

State of New Hampshire

HOUSE RECORD

Second Year of the 160th General Court Calendar and Journal of the 2008 Session

Vol. 30	Concord, NH	Friday, March 7, 2008	No. 19
Contains: Hearings, Meetings, Notices, Reports and Additional Amendments for March 12			

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at **10:00 a.m.** on Wednesday, **March 12th**.

As we are nearing the March 20th Crossover deadline and still need to act on many bills, the House will also meet at **1:00 p.m.** on Thursday, **March 13th**, and at **10:00 a.m.** on Tuesday, **March 18th**, Wednesday, **March 19th**, and Thursday, **March 20th**. Once we have passed Crossover and begin hearing Senate bills, we will return to Wednesday-only sessions until the last week of the session when we may again meet more than one day per week.

Your assistance in being efficient in floor debates and getting the appropriate information to the House Clerk in a timely manner will go a long way to ensuring that the House is able to complete its work.

There will be no legislative business conducted on Town Meeting Day, Tuesday, **March 11th**.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 12** at **9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 12** at **9:00 a.m.** and Thursday, **March 13** at **9:00 a.m.** in Rooms 305-307, LOB.
Rep. David W. Hess, Deputy Republican Leader

NOTICE

On Thursday, March 13th , at 10:30 a.m. in Representatives Hall, Kate McGovern
--

will present an informational session on the N.H. Retirement System. Ms. McGovern, a consultant on retirement issues and the person who prepared the report for the Commission Studying the Long-Term Viability of the N.H. Retirement System, will discuss the Commission's report and recommendations. All members are urged to attend and learn more about this very important issue.

Reps. Eileen C. Flockhart and David A. Welch
House Continuing Education Committee

NOTICE

Please note that the Calendar closes at 1:00 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

Thursday, March 13, 2008	Last day to report all remaining House bills
Thursday, March 20, 2008	Last day to act on House bills: CROSSOVER
Thursday, April 10, 2008	Last day to report Senate bills going to a second committee
Thursday, April 17, 2008	Last day to act on Senate bills going to a second committee
Thursday, May 8, 2008	Last day to report all Senate bills
Thursday, May 15, 2008	Last day to act on Senate bills
Wednesday, May 21, 2008	Last day to form Committees of Conference
Friday, May 30, 2008	Last day to sign Committee of Conference reports
Thursday, June 5, 2008	Last day to act on Committee of Conference reports

WEDNESDAY, MARCH 12

SPECIAL ORDERS

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1587-FN, relative to patient health care information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert G Bridgham for the **Majority** of Health, Human Services and Elderly Affairs: This bill extends security and privacy protections to assure that the benefits of electronic medical records are fully realized while still recognizing the inherent risks to privacy when more information is so easily available. When health information is stored in paper records, data is scattered and may not be available for timely use. Electronic medical records make information instantly available. That is the power of the electronic medical record, but national experts have stated that individuals need more control over their medical information. In current NH law, individuals have property rights over the information in their health care records. HB 1587 assures these rights by creating two options for an individual. First, individuals may obtain an audit trail of their electronic medical records, identifying who has had access and when, for any requested period within the prior 3 years.

Individuals currently have no mechanism to determine this information. Because this is data providers are required to maintain by federal law, current operations are not affected. Individuals may be charged for the audit trail, so providers will not absorb the cost. Second, individuals may restrict disclosure of their medical record in certain circumstances. To assure care, the individual who elects to restrict disclosure must provide information the provider needs. The committee responded through the amendment to all identified concerns about administrative burdens and costs raised by providers. The law that governs privacy and security, the Health Insurance Portability and Accountability Act (HIPAA), was intended to provide a minimum level of privacy and security protections that individual states may strengthen. HIPAA's protections have weaknesses. HB 1587 strengthens protections in three ways. First, the bill makes the privacy rights of NH citizens binding on business associates. These are separate enterprises that have access to protected health information for services to health care providers, such as software developers and vendors, but are not covered by HIPAA. This protection is especially important for research and marketing, since there are reports indicating use of protected health information, without consent, for marketing research. Second, the bill addresses the use of patient health information for fundraising and marketing by providers, allowed by HIPAA without patient consent. These are uses that are unrelated to the delivery of health care and the fundamental relationship of patient and provider. Third, the bill enforces its added privacy protections through complaints to NH licensing boards and agencies, to the NH department of justice, and through civil action by an aggrieved individual. Federal enforcement of HIPAA has been acknowledged to be lax since over 27,000 complaints were filed in the first four years of the privacy regulations without a single fine levied. HB 1587 also anticipates the future of health care by defining a framework for the operation of Health Information Exchange, the next step in sharing electronic medical records. This is a goal of the New Hampshire Citizens Health Initiative. Finally, HB 1587 establishes a time-limited commission involving interested parties in implementation. **Vote 11-8.**

