to address water safety issues belong to the Resources, Recreation and Development Committee.

HB 1324, relative to leasing the Cannon Mountain ski area. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Richard T. Cooney for the **Majority** of Resources, Recreation and Development: This bill, as introduced, would require the Department of Resources of Economic Development (DRED) to solicit lease proposals for the Cannon Mountain Ski Area. It would also create a legislative committee to review responses and gives the capital budget overview committee the authority to approve any lease. The resources committee felt this proposal was premature sense the state park study commission formed by SB 5 last year is charged with studying such initiatives is actively studying state park issues. The committee amendment replaces the bill with a modification of the SB 5 study commission by adding a legislative member of the SB 5 commission who shall be a member of the House Resource, Recreation and Development Committee. **Vote 14-3.**

Rep. John M. Gibson for the **Minority** of Resources, Recreation and Development: The majority of the committee changed the language of this legislation to put another House member from the Resources, Recreation and Development Committee on the commission to study issues related to the state parks even though this legislation originally called for the leasing of Cannon Mountain Ski Area to private entity. The minority believes that issues related to the leasing of the state owned ski are should be further studied to see if it is feasible and further enhances the ski experience at Cannon Mountain.

HB 1494, relative to public use of groundwater. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Gibson for Resources, Recreation and Development: This legislation gives “primacy” of groundwater to municipally controlled water suppliers. The committee found this legislation confusing and heard testimony from the Department of Environmental Services (DES) stating this legislation was unclear and that more information was required to address the concerns expressed by the sponsor of this legislation. **Vote 14-3.**

HB 1519, relative to all-terrain vehicle and trail bike trails. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill would require proposals for all terrain vehicle and trail bike trails to be compatible with local planning and zoning ordinances. The committee felt this would lead to a hodgepodge of rules and regulations as the trails traveled from one town to another. One town could possibly shut down an entire trail. **Vote 11-4.**

HB 1541, requiring applicants for large groundwater withdrawal permits to comply with local ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill requires that all local ordinances requirements be met before applying to the Department of Environmental Services (DES) for a large groundwater withdrawal

permit. Testimony indicated that some committees presently require DES approval before final action at the local level. This bill was seen as complicating rather than simplifying the permitting process. **Vote 13-3.**

HB 1609-FN, requiring an impact study before a large groundwater withdrawal permit may be issued. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY**

Rep. Jacalyn L. Cilley for the **Majority** of Resources, Recreation and Development: The original bill intended to include impacts upon further water needs of municipalities as part of the large groundwater withdrawal permitting process. The committee determined that while the intent of the original bill was commendable it was best to require the Department of Environmental Services (DES) to develop a pilot program in order to establish the appropriate methodologies for estimating future water needs of communities as well as to identify key stakeholders to the process. DES will assume responsibility for the development of said pilot program as part of its ongoing work of inventorying water availability in a defined geopolitical area of the state. **Vote 13-5.**

Rep. John M. Gibson for the **Minority** of Resources, Recreation and Development: This legislation is not needed due to the fact the Department of Environmental Services (DES) is currently conducting pilot program to devise methods of estimating water needs. This legislation is better suited to wait until the SB 155 groundwater study commission finishes their work and submits its report to the legislature this fall.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1531, establishing a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roy D. Maxfield for the **Majority** of Science, Technology and Energy: This bill would establish a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program in New Hampshire. The initiative was started in New York state by Governor Pataki and is aimed at reducing carbon dioxide pollution through a mandatory cap on the electric generating sector, coupled with a market based trading program to hopefully achieve low compliance costs. Six (6) new England governors from New Jersey to Maine, including Governor Lynch, have signed a Memorandum of Understanding (MOU) and in doing so have made a commitment to bring the RGGI framework before the legislature. New Hampshire and Maine are unique in that legislative approval is required before any commitment is made. The next step in the process is development of a model rule by the regional group including members from the New Hampshire's Public Utilities Commission and the Department of Environmental Services. Once these model rules are adopted sometime this year, the state will examine the RGGI MOU and model rules and design a program that is in the best interests of New Hampshire. The majority of the Science, Technology and Energy Committee feel strongly that the best way to proceed at this time is to allow the Department of Environmental Services which has been involved with this process from the start, to work with the legislature, stakeholders and the electric industry to design an implementation program. The majority also concluded that a commission would complicate this process and is not needed for the state to proceed in the development of a program by the DES and recommendations for legislative approval to be acted on next year. This time frame is consistent with the outline in the MOU for our action and is consistent with projected action time frames in other New England states. Once legislation is proposed for next year the real debate will begin. Issues such as increased electric rates, possible increased pollution from regions outside of New England, business community impact and concerns that RGGI should be a national and not regional issue, will all be debated at length. **Vote 9-7.**

Rep. Jacqueline A. Cali-Pitts for the **Minority** of Science, Technology and Energy: The minority of the committee feels that the Regional Greenhouse Gas Initiative (RGGI) signed by seven northeast states including New Hampshire is worthy of study and that that study be placed in statute. RGGI is an agreement which strives to reduce carbon dioxide emissions from power plants through a market-based system. We feel that the implementation and the impact on New Hampshire are far too important to be left to being done without adequate resources and input from the legislature. The DES favors this bill which would better enable them to dedicate resources and time to this study. The bill sets up a commission, which would allow legislative input, and input from parties of interest before final approval of the plan in New Hampshire. We urge you to overturn the committee report of ITL and vote OTP.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James M. Garrity for the **Majority** of Science, Technology and Energy: This bill is a technical amendment and improvement passed by House and Senate and was signed into law by the Governor in June 2005. This bill allows small incumbent local exchange carriers (ILEC) to file and negotiate alternative regulation plans with the Public Utility Commission. Such plans will allow the small IL to more flexibly compete in the rapidly changing and aggressively competitive communications market. The results of alternate regulation plans should result in more customer choice. **Vote 11-5.**

Rep. Gene F. Anderson for the **Minority** of Science, Technology and Energy: The bill in its current form directs the Public Utility Commission to consider alternative forms of deregulation for basic telephone service provided by small incumbent telephone companies. The majority of the committee decided alternative plans for deregulation should be considered without defining competition, as they felt it is impossible to define what competition would be at any particular point in time when an alternative plan could be considered. Under this bill there is no assurance of meaningful competition or customer choice of

telephone service providers. Under some scenarios it is possible that in the future the cost of basic service from small telephone companies could increase. Real competition to assure reasonable rates requires a level playing field for new providers. Neither competition nor affordable services are defined. Once rates are deregulated it will be very difficult at best to fix the problem.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James G. Rolston for **Majority** of State-Federal Relations and Veterans Affairs: The intent of this bill is to encourage Congress to propose to amend the Constitution so that real property can not be seized by eminent domain except for public use. The majority of the committee felt that it was important to have a national agreement on preventing the taking of private property for private gain. **Vote 6-5.**

Rep. Kris E. Roberts for the **Minority** of State-Federal Relations and Veterans Affairs: The minority did not believe that any amendment to the Constitution would be able to address every Eminent Domain issue that may present itself. Matter of fact a Constitutional Amendment may restrict the state's ability to address important and necessary local concerns. It is firmly believed that the state has the responsibility to and can better address local Eminent Domain issues than the Federal Government.

WAYS AND MEANS

HB 1243-FN, reducing certain fines for motor vehicle violations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for the **Majority** of Ways and Means: The bill was introduced primarily because the motor vehicles fines were increased last year without a public hearing. The sponsor indicated this sets a dangerous precedent. One member from the public felt the provision about coasting in the fine schedule is obsolete and should not be considered a violation. The fines had not been increased in over 15 years. A committee of 12 district judges from around the state considered the fine adjustments relative to harshness/leniency of the current motor vehicle fines, vis-à-vis other fines currently being levied. The judges also considered the fiscal impact any increases would have on the defendants they see appearing before them. The judge's recommendations were submitted to the Department of Safety, the New Hampshire Police Standards and Training Council, and the New Hampshire Police Chief's Association for review and input. The new schedule was also compared to the current fines in place for selected motor vehicle offenses in our neighboring states of Maine, Vermont and Massachusetts. The new fine schedule was agreed to by the committee of conference on the budget last June and passed by both Houses. This agreement came after many discussions with all parties associated with the funding from the penalty assessments on the fines. Most of the testimony taken was from the agencies that would benefit from the increased fines and associated penalty assessments (Police Standards and Training Fund, Victim's Assistance Fund and Legal Services Fund). They were concerned the increased revenues were not meeting the planned projections. The increase fine schedule was due to commence on July 1, 2005 but due to a delay in printing and distributing new tickets was not implemented until November. Fine revenues collected in January are on target. **Vote 12-7.**

Rep. John M. Pratt for the **Minority** of Ways and Means: This bill, as amended, would sunset the increase in motor vehicle fines which were imposed on the Legislature last year by the Committee of Conference on the budget. These increases never had a public hearing; they were never reviewed by a competent committee of jurisdiction (either Criminal Justice or Transportation); and the House went so far as to refuse to let them in the first time they came before us. The minority believes that the one and only way to put a stop to this odious practice of backdoor, midnight tax increases is to sunset the increases and then let them go through proper legislative procedures with the proper public hearings and determination by the proper House committee.