Rep. Charles E McMahon for the **Minority** of Health, Human Services and Elderly Affairs: It is not apparent to the minority as to what problem this bill is trying to solve. Specifically, the bill addresses the commercial access to personal health information and directs that it should be restricted beyond current law. This measure adds more costs on health care providers already spending millions of dollars complying with HIPPA regulations on patient privacy and is ongoing. Adding further restrictions to medical information will negatively affect access to health care for New Hampshire citizens. If passed, support costs will increase, coordinated care efforts will decrease and it will add the clear potential of improper medical decisions. Not one citizen testified in favor, nor any doctor, hospital, insurer or any other health care provider in the state. Further, in testimony, supporters of the bill stated it was not perfect and needed more work. The minority strongly believes the bill creates substantial problems for both patients and providers. Therefore, the bill does more harm than good which undermines the quality and access to healthcare. For these reasons, the bill is not right for New Hampshire.

JUDICIARY

HB 1185, relative to the preservation of religious freedom. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill purports to prevent government from interfering with a person's free exercise of religion, but has much wider implications for zoning and in other areas. Freedom of religion is already guaranteed by our Constitution. This broadly worded bill could have unintended consequences. If specific problems exist, they should be addressed by specific legislation. **Vote 11-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill restores the delicate balance that our forefathers placed in the Constitution to restrict government from interfering with the free exercise of religion. In recent years cities and towns have used zoning as the new way to restrict church growth and eliminate church practices that are not favored by a community. The minority of the committee believes that we need to stop government intrusion and preserve religious freedom.

HB 1192, repealing the statute on exceptions to the solemnization of marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for the **Majority** of Judiciary: RSA 457: 31 currently lists the categories of people who may solemnize marriage. Among those currently listed are a justice of the peace, an ordained minister of the gospel, any clergy not ordained but engaged in the service of the religious body to which he or she belongs, and a minister residing out of the state, but having a pastoral charge within the state. A subsequent section, RSA 457:38, titled "Exceptions," currently provides "[n]othing in this chapter shall affect the right of Jewish Rabbis residing in this state or of the people called Friends or Quakers, to solemnize marriages in the way usually practiced among them." The purpose of this bill is to remove the reference singling out these two religious groups as exceptions, and to broaden the statutory language to also include the many other religious traditions which have for so long been omitted. To do so, two changes have been made. First, a new category has been added to RSA 457:31 to allow solemnization by "a religious officiant or such other person or group as may be authorized by their church, religion, sect, or denomination to solemnize marriages in the way usually practiced among them." Second, the words "minister of the gospel" have been changed to the more inclusive "member of the clergy." The wording changes do not remove any authority from any group already authorized to perform marriages, and impose no different requirements on those already authorized to perform marriages. They simply serve to include all religious traditions. **Vote 12-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill as amended by the committee removes all references to Christianity from our marriage laws. The minority sought to be inclusive with an amendment that accomplished the sponsors' objectives while preserving the traditional references to Christianity. This was rejected in committee. The object of the committee amendment was not to include other faiths, but to remove the Christian faith. While the majority of our citizens in NH are Christians, this intolerant change seeks to disenfranchise them.