HB 1329-FN-A-LOCAL, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT

Rep. Jim Ryan for the **Majority** of Ways and Means: This bill seeks to repeal a certain provision of the Rooms and Meals Tax. Specifically, the sponsors argue that allowing business entities to collect the tax and retain 3 percent of the remittance is unfair when compared with other business entities that collect tax revenue. The Sponsors urge that the tax remain, but that the collection percentage allocated to the small businesses that collect the tax be repealed. Repeal of the tax would, according to figures supplied by the DRA, yield additional state revenues of over \$11 million in each biennium. The 3 percent collection practice has existed in New Hampshire statutes for several decades and is a functional and predictable part of business practice and cycle within the hospitality industry. Most importantly, and critical to the committee's action, is that the ability of a business to secure the 3 percent collection fee is expressly linked to timely reporting and submission to the DRA. Businesses who do not report or remit that tax in a timely fashion DO NOT receive the collection amount. The timely recording, reporting and remittance of the tax by the industry of room and meal tax revenue – the second largest source of state revenue – is of critical importance to revenue streams. The public/private means of collection – carefully monitored by the DRA – is a vital part of cash flow to fund the services and obligations of the state. The thrust of the sponsor's claim at the hearing appeared to be

that involved businesses received the 3 percent without having to undertake any work. This is not the case. To receive the collection amount, as noted above, the business must file reports by the 15th day of the month after the revenue is received. Failure to do so within the time limits that are strictly enforced means the business does not receive the collection amount. The small businesses that provide hospitality are the gatekeepers to our tourism industry. The practices within the statute should be sustained and this bill is, accordingly, recommended as Inexpedient to Legislate. **Vote 15-6.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: This bill, as introduced, would have repealed the three percent "commission" restaurants and hotels are allowed to keep for collecting and sending in the eight percent rooms and meals tax. As amended, the bill would continue to allow the three percent but would cap the amount any particular business may retain at \$100 a month (or \$1200 a year for those operating year-round). With the rooms and meals tax generating approximately \$200 million a year, the commission could amount to \$6 million a year. For various reasons, that amount is actually \$5.5 million. The bill was introduced as a result of another bill which came to Ways and Means last year, one which would have reinstated a commission to cigarette wholesalers for applying a tax stamp to cigarette packages. That "commission" had been removed the previous session when a committee of conference discovered it as a source of \$2 million to help balance the state budget. Several members of Ways and Means, noting that more work is involved in actually affixing tax stamps to packages than to simply have a computer calculate the rooms and meals tax, believed this was a class case of unfairness. Since the Legislature voted not to allow a "commission" for the stamping, the minority believes that simple equity requires that no "commissions" be granted at all. A subcommittee formed to study this matter worked long and hard to craft a compromise amendment which passed by an overwhelming and bipartisan vote of 6-1. Those who knew the data most intimately, in other words, were behind the amendment which was crafted, according to the date provided by the Department of Revenue Administration, was crafted so that 5277 businesses would not have lost a single penny. 998 businesses would have been affected. The minority understands that approximately the same amount of work is required to generate a \$100 or \$1000 or a \$10,000 or even a \$75,000 commission. Not only do businesses receive the commission, they are also allowed the "float" (money banked each month before the tax is due) on the entire rooms and meals tax collected, a "float" of approximately \$31 million for that small number of business which keeps the \$75,000. The average commission is in fact \$877 a year, so the average establishment would not be "hurt" by this amendment. However, the state would keep \$3.124 million of the monies it now rebates in commissions. While this revenue would be important to state coffers, the minority believes the issue is one of fairness first and foremost. Most other states do not have a separate rooms and meals tax but catch such transactions as part of their sales taxes. Approximately half the states allow businesses to retain a portion of sales taxes collected, but not only is the percentage less than our three percent but in virtually all cases, it is capped at a smaller amount than \$100 a month, a recognition that even while some cost is incurred in collecting this tax, it is a limited cost. No other New England state allows any commission at all. New York State caps it at \$150 a quarter, Florida at \$30 a month, far less generous than in the amendment crafted by the subcommittee. The minority was also guided by the knowledge that with the exception of the real estate transfer tax, a portion of which is shared with collecting counties, no other tax in the state is subject to a commission, not the Communications tax which telephone companies collect from customers and pass along to the state; not the gasoline tax; not the electric tax. None. Keep in mind, this rooms and meals tax, like those other taxes, is paid by the general public, not by business. What's fair for one industry should be fair for others. Those cigarette stamp affixers are doing far more work than restaurants and hotels, yet they are reimbursed zero for the service they provide the state. Another amendment in Ways and Means is available as a floor amendment. It would allow a penny a pack to the stamp affixers, at a cost of \$2 million. The state would still come out ahead by more than a million, and we would benefit from the moral advantage of equity as well. Opponents of the amendment take an "if it ain't broke, don't fix it" approach. The minority counters that if that is true, there would be no need for a Legislature at all, since much of what we do here is to "fix" things. In the case of the rooms and meals tax, the three percent commission was in effect when the tax was six percent. When it went up to eight percent, no greater effort was required to collect it, but the businesses received a 33 percent increase. The fix should have been to lower the "commission" at the time, if in fact it was ever appropriate. This fix is clearly needed, and it is not geared at hurting any one group or industry but rather at instilling confidence that everyone who pays a tax will be treated fairly in the State of New Hampshire.

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Priscilla P. Lockwood for the **Majority** of Ways and Means: This bill would remove the race track lottery purse. At the present time, monies are given from the lottery income to subsidize a race at Rockingham and the dog tracks. The income from these races to the education fund has decreased over the years, however, the tracks do contribute to the local economy and removing this subsidy would have a deleterious effect on the racing business and the communities they are in. **Vote 14-6.**

Rep. Peyton B. Hinkle for the **Minority** of Ways and Means: This bill seeks to repeal a subsidy that has, according to compelling testimony, existed since 1963 with the advent of the New Hampshire Sweepstakes. Simply stated, the state provides several pari-mutual tracks with an annual, aggregate grant of \$325,000 for use by the tracks in creating purses for horse and dog races. The money comes from lottery sales at the tracks. Industry claims that the practice of funding purses has been a commitment on the part of the state for years and that it has been relied upon by the industry. Opponents of the subsidy argue that Art. 6-b, Part I of the New Hampshire Constitution clearly requires all monies from the state lottery to be used exclusively

for the school districts of the state, and there is no justification to make a direct grant to a particular industry. The minority did not support the view urged upon us by the racing industry that a subsidy to support racing purses was to cover “administrative” expenses exempted from the will of the people, as expressed in the constitution, that lottery money be dedicated to public education. It is clear that, after 1990, the General Court and the citizens of the state created a greater interest in funding public education from the lottery. Since the constitution is supposed to trump legislation, the minority felt that this was a good opportunity to bring the statute in line with the constitution.

THURSDAY, MARCH 9

REGULAR CALENDAR

COMMERCE

HB 1177, prohibiting smoking in restaurants and cocktail lounges. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sheila T. Francoeur for the **Majority** of Commerce: This bill will prohibit smoking in restaurants and cocktail lounges in New Hampshire. Current law allows smoking in restaurants with seating for fewer than 50 and in segregated areas having a physical barrier of 56 inches in height and a four foot wide separation. This bill will change that. Over the years much information has been provided proving that second hand smoke is dangerous and, in fact, that second hand smoke kills. Smoking in restaurants and cocktail lounges is a health issue for the employees in these establishments and for the patrons. There has been concern in the past that prohibiting smoking in these establishments would cause an economic hardship on our restaurant industry as their business would go across the border. That threat is no longer viable as all of our border states have gone smoke free. It should also be noted that the New Hampshire Lodging and Restaurant Association has not opposed this bill as they have done in the past. Additionally, studies have proven that in states that have enacted smoking bans business has not declined but actually increased and increased the revenue derived from the rooms and meals tax. The amendment clarifies the language in the original bill and in the Indoor Smoking Act. The majority of the committee believes that this bill is pro-health and pro-business and strongly recommends its passage. **Vote 14-3.**

Rep. Jane S. Langley for the **Minority** of Commerce: The minority believe that business owners know best how to satisfy their customers, and they, rather than the government, should be allowed to decide whether to allow, restrict or ban smoking in their establishments. Many, or most, have already decided to go smoke-free. Any action on our part will only make matters worse. The owners know their customers and should be the ones to accommodate their desires. New Hampshire is surrounded by states with smoking bans. Many residents of these states now patronize restaurants and bars in New Hampshire border communities. The economic benefit this provides will be lost if this ban is passed. This could make a difference in our rooms and meals tax, tobacco tax, liquor tax, business tax, not to mention the lottery sales. With a 3.3% unemployment rate in New Hampshire, it is unlikely a waitperson could not find employment elsewhere if they do not care to work in a smoking establishment. A smoking ban has been considered many times in the past and this House has rejected it. A large number of restaurants have gone smoke-free depending upon local circumstances. Again, let the market decide.

HB 1295, requiring disclosure regarding brake shift interlock by automobile dealers. **REFER FOR INTERIM STUDY**

Rep. Sheila T. Francoeur for Commerce: The bill would require automobile dealers to disclose to the purchaser of a vehicle if the vehicle has a brake shift interlock. The committee has great concern for the reasons the sponsor filed this bill, and want to help him accomplish his goal, but at the same time had concern for the New Hampshire auto dealers incurring or perceiving to incur, a liability that was not theirs. The committee has moved interim study knowing that the sponsor and the NH auto dealers are working together on an agreement that would address the concerns of both parties and can be offered as a floor amendment to this bill. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1649-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lori A. Movsesian for the **Majority** of Criminal Justice and Public Safety: This bill would create the unintended consequence of creating personhood for a fetus. New Hampshire law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage or stillbirth. In 1991, New Hampshire passed laws that punish an assailant who “purposely or knowingly causes injury to another resulting in miscarriage or stillbirth” (RSA 631:2e). Such heinous crimes are already well defined within our penal code. The committee has had this legislation numerous times. It has been to interim study during 2004 and no legislation was recommended. The committee recognizes the tremendous loss a pregnant woman suffers when she loses her fetus through violent action. However, neither those in support of the bill’s intent, or those opposed could craft an amendment that would recognize the loss without bestowing other legal rights to the fetus.

Vote 8-5.

Rep. Maurice Villeneuve for the **Minority** of Criminal Justice and Public Safety: This bill does not create personhood under numerous United States Supreme Court decisions. All this bill does is acknowledge that the unborn child carried by a pregnant woman has value to the pregnant woman. The bill, as written following study, merely charges an individual with a crime when that individual kills a pregnant woman's child. All this bill does is recognize that there is an enhanced penalty for the taking of the life of a pregnant woman and/or her child. This is a pro-woman bill that differs extensively from current law and merely recognizes the tremendous loss a pregnant woman sustains with the loss of her child.

EDUCATION

HB 1314, relative to an adult roles and responsibilities curriculum. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul C. Ingbertson for the **Majority** of Education: This bill requires the Dept. of Education to suggest guidelines for the teaching of values related to parenting, marriage, and other family issues in public schools. For many, these are issues of faith that may conflict with values promoted at home. Secondly, the U.S. is last in basic education areas among the industrialized nations and highly illiterate yet this bill encourages taking more teaching time away from basics. Finally, this law is unnecessary: school districts now teach in these areas without Department of Education involvement. **Vote 8-7.**

Rep. Debra A. Naro for the **Minority** of Education: The minority of the committee supported as unanimous subcommittee report of ought to pass with amendment. The ultimate aim of this legislation is to help the students to achieve their full potential to have strong families, strong communities and strong workplaces. Existing research indicates that when fundamental life skills and effective communication skills are present in a student's life, the more positive the outcomes. These students are more likely to succeed in school, have good relationships with their peers and families, be less likely to abuse alcohol and other drugs and be less likely to be school drop-outs. This bill respects and retains local control by requiring the State Board of Education to establish a practice guideline for dissemination and review by local school districts. Policy decisions regarding adoption remain with the local school boards.

ELECTION LAW

HB 1236-FN-L, relative to disclosure of public expenditures related to lobbying and electioneering. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the **Majority** of Election Law: As has so often been observed with regard to governmental affairs, "Sunshine is the best disinfectant." This quaint phrase reminds us that openness in government leads to accountability. HB 1236 will bring such openness to the use of public funds for electioneering and lobbying by governmental entity. The majority of the committee recognizes that some may support, others may oppose and still others may simply be surprised over the use of public funds for electioneering and lobbying, but no one should oppose allowing the public to know of the existence and the amount of such expenditures. For those who were concerned that compiling such information would be too time consuming or costly, there exists a greater concern that such information is not being compiled and tracked by public entities who are electioneering the public or lobbying governmental officials. If that is so, then the openness mandated by HB 1236 will most certainly bring accountability where it is lacking today. Those in government who say it is not needed are saying in essence the public can not be trusted to know what we can know: how much of their money we are spending to influence them and their elected officials. **Vote 9-6.**

Rep. James R. Splaine for the **Minority** of Election Law: This bill is absolutely not needed and there is no problem to remedy. Public expenditures are already public information. It is unnecessary to place further cost and paperwork requirements onto city and town public officials. The additional reporting requirements could also bring up legal and constitutional questions as well as create unworkable reporting guidelines which make no sense.

HB 1304-FN, relative to the scope of registration of lobbyists and statements of lobbying activities. **REFER FOR INTERIM STUDY**

Rep. Michael D. Whalley for Election Law: This bill would require that lobbying include activities influencing the executive branch and administrative agencies and that lobbyists statements include certain information and disclosures. The committee felt that lobbying activities as amended in SB 206 should satisfy the concerns of the sponsors. Activities influencing the executive branch are now included in the definition of lobbying. SB 206 also includes financial reporting requirements for lobbyists. However, the committee did feel that there may be some questions that may arise that deserve further review. **Vote 15-1.**

HB 1490, relative to procedures on ethics violations by legislators. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill, although well intended, is only repeating what is in statute or practice. The available disciplinary actions are clear in current ethics guidelines and additional penalties have been established by practice. Appropriate actions may already be taken with regard to a legislators leadership position by leadership or a more severe action by the full house or senate. **Vote 9-6.**

HB 1567, relative to removing names from the checklist. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the **Majority** of Election Law: The benefits of a statewide voter database that can be used for comparisons with the voter rolls of other states and to discover duplicative registrations within the state would evaporate unless there is the authority and a procedure to refresh local voter checklists. All information in the statewide voter database will be based entirely on the voter checklists of our towns and cities. If those checklists become dated, so too will the statewide voter database. Recognizing this, the secretary of state requested that HB 1567 be filed. The bill, as amended, would allow anyone to submit a request for correction of the checklist. These requests will be considered at the next session of the checklist supervisors. At that next session and only if the supervisors have "a reasonable basis" to challenge a voter's registration, will they then follow a procedure of notice to the voter and opportunity of the voter to confirm his registration. The amendment to the bill that was adopted by the committee arose out of testimony by the representative of the secretary of state that the current practice of many checklist supervisors is to accept credible information from anyone to determine if a voter's presence on the checklist should be confirmed. The committee was told by the secretary of state's representatives that he would support confirming this practice in HB 1567. This bill does not mandate "investigation" of voters. Indeed the word, "investigate" is not used in the bill; rather it gives the checklist supervisors to contact voters to see if they still are residents. In this regard, the only act that the bill states supervisors "shall" do is give notice to voters before they remove the voter's name from the checklist. Further this enabling legislation does not present any 28A issue. It simply gives the supervisors of the checklist additional tools and a procedure to carry out the task already assigned to them, maintaining accurate voter rolls. **Vote 11-6.**

Rep. James R. Splaine for the **Minority** of Election Law: The amendment on this bill substantially changes the original bill making it into legislation that would allow anyone to challenge any voter who appears on the checklist. The supervisors of the checklist then "...shall..." investigate those voters so challenged. The minority believes this bill would further intimidate voters. We also believe that it creates a costly internal process for cities and towns, raising questions relating to 28A mandates, which the state should not obligate municipalities to pay for. This bill is simply not needed to ensure that voter checklists are clean and accurate because town and city clerks and supervisors for the checklists have all the authority they need to double-check compliance with state and local laws.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1258-FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. Charlotte Houde Quimby for Executive Departments and Administration: This committee appreciates the benefits of periodic review for agencies and legislative oversight procedures. This bill in conjunction with HB 1616FN, establishing a performance measurement system for state agencies, requires more extensive review. Therefore, the committee voted for interim study. **Vote 14-0.**

HB 1670-FN, relative to membership on certain professional regulatory boards. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to add a second public member to every professional board currently having only one. This would be done for the purpose of enhancing the transparent functioning of the board and allowing more public accountability. So doing required, in most cases, adding more regular members to protect the working balance of the board. In one case, it required disrupting a delicate balance between two branches of one profession. The cost of this move would be covered by an increase in the professional license fee. This kind of fee increase is not a problem in groups with many licensed members, but much more of a burden in small licensed groups. While considered to be a reasonable idea, a slim majority of the committee felt it was not workable across all the licensing boards. **Vote 7-6.**

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill, as amended, is the result of many hours of collaborative effort between the sponsor, the Pari-Mutuel Commission, the Attorney General's office and the Executive Department and Administration Committee. This bill is about regulating what is already going on; it is not about expanding gambling. The bill gives the Pari-Mutuel Commission authority to administer and enforce "games of chance", with the assistance of the Attorney General's office and the local police chief. It will allow them to adopt rules similar to what is currently being done with Bingo and to better regulate the licensing process, game operations and operators, financial reporting, inspections, and criminal background checks. The bill places a \$300 a day limit on games of chance where chips have no monetary value such as "Texas hold-em tournaments" and "casino nights". The bill also establishes a "games of chance study commission" that will evaluate current regulations, look at establishing minimum amounts to be paid to charities, possible revenue streams and limits on wagering and prizes. The commission will complete its study and make recommendations for improvements within a year. **Vote 17-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HJR 20, supporting stem cell research. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH**

AMENDMENT.

Rep. Hilda W. Sokol for the **Majority** of Health, Human Services and Elderly Affairs: This resolution strongly endorses and supports stem cell research which has the potential of leading to medical therapies for the prevention and treatment of numerous different debilitating diseases and conditions, bringing new hope to many people. If passed by the NH Senate and House of Representatives, a copy will be sent to the President and Vice-President of the United States, the Speaker of the U. S. House of Representatives and the NH Congressional delegation to encourage our federal government to provide funding for this promising research. **Vote 11-3.**

Rep. April H. Mason for the **Minority** of Health, Human Services and Elderly Affairs: The minority of the committee supported an amendment that encouraged research in adult stem cells including umbilical cords, umbilical cord blood and placentas. Adult stem cells have proven benefits in human patients with new uses consistently being found. The minority of the committee felt we could be united, as a matter of public policy, and support the use of adult stem cell research. The amendment failed on a 7-7 vote. The minority of the committee does not support the use of embryonic stem cell research. To date, proven results have come from adult stem cell research while there continues to be much debate on the benefits of embryonic stem cell research. Many states have passed legislation limiting stem cell research to adults, recognizing the controversy and potential unintended consequences of supporting embryonic stem cell research. The overwhelming public testimony heard in committee did not support embryonic stem cell research, but did support adult stem cell research including umbilical cords, umbilical cord blood and placentas. In conclusion, the minority of the committee felt that supporting this resolution in its original form included embryonic stem cell research, and therefore, could not support it.

JUDICIARY

CACR 34, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the **Majority of Judiciary**: Currently New Hampshire laws require that a marriage is between one man and one woman and if any other state does something different it would not be recognized in New Hampshire. The sponsors of this constitutional amendment feel that it is critical that New Hampshire pass a preventative amendment before New Hampshire Supreme Court may do the same as other courts have in other states in requiring same sex marriage. However, the majority of the committee felt that this amendment would also preclude the legislature from creating any other forms of ³union². The committee did discuss a potential change in the constitutional amendment that would make it clear that only the legislature could determine the nature of marriage. But lacking the support from the sponsors for any changes and the difficulty of creating a clear and concise language, no other language for the constitutional amendment was voted on by the committee. The majority voted against this CACR for several reasons. Traditional the State Constitution has been perceived as a protector for minority rights and the idea that an amendment would take away a minority right would seem to be an anathema. CACR 34 is clearly discriminatory to a particular class of people. The majority of the committee feels that this ³House of the People² should not enshrine discrimination of any kind in our NH Constitution. All our citizen's deserve the freedoms, protections and rights guaranteed in our constitution.

The majority feels that the Constitution should not be used to reflect current social policy trends of the day so that future generations would be unable to change to reflect different trends. Amending the constitution should not be taken lightly and there is no guarantee that attempting to preempt future court action would be successful. A Franklin Pierce Law Center professor astutely observed that the quickest, surest way to involve the New Hampshire Supreme Court in this matter is to pass a constitutional amendment on the subject.

When the proponents argue that the issue of same sex marriage should be put to a vote of the people, they are ignoring that this is citizen legislature of four hundred and twenty-four from all different backgrounds. We are ³the people² elected to address social policy in legislation, and, on the subject of this CACR, the people have spoken. The defeat of this amendment should not be interpreted as the legislatures lack of support for marriage between one man and one woman but rather a clear message to the court that the Legislature does reflect the will of the people and the protection of their rights. There is no need for this CACR nor for the courts to change New Hampshire law. **Vote 14-7.**

Rep. Nancy J. Elliot for the **Minority** of Judiciary: Regardless of your personal feelings on this issue, either you will allow the people to decide our state's definition of marriage or you will allow the courts to decide. This amendment defines marriage as the union between one man and one woman. It would prevent a court challenge in NH similar to the ones currently occurring in over a dozen states regarding separate but equal definitions of marriage and civil unions/domestic partnerships. The amendment prevents a court decision similar to the one in California, which ruled that having two separate institutions, marriage and civil unions having the exact same benefits, was discriminatory. As stated in the media, same sex couples/married in MA, the NH legislature has the perfect opportunity this year to put this vital decision in the hands of the people whom we serve and represent. If you withhold from the people the permission to vote on this important issue, the courts will force same sex marriage upon our constitution, just like MA. Let's not be like MA; let the people vote!

HB 1336, relative to administrators of estates. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: The sponsor's concern was when administrator of trust use family or fellow employees for providing billable services in the settlement of an estate. Although the committee appreciates the sponsor's intent, the legislation had several problems (such as defending family and "business associates"). Currently some probate judges have disallowed some associates by administrators and any one can address their concerns to the court. **Vote 14-7.**

HB 1548, relative to termination of tenancy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David E. Cote for the **Majority** of Judiciary: This bill would unnecessarily disturb 20 years of settled legislative policy in landlord—tenant law, and would upset the delicate balance struck by this legislature in crafting current law which requires good cause to remove a tenant. The committee believes that current law has adequately and appropriately struck this balance, and sees no reason to alter it. The public policy goal of maintaining a stable housing market far outweighs the sponsor's concerns. **Vote 13-7.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: This minority believes that there can hardly be better cause for ending a tenancy than the fact that the lease has expired and the tenant therefore no longer has a right to occupy the premises. Although mindful of the public policy consideration of promoting stability in housing, we believe that a landlord's economic self-interest serves that objective without the need for governmental intervention to force a tenant on him unwillingly. Landlords, too, like predictability in the occupancy of land belonging to another, something unique in contract law and harmful in its public policy implication.

HB 1682, relative to parental notification of a parent or legal guardian of a child who has been provided with emergency contraception by a pharmacist. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janet G. Wall for the **Majority** of Judiciary: This bill would have a pharmacist notify a parent or legal guardian if a person who is less than 16 years of age been provided with emergency contraception. Within 48 hours of dispensing the medication, the pharmacist would have to do the notification by means of certified mail and include the child's name, the name of the notification, dosage, potential side effects, date of dispensing and information on the pharmacy and pharmacist. While the bill is well-intended, it is flawed. It does not include a refusal clause. There is no enforcement provision in this bill. In the case of divorced or separated parents, who will be notified? What if the minor gives false information as to parentage or legal guardianship? Who will verify identities or addresses? Furthermore, while we all want to believe we are good parents, not all families provide the kind of support system this bill would presuppose we want our children to come to us, but cannot legislate good parenting. Statistics show that 60% of children would tell their parents and 20% would not seek parental involvement even if it was required. There are documented cases of incest even in New Hampshire. It is appropriate to notify the father who may have had incestual contact with his daughter? Emergency contraception is exactly what the term implies. There is a short period of time (72 hours) during which this medication would be effective. Emergency contraception is not an abortion medication, but rather, one that prevents pregnancy from occurring. Sending a letter by certified mail would cause unnecessary delay. Yes, there are possible side effects to this medication. There are possible side effects to all medications—even ones purchased over the counter. It is the belief of the majority that without a thorough consideration of the above mentioned this bill must be voted ITL. **Vote 13-7.**

Rep. Nancy J. Elliot for the **Minority** of Judiciary: This common sense bill provides notification to parents of a child under the age of 16, who has been provided with emergency contraception by a pharmacist. These high dose hormone pills have side effects that include nausea, vomiting, infertility, breast tenderness, life threatening ectopic pregnancy and blood clot formation. It is essential a parent is aware what drug their minor child received in order to get the proper medical treatment in the case of adverse side effects. We go to extreme measures to keep the kids of this state safe, from seat belts to bicycle helmets. We need to give our parents the tool they need in this crucial area of their child's healthcare. Dispensing drugs with less care than we do cigarettes is irresponsible.

HB 1719-FN, defining human life as beginning at the moment of fertilization. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R. Lasky for the **Majority** of Judiciary: This bill was an attempt to define human life as beginning at the moment of fertilization. This determination is one that scientists and ethicists and medical specialists are unable to exactly define. The beginning of human life is determined to some by their religious beliefs, while others look to science and empirical data to answer the question. Still scientists, theologians can differ in these definitions even among themselves. The 14-6 vote of the committee to find HB 1719 Inexpedient to legislate reflects this uncertainty. **Vote 14-6.**

Rep. Bea Francoeur for the **Minority** of Judiciary: This bill was intended to establish life at fertilization for purposes of supporting maternal needs for women in the state of New Hampshire. Unfortunately the real meaning of life and when it starts was lost by the majority of this committee.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1138, relative to required pay for employees called into work. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Randolph N. S. Holden for the **Majority** of Labor, Industrial and Rehabilitative Services: Under current law when an

employee reports to work at an employee's request he or she shall be paid not less than two hours pay at his or her regular rate of pay. This bill changes the number of hours an employee must be paid to three. With the increased costs of travel to and from work the majority of the committee felt it was reasonable that the employee be paid a minimum of three hours when called in to work. **Vote 8-7.**

Rep. William J. Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority of the committee believes that the current law requiring two hours pay is sufficient. The minority also believes the state should not continue mandating agreements between employers and employees. The minority further believes the employer will pass this increase on to their clients and customers.

HB 1496, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin C. Barody for Labor, Industrial and Rehabilitative Services: The Labor Committee heard over five hours of testimony with over 70 speakers against the bill with only five for the bill. This is the same bill we hear every term. The bill was opposed by the Commissioner of Labor who stated he was the sixth consecutive Commissioner to oppose this same bill. The bill was also opposed by the Diocese of Manchester, the Governor of New Hampshire, the New Hampshire Council of Churches, Verizon, who may be the largest employer in the private sector covered under collective bargaining agreements. The Director of the New Hampshire Coalition for Occupational Safety and Health, City Mayor, all labor groups and unions. The committee felt that this was just a union busting bill and it is a matter of fairness. Under Federal law the union must represent all employees whether they are union members or not. If an employee opts not to be a member of the union that person must pay an agency fee. That fee is only the amount of money it cost to negotiate and maintain the collective bargaining agreement. The committee felt this was fair if all wages, benefits, and representation are given to everyone, each should pay there fair share. We felt that this is just bad legislation and is not right for the New Hampshire economy or for its employers and employee's. The Labor Committee knows this bill very well, so please support the committees bi-partisan vote to ITL this bill.. **Vote 14-1.**

LEGISLATIVE ADMINISTRATION

HB 1687, extending certain studies. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Legislative Administration: This is a housekeeping measure to extend the dates of several study committees and task forces. The amendment added another study committee that was the subject in HB 1762 relative to pharmacy reimbursements. The other committees that being extended are: the Commission to Develop a Comprehensive State Mental Health Plan, the Task Force on Deafness and Hearing Loss, the Committee to Study Gaming Options for New Hampshire, the Committee to Study the Special Account in the New Hampshire Retirement System, and the Committee to Study the Classifications of Employees as Independent Contractors. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1195, relative to salary and compensation increases included in a default budget. **INEXPEDIENT TO LEGISLATE**

Rep. Gilman C. Shattuck for Municipal and County Government: This bill excludes salary and compensation increases from a default budget unless the increases are required by a collective bargaining agreement that was in effect during the preceding fiscal year. There are many concepts and interpretations of what should or should not be included in a default budget in an official ballot voting (SB2) town. Since the time that official ballot voting has been implemented there have been bills introduced every year to tweak the system which as created as a "one size fits all" solution. The local governing body needs to show their constituents what is in a default budget and explain the differences between the operating budget and default budget. The legislature needs to stop trying to tweak this form of government and encourage the governing bodies to have truth in budgeting. **Vote 11-1.**

HB 1293, establishing a procedure for towns to change county affiliation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lawrence D. Brown for the Majority of Municipal and County Government: The bill as presented attempts to deal with questions of inequities of taxation which might be resolved by a change of county. A new county affiliation will not necessarily create equity or eliminate disparity and could very well send old problems to a new host to fester again. Affiliation does not address the concerns and interests of any receiving county, its implementation costs or any refusal rights it should have. There is also no consideration here of the impact on legislative representation when district and county boundaries change or what process should be used as well as a host of other issues. The committee feels that if a municipality has issues within the county they are located they should resolve those differences in that county and not seek out another county to align themselves with. **Vote 11-3.**

Rep. Harry L. Gale for Municipal and County Government: If nothing else this bill would lower the frustration and the temperature and have a cathartic result in some of the many communities in our state who suffer from our inability to create fairness and equitable property values and county taxing formulas within county form of government. In the end many of our citizens can no longer afford to live in our communities. This House and Senate has suggested that we need a process to change county affiliation much like the educational community has a process under RSA 194:2. In fact this bill mirrors RSA 194:2. Why

therefore should not the same process be available to cities and towns in our State? For these and other reasons the minority respectfully requests that this bill be passed into law. This action is long overdue and the citizens of New Hampshire will be forever grateful.

HB 1366, relative to a planning board's authority to require public access to open space as a condition of subdivision approval. **MAJORITY: OUGHT TO PASS. MINORITY: -INEXPEDIENT TO LEGISLATE.**

Rep. David L. Buhlman for the **Majority** of Municipal and County Government: This bill prohibits a planning board from requiring public access to the open space of a cluster development, planned unit development, village plan alternative subdivision, or other innovative land use control, as a condition of subdivision approval. The committee heard testimony that some planning boards have been mandating that developers allow public access to private open space areas within their developments. This action could be perceived as a land taking and the intent of this bill is to prevent this situation from happening in the future. Allowing public access to this private open space within a development has possible implications for traffic, safety and liability issues. **Vote 9-7.**

Rep. Gilman C. Shattuck for the **Minority** of Municipal and County Government: The bill implicitly or explicitly would discourage a planning board from negotiating an open space agreement with a developer. A planning board should have flexibility in such negotiation when appropriate or presently allowed under existing legislations.

HB 1558, relative to regulation of smoking by cities and towns. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the **Majority** of Municipal and County Government: This bill clarifies the purpose of the indoor smoking act relating to regulations of smoking by cities and towns. RSA 155:66 prohibits smoking in many public places in general. RSA 155:67 provides some exceptions to RSA 155:66. An example of these two statutes is in RSA 155:66 where smoking is prohibited in all enclosed places of public access but restaurants with seating for fewer than 50 people are exempt. The committee is fully aware of HB 1177, prohibiting smoking in restaurants and cocktail lounges statewide, which we feel also has merit but the Municipal and County Government Committee strongly believes in local control. This bill provides the ability of all towns and cities in the State of New Hampshire to have local control with relation to the regulating of smoking within its' public places. This bill is not mandatory, it is enabling. **Vote 12-3.**

Rep. Paul R. Hopfgarten for the **Minority** of Municipal and County Government: Given that there are rules that are working well regarding the control of smoking in bars and restaurants, there is no need for this bill. The market, made up of business owners and patrons, have come up with the solution, and it's working fine. There are facilities that have a smoking section, and others that prohibit smoking completely. There is no need for the government at any level to interfere with private enterprises to address a problem that's already been solved. There is also concern that this intrusion will eventually be extended to prohibit smoking in private houses.

HB 1760, allowing municipalities to adopt a property tax exemption for property using, manufacturing, or supplying bio-heat systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for the **Majority** of Municipal and County Government: This bill seeks to do two things. It allows municipalities to adopt a property tax exemption for all property using, manufacturing or supplying bio-heat systems. Each town or city adopting a bio-heat system property tax exemption shall determine the qualifications for and dollar amounts of the exemption from assessed value, for local property purposes, applicable to residential or commercial property owners or persons manufacturing or supplying bio-heat systems. The committee feels that even though this is enabling it will be extremely difficult to confirm who is and who is not using a bio-heat system. Additionally the committee has concerns how local municipalities will be able to determine that the renewable fuel substitute meets the requirements of the American Society for Testing and Materials (ASTM) specifications D6751. With these two concerns in mind the committee feels that enabling municipalities to adopt this exemption along with the requirement of the selectmen or assessors to grant or deny this exemption could result in needing technical experience regarding bio-heat technology without parameters listed in the bill. The committee believes that encouraging the use of bio-heat systems is an excellent idea. However, this is another bill that would shift the property tax burden from this exemption to other taxpayers within the municipality. **Vote 11-3.**

Rep. Stephen G. Prichard for the **Minority** of Municipal and County Government: As oil and natural gas prices rise dramatically our nation's leaders have asked us to search for and promote alternative fuels to heat our homes and propel our vehicles. This bill, with the amendment, does just that by providing a limited property tax exemption not to exceed \$5,000 for the use of bio-fuels. The amendment also prevents anyone from abusing the exemption by requiring that at least 20% of the fuel used be bio-diesel. Because this is enabling legislation and not required, and because the town or city shall determine the qualifications and dollar amounts for the exemption it protects any community from unfair burden the exemption might impose. The development and growing acceptance of hybrid automobiles has been very much facilitated by tax rebates. Hybrid prices are now coming down and their sale moves our country toward energy independence. This small tax exemption for bio-fuels could do the same thing for cleaner home heating fuel while cutting the amount of imported oil.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1443, relative to priorities for development of all terrain (ATV) and trail bike trails. **MAJORITY: INEXPEDIENT TO**

LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Christopher R. Irish for the **Majority** of Resources, Recreation and Development: The use of ATVs as a recreation activity is increasing rapidly on both public and private lands. The need for trail development on state lands is both necessary and required by statute. The committee concluded that the requested language in HB 1443 already exists in current statute. Currently, the priority for developing ATV trails is; 1: Private lands, 2: Public lands. The proposed statute does not change that priority, nor does it strengthen the process. In fact, as with previous bills it would hinder the department's ability to create new ATV trails as it would limit the selection process to public land purchases specifically for ATV use. Current language allows for use of public lands "that are compatible with existing uses and management goals and plans". Concern was also raised that this is targeted legislation, as other motorized vehicles were not considered, such as snowmobiles. Finally, placing a priority on the purchase of new land is established through the land acquisition account, which is funded through registration fees. **Vote 12-7.**

Rep. Judith T. Spang for the **Minority** of Resources, Recreation and Development: This bill would clarify the priorities for development of ATV trails in New Hampshire. Current law requires that private lands be considered first, then public lands when trails can be accommodated with other existing uses. This bill would provide that the public lands to be considered after private would be those acquired specifically for the purpose of accommodating ATVs. Several bills in the recent past have illustrated the resistance to imposing summertime motorized uses into parks that have historically been used by passive recreationists. In some instances, park land was donated to the state by landowners who wanted them protected in their natural state. Forcing ATVs into such a park only creates conflict between riders, other park users, surrounding communities and DRED. This bill does not preclude development of other state lands. It merely states that when state land exists that was acquired specifically for ATVs, such as Berlin, that land should be developed first. Makes sense.

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. D. L. Chris Christensen for the **Majority** of Resources, Recreation and Development: This bill is the result of an LBA audit of the department of environmental services. Subsequently, the department determined that certain not rulemaking authority was not needed. This included federal assistance and private funds with regard to underground storage tanks. It clarifies a conflict in complying with competitive bidding laws (RSA 21-1:22 – RSA 21-a:22d). Rulemaking permission was added under RSA 486:10 regarding water pollution control assistance to municipalities. **Vote 10-7.**

Rep. Sandra B. Keans for the **Minority** of Resources, Recreation and Development: This body enacted legislation in 1996 updating the water pollution statutes, in which The Department of Environmental Services (DES) was to develop certification criteria for operators of pre-treatment facilities. DES would like to keep that authority on hold. The minority believes there is no less a need now than ten years ago. Municipalities are better protected by having certified operators at those locations where substantial accidents can occur that can then impact the municipality's ability to treat wastewater. The Minority offer an amendment that leaves the status-quo for certification. We also support the remainder of the bill.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1673-FN, relative to the reduction of mercury emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Roy D. Maxfield for the **Majority** of Science, Technology and Energy: This bill provides for at least an 80% reduction of mercury emissions from coal-fired power plants by requiring the installation of a scrubber technology no later than July 1, 2013 and provides economic incentives for earlier installation timeframes and greater reduction in emissions. The committee amendment provides for annual progress reports from Public Service of New Hampshire (PSNH) and also cost recovery language. This legislation is a result of months of collaborative work by PSNH, the Department of Environmental Services, the Governors office, multiple environmental groups, members of the ST&E committee and other stakeholders. The scrubber technology not only will reduce mercury by at least 80%, it will dramatically reduce SO2 emissions. Our committee held multiple work sessions and everyone had an opportunity to present their views. A comprehensive review of the time frame was conducted by two members of the committee who concluded that the 2013 date is appropriate. It is in the best interests of PSNH to achieve early reductions for mercury and they are proceeding with a US Department of Energy (DOE) grant to accomplish this objective. This bill has consensus support from the Governor and stakeholders, and has wide bipartisan support in The General Court. The bill achieves the primary objectives of reasonable reductions, in a reasonable timeframe, at a reasonable cost to electricity users. **Vote 13-2.**

Rep. Gene F. Andersen for the **Minority** of Science, Technology and Energy: The bill provides for significant mercury reductions from facilities operated by Public Service of New Hampshire (PSNH) by 2013. Some testimony indicated that an optimal permit and construction schedule could provide a 2011 completion for mercury removal equipment; thereby providing the necessary and desired reductions of mercury and other pollutants during that two year period. The minority felt the 2011 date should be utilized for implementation of the mercury reduction requirement and provide for extensions beyond that date if and only if PSNH was unable to complete by 2011 due to circumstance beyond their control.

TRANSPORTATION

HB 1738-FN, prohibiting the use of surveillance devices to identify motor vehicles. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: This bill would have prohibited the use of surveillance devices including cameras, transponders, cellular phones, global positioning satellites, and radio frequency to identify motor vehicles. There was much opposition from the New Hampshire Bankers Association, Department of Transportation, Department of Safety and Attorney Generals Office since they were among the list of people who would be prohibited. The prime sponsor attempted to amend the bill but that only added to the confusion about what would be accepted usage. Every instance that was talked about in committee seemed not to apply. Thus, the committee concluded that this is a solution looking for a problem. **Vote 12-1.**

LAI D ON TABLE

HB 646-FN-LOCAL, proposing a definition of an adequate education. (Pending question adoption of committee report of Ought to Pass with Amendment)

HB 1703-FN, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees. (Pending question is Ought to Pass.)

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). (Pending question adoption of the committee report of Inexpedient to Legislate)

HOUSE BILL AMENDED BY THE SENATE

HB 1402, establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use, and establishing a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land. (House Concurred 2/2/06)

COMMITTEE OF CONFERENCE

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission. **REPORT FILED**

COMMITTEE OF CONFERENCE STATEMENT

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission.

The Senate receded from its position of nonconcurrence with the House amendment, and concurred with the House amendment and the House and Senate amended the bill with the following changes: 1. Clarified restrictions on simultaneous employment and expanded exemptions so that no appropriate volunteer service would be prohibited. 2. Established that membership on the Executive Branch Ethics Committee shall consist of seven members; a) three nominated by the Governor, one democrat, one republican, and one of whom shall have no political party affiliation, b) two members nominated by the Secretary of State, one republican and one democrat, c) two members nominated by the Treasurer, one democrat, and one republican. 3. During their term of employment members may not hold or campaign for elective office. 4. The Speaker of the House and the Senate President shall jointly select from the members of the Legislative Ethics Committee a chairperson and vice-chairperson. 5. "Public Employee" shall include, but not be limited to, a classified or non-classified employee or volunteer, who conducts state business on behalf of the Governor, any executive branch official, agency, or the General Court.

Rep. Michael D. Whalley

COMMITTEE MEETINGS

MONDAY, MARCH 6

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on **HB 1692-FN**, establishing the New Hampshire sexual predators act.

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

3:00 p.m. Regular meeting.

INFORMATION TECHNOLOGY COUNCIL (RSA 4-D:4,I), Room 102, LOB

1:30 p.m. Regular meeting.

LOW-INCOME ELECTRIC ASSISTANCE PROGRAM REVIEW COMMITTEE (SB 228, Chapter 298, Laws of 2005), Room 209, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 7

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on *HB 1692-FN*, establishing the New Hampshire sexual predators act.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Subcommittee work session on *HB 642-FN-L*, relative to the regulation of home inspectors.

FINANCE – (DIVISION I), Room 212, LOB

9:30 a.m. *HB 1474-FN*, relative to unemployment compensation contribution rates and benefits.

10:30 a.m. *HB 1645-FN*, relative to fireworks display permits, the position of permissible fireworks inspector, and the sale of permissible fireworks.

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

10:00 a.m. *HB 1593-FN-LOCAL*, relative to the construction of high school athletic fields in the town of Bedford.

10:30 a.m. *HB 1601-FN-LOCAL*, relative to the funding of catastrophic special education aid and making an appropriation to the department of education to support the Laurent Clerc Academy.

11:00 a.m. *HB 1241-FN-LOCAL*, extending the kindergarten construction aid program.

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. *HB 1611-FN*, relative to reimbursement for personal care services.

10:30 a.m. *HB 1331*, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

10:30 a.m. Full committee work session.

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

5:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. *HB 317-FN*, relative to mooring fees.

Room 203, LOB

10:00 a.m. Subcommittee work session on *HB 678-FN*, relative to the insurance premium tax.

Room 202, LOB

10:30 a.m. *HB 1311-FN-A*, relative to the electronic filing of reports and applications with the secretary of state and relative to certain fees paid to the secretary of state.

10:45 a.m. *HB 1701-FN-A*, relative to boat fee agents of the department of safety, increasing the boat registration fee, and relative to the prevention of exotic aquatic weeds.

11:15 a.m. Full committee work and executive session on pending legislation.

FRIDAY, MARCH 10

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

9:00 a.m. Continued regular meeting.

FINANCE – (DIVISION I), Room 209, LOB

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

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

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

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 202, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 13

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

1:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

ISSUES RELATIVE TO THE COMPREHENSIVE SHORELAND PROTECTION ACT (SB 83, Chapter 209:1, Laws of 2005), Room 305, LOB

10:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

WEDNESDAY, MARCH 15

FINANCE, Rooms 210-211, LOB

1:00 p.m. Work and executive session on pending legislation.

FINANCE – (DIVISION I), Room 212, LOB

10:00 a.m. Work session on pending legislation.

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

10:00 a.m. Work session on pending legislation.

FINANCE – (DIVISION III), Room 209, LOB

10:00 a.m. Work session on pending legislation.

THURSDAY, MARCH 16

FINANCE, Rooms 210-211, LOB

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

MONDAY, MARCH 20

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Senate Conference Room

10:00 a.m. Regular meeting.

FRIDAY, MARCH 24

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

9:00 a.m. Regular meeting.

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, Training Room, 45 Chenell Drive, Concord

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular business.

9:30 a.m. Audit: Department of Transportation, Turnpike System, comprehensive annual financial report for the year ended June 30, 2005.

MONDAY, MARCH 27

PERMISSIBLE FIREWORKS REVIEW COMMITTEE (RSA 160-C:13), Room 204, LOB

10:00 a.m. Regular meeting.

FRIDAY, MARCH 31

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 202, LOB

10:00 a.m. Regular meeting.

THURSDAY, APRIL 6

PROCUREMENT METHODS FOR PUBLIC WATER PROJECTS BY STATE AND LOCAL GOVERNMENT AGENCIES (HB 157, Chapter 132:1, Laws of 2005), Room 307, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES
COUNTY DELEGATION NOTICES

Hillsborough County Executive Committee will meet on Friday, **March 24** at 9:00 a.m. at the County Complex, Bouchard Building, Goffstown. Please call Marcia at 627-5631 if you cannot attend.

Rep. Nelson S. Allan, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICES

Merrimack County Executive Committee will meet on Wednesday, **March 8** from 6:00 to 8:00 p.m. in the Lower Level Conference Room of the McDonnell Administration Building, 4 Court Street, Concord. The Nursing Home, Human Services, Administration etc, and Registry of Deeds budget will be heard

Merrimack County Executive Committee will meet on Monday, **March 13** from 6:00 to 8:00 p.m. in the Lower Level Conference Room of the McDonnell Administration Building, 4 Court Street, Concord. The Corrections, County Attorney, Facilities and Sheriff/Dispatch budgets will be heard.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

Merrimack County Delegation will meet on Monday, **March 20** from 5:00 p.m. to 6:15 p.m. The Merrimack County Farm Bureau will serve a light dinner for the Merrimack County Delegation members at the Merrimack County Offices, 4 Court Street, Lower Level Conference Room. This will be followed by a Delegation meeting. The public hearing will begin at 6:30 p.m. with the Delegation meeting beginning at 7:00 p.m. The purpose of this meeting is to review and approve the 2006 proposed County Budget.

Rep. Candace C.W. Bouchard, Chairman
Merrimack County Delegation

NOTICE

Reservations for the use of the Upham Walker House are now being made with Doug Dolcino, Director of Operations for the General Court, at 271-3324.

W. Douglas Scamman, Speaker

The bloodmobile will be stationed here on Thursday, **March 9** from 9:00 a.m. to 3:00 p.m. The Blood Drive is sponsored by the American Red Cross. Please mark your calendars. Appointments will be scheduled so that you won't have to wait. Further details will follow.

Jeanne Berube, RN and Dianne Bergquist, RN

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 76, 100, 234, 345, 347, 349, 380, 489, 515, 634, 638, 649, 653, 669, 688, 690, 716, 718, 1128, 1222, 1227, 1231, 1468, 1474, 1489, 1514, 1515, 1657, 1661, 1670, 1671, 1676, 1677, 1679, 1691, 1692, 1693, 1694, 1695, 1697, 1698, 1699, 1701, 1702, 1704, 1708, 1709, 1711, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1722, 1723, 1724, 1726, 1725, 1727, 1728, 1730, 1731, 1732, 1734, 1735, 1741, 1742, 1745, 1746. SBs 22, 110, 175, 249, 310, 358, 371.

Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:10-a,IV, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **March 6** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

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

Ed M. Putnam, II, 12 Wakefield Drive. Hampstead. NH 03841-2611

Tony F. Soltani, 1073 Highland Drive, Epsom, NH 03234-4409

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

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

Upon presentation of proper credentials at the ticket window, NH Senators and Representatives may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials, unless prior arrangement is made with Commissioner O'Kane. (Lift tickets are to be picked up at Guest Services at the Peabody Base Lodge or the Tramway Window at Cannon).

W. Douglas Scamman, Speaker

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 Main Street Republican Caucus will meet every Tuesday at noon at the Upham Walker House. All Republicans are welcome.

Rep. Kenneth H. Gould

To all legislators: Pick up a newspaper, turn on the radio or watch the news and specials on television, two subjects are constantly covered, first is the subject of the growing threat on the illegal use and manufacture of methamphetamine which is a highly addictive drug scourge right here in NH. To insure all legislators are current on the subject we will have a complete update on **March 7** at 10:00 a.m. in Representatives Hall, from the Attorney Generals Office (Jane Young), HHS Commissioner (John Stephen) and US Attorney (Tom Colantuono). Following that presentation will be our second presentation at 10:45 a.m. on the global threat of the Avian Flu potential pandemic, that presentation/update will be done by our professional staff from HHS, namely the state epidemiologist, Jose Montero and Director of Communicable Disease, Mary Ann Cooney. All interested members are encouraged to attend these special presentations.

Rep. Peter L. Batula

There will be a Majority Office Party on Tuesday, **March 7** immediately following the House session at the Upham Walker House. Refreshments will be served. Stop by for a welcome break after session!

Rep. Pamela G. Price

All legislators are cordially invited to a reception on Tuesday, **March 7th** at the conclusion of the House session at the Barley House, 132 North Main Street, Concord. The reception is sponsored by the New Hampshire AFL-CIO, with support of the New England Nurses Association, American Postal Workers Union (Local 230), American Federation of Teachers – NH, Plumbers and Steamfitters (Local 131), United Brotherhood of Carpenters & Joiners, United Food & Commercial Workers Union (Local 1445), International Brotherhood of Teamsters (Local 633), American Life Insurance Company.

Reps. Russell D. Bridle, Edgar H. Mears and John DeJoie

The Commission on the Status of Women would like to invite all women legislators to a complimentary luncheon/policy briefing from noon to 1:15 p.m. on Wednesday, **March 8** at the Tuck Library across from the LOB. Dr. Ross Gittell will present a talk on "Family Organization and Its Effect on the Economic Status of Women in New Hampshire," based on research published by the Women's Policy Institute.

Reps. Terie Norelli and Fran Wendelboe

All legislators and staff are invited to attend the New Hampshire Automobile Dealers Association's (NHADA) Annual Legislative Reception at the NHADA office at 507 South Street on **March 8**, at 4:00 p.m., or immediately following the legislative sessions. This is a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun social gathering.

W. Douglas Scamman, Speaker

The School Nutrition Association of New Hampshire in partnership with the NH Great Bay Chapter of the American Culinary Federation, invites all Senators and Representatives to **BREAKFAST FIRST**. Learn more about what is happening in your local district and enjoy breakfast offerings at the same time. Thursday, **March 9** from 8:30 a.m. to 10:00 a.m. at the Tuck Library. RSVP is not necessary. We hope to see you all there.

Rep. Nancy Stiles

The next meeting of the Legislative Caucus on Methamphetamine will be held on **March 10**, at 10:00 a.m., in Room 205 of the LOB. Please join us if you can.

Reps. Deborah J. Hogancamp and Joy K. Tilton

House members and staff are cordially invited to the 4th Annual NH Capital St. Patrick's Day Breakfast and Roast hosted by The Demers Group on Wednesday, **March 15th** at 7:15 a.m. at the Grappone Conference Center, Marriott Courtyard in Concord. Roasters include Governor John Lynch, Senate President Ted Gatsas, Deputy House Speaker Ken Weyler, Senate Democratic Leader Sylvia Larsen, House Democratic Leader Jim Craig, emcee Scott Spradling with special performances by the Professional Fire Fighters of NH Bagpipe Band and Rep. Jim Garrity. RSVP to obtain a ticket by March 10 at 228-1498 or James.Demers@TheDemersGroup.com.

Reps. Kenneth L. Weyler and Jim Craig

The Legislative Caucus for Young Children (LCYC) will meet on Wednesday, **March 15** at 9:00 a.m. in Room 206, LOB. The agenda will address continuing discussion of 2006 legislation, specifically the NH Sexual Predators Act.

Rep. Mary Stuart Gile

The Merrimack County Democratic Committee invites all staff and legislators to the Annual St. Patrick's Day Dinner Wednesday, **March 15th** at the Barley House, 132 North Main Street Concord. Cocktail Hour begins at 5:30 p.m. with a Corned Beef and Cabbage Dinner at 6:30 p.m. Live Celtic Music by REAGANTA. Tickets are \$25 and space is limited, so be sure to purchase your tickets early. Contact Eleanor Kjellman at Eleanor@kjellman.net.

Reps. John DeJoie and Stephen J. Shurtleff

Bobby Stephen's 28th Annual St. Patrick's Day Celebration to benefit Jobs for NH Graduates will be held on Friday, **March 17**

at 5:00 p.m. at the Executive Court Banquet Facility in Manchester. Tickets for dinner and entertainment can be purchased at the door for \$30 per person.

W. Douglas Scamman, Speaker

The Strafford County Republicans 2006 Lincoln Day Dinner will be held on Monday evening, **March 20** at the “Oaks” in Somersworth. Featured speakers are US Senator John E. Sununu and Radio and Television celebrity Dan Pierce. There will be dining, dancing and great food. Tickets \$50 per person includes a chance for a \$500 US Saving Bond. For tickets contact Reps. Cliff Newton and Sam Cataldo.

Reps. Clifford A. Newton and Sam A. Cataldo

US Senator Chuck Hagel will be the special guest at the Lincoln Day Dinner hosted by the Merrimack County Republican Committee on **Tuesday, March 21** at the Grappone Center/Courtyard Marriott in Concord. A reception will begin at 5:45 p.m. and dinner will begin at 6:30 p.m. Tickets are \$50. To purchase tickets and to obtain information contact Anne Copp at 768-5530 (home) or anne_copp@raytheon.com.

Rep. Eric Anderson

In celebration of the YMCA Youth in Government Program and Legislative Awareness Day, all legislators are cordially invited to join the New Hampshire State Alliance of YMCAs in the State House Cafeteria on Wednesday, **March 22** during the lunch break for an informal luncheon reception. Sandwiches, hot and cold drinks, and dessert will be provided.

Rep. Larry Emerton

President Don Wharton would like to invite all members of the General Court and staff to a Legislative Reception hosted by Plymouth State University on Wednesday, **March 22**. The event will be held at the New Hampshire Historical Society, Tuck Library, 30 Park Street, Concord at 4:00 p.m. or whenever session ends.

Reps. Debra A. Naro and Mary R. Cooney

The Department of Transportation will hold the following meeting:

- Mar 6** NHDOT, 7 Hazen Drive, Highway Design Conference Room, Concord, 8:00 a.m. TE Application Presentations, Transportation Enhancement.
- Mar 8** Council Chambers, State House, Concord, 2:00 p.m. Governor’s Advisory Commission on Intermodal Transportation (GACIT).
- Mar 17** NHDOT, 7 Hazen Drive, Conference Room 112/113, Concord, 9:00 a.m. CMAQ Application presentations. Congestion Mitigation and Air Quality (CMAQ).
- Mar 20** NHDOT, 7 Hazen Drive, Conference Room 112/113, Concord, 2:00 p.m. Advisory Committee Meeting, Transportation Enhancement (TE).
- Mar 22** Portsmouth Public Works, 680 Peverly Hill Road, Portsmouth, 10:00 a.m. Advisory Committee Meeting, Portsmouth, US Route 1 Bypass Study.
- Mar 29** NHDOT, 7 Hazen Drive, Conference Room 112/113, Concord, 2:00 p.m. Advisory Committee Meeting, Congestion Mitigation and Air Quality (CMAQ).

Rep. Gene G. Chandler, Chairman
Public Works and Highways Committee

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>
March 6	9:15/10:30 SH/SC	New Boston Central School	4/41

March 6	10:30	Milford Christian Academy	3 rd -4 th /13
March 6	12:30	Newfields Elementary School	4/33
March 7	9:45/11:00 SH/HM	Ledge St. School – Nashua	4/100
March 8	8:30	Partnership For Peace-Kazakhstan	15
March 8	9:30/11:00 SH/HM	Bristol Elementary School	4/60
March 8	12:30	Leadership Greater Concord	25
March 8	2:00	NH Education Opportunities (arriving in am to view session)	50
March 9	9:30/11:00 SH/HM	Barnstead Elementary School	4/65
March 9	10:00	Hills Garrison School – Hudson (Rescheduled)	4/50
March 10	9:15/10:30 SH/SC	New Boston Central School	4/41
March 10	12:30	Maplewood School – Somersworth	4/40
March 13	9:30/11:00 SH/HM	Webster Elementary School – Manchester	4/75
March 13	12:30	Homeschool Group Hopkinton	25
March 14	9:30/11:00 SH/HM	Symonds Elementary School – Keene	4/60
March 14	1:00	DAR	Adults 15
March 15	10:00/11:30 SH/HM	Marston Elementary School – Hampton	4/80
March 15	1:00	Sant Bani School – Sanbornton	4/13
March 16	10:00/11:30 SH/HM	Thornton Ferry School – Merrimack	4/50
March 16	1:30	Liberty Day- Family Resource Center	3-6/30
March 16	1:30	Keene Area Homeschool	10 to 50
March 17	9:30/11:00 SH (11:00/12:30 SC) HM	Jaffrey Grade School	4/75
March 17	1:30	Department of Safety- Fire Officer Class	Adults 26
March 20	9:00	Bow Elementary	4/24
March 20	10:00/11:30 SH/HM	Thornton Ferry School – Merrimack	4/75
March 21	9:00	Bow Elementary	4/24
March 21	11:00	East Kingston Elementary	4/30
March 21	12:30	Gilmanton Elementary School	4/48
March 22	9:00	Bow Elementary	4/24
March 22	10:00/11:30 SH/HM	Fuller School – Keene	4/55
March 23	9:00	Bow Elementary	4/24
March 23	9:30/11:00 SH/HM	Smyth Rd. School – Manchester	4/75
March 24	9:00	Bow Elementary	4/24
March 24	10:30/12:30 SH/SC	Hampstead Central School	4/48
March 27	9:00	Sacred Heart School – Hampton	4/40
March 27	10:30/12:30 SH/SC	Hampstead Central School	4/48
March 27	10:30	Acworth Elementary School	4/7
March 28	9:00/10:15 SH/HM	Maple Street School – Contoocook	4/88
March 29	9:30/11:00 SH/HM	Hillsboro-Deering School	4/80
March 30	9:30	Hillsboro-Deering School	4/20
March 30	9:30	St Benedict's Academy – Manchester	4/21
March 30	10:45/12:00 SH/HM	Lincoln Akerman School – Hampton Falls	4/56
March 31	9:30/10:30 SH/HM	DAR Good Citizens	100
March 31	11:00	Plymouth Elementary School	4/45

FINAL NOTICE-FINAL NOTICE-FINAL NOTICE-FINAL NOTICE-FINAL NOTICE

DEADLINE for orders of the 2005 Permanent House Journal
has been set for
THURSDAY, MARCH 9, 2006

The number of Journals printed is determined by the number of advance orders received, which helps to contain costs in printing. The 2005 Journal is in the final stages of preparation, so orders **must** be finalized.

Upon request, members of the Legislature for the year in question, 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.

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

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SIGNED _____