HB 1432, relative to the intent of living wills. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for Judiciary: Currently, a living will is defined as a directive that contains the express direction that no life-sustaining treatment will be given if the person making it is near death or permanently unconscious without hope of recovery. This bill completely reverses the purpose of a document which has been in use for a very specific reason for almost a quarter of a century. Unlike the durable power of attorney for health care, the living will has always been a document that does only one thing—it preserves the maker's desire to decline life-sustaining treatment in a very limited set of circumstances. To change the entire intent of the document would result in confusion for health care providers, and delay in carrying out the wishes of the makers of the documents. Persons wishing to state with particularity what treatment they would want under differing sets of conditions have the durable power of attorney for health care available to them.

Vote 12-4.

HB 1543-FN, relative to the citizen's petition for redress of grievances by the legislature.

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

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill would require the Office of Legislative Services to draft citizens' petitions for redress of grievances on behalf of Representatives. The constitutional provision for the redress of grievances fell into disuse in the 19th century. Private grievances are now resolved by litigation and public grievances are resolved by legislative action. To involve the legislature in the resolution of private grievances would not be an advisable use of our resources. **Vote 12-3.**

Rep. Robert H Rowe for the **Minority** of Judiciary: Part I, Articles 31 and 32 of the New Hampshire Constitution authorizes a citizen to petition the legislature for a redress of public grievances. This process has been a part of the Constitution since 1784. The quantity and frequency petitions for of redress diminished in the mid 19th century, possibly due to greater utilization of the courts as a means to resolve disputes, but the right still remains in our Constitution. This bill does not encourage nor discourage such petitions but rather establishes a methodology to quickly, efficiently and fairly process a petition if one is entered.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1441-L, relative to use of the terms "selectwoman" and "selectperson." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Butterworth for Municipal and County Government: In keeping with prior decisions to encourage the use of gender-neutral language, this bill allows the use of “select board”, “selectwoman” or “select person” when appropriate. **Vote 12-4.**

HB 1455, increasing the amount of the veteran's property tax credit and enabling municipalities to extend the veterans' property tax credit to include all veterans who have been honorably discharged. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L Osborne for the **Majority** of Municipal and County Government: The majority of the committee believes that an honorable discharge is the only acceptable discharge for a veteran's property tax credit. If a member of the military receives a General discharge under honorable conditions it indicates that significant aspects of the member's conduct or performance of duty outweigh positive aspects of record. This can be challenged and changed by the military members to an honorable discharge and then the member would qualify for the Veteran's Tax credit. **Vote 14-1.**

Rep. Christopher F Nevins for the **Minority** of Municipal and County Government: This bill is a continuing attempt to fairly recognize those honorably discharged veterans who have unselfishly served our nation during periods not included in the veteran credit RSA 72:28 time frame of many currently qualifying veterans may have served our country in non-combat assignments and as such still qualify for the exemption. In contrast, many of our veterans who served in missions around the world in non-combat assignments that could have put them in harms way during their years of service to our county denied the veteran's exemption simply because their period of service does not fall within the dates listed in RSA 72:28. The minority strongly believes that it is time to change the Veterans Property Tax Credit to include all of New Hampshire's Veterans so as to fully recognize all of our veteran's selfless service to our nation.

HB 1573-FN-L, relative to hazardous and dilapidated buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: It has been the general opinion of the committee that hazardous and dilapidated buildings are a social and economic blight, as well as a danger to the health, safety and welfare of a community wherever found, but particularly where the underlying land value is less than clean up costs. The bill, as amended, provides that a municipality may recover its costs of bringing a property into compliance as a lien against the subject property, a subordinate lien against that real property's insurance proceeds or as a subordinate lien on a “same ownership” in sate property. This is an effective compromise on a difficult issue. **Vote 15-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1154, establishing a commission to study flooding in the town of Bradford, specifically Lake Massasecum, Lake Todd, and the watershed. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C Merrow for the **Majority** of Resources, Recreation and Development: The majority of the committee felt that the flooding problem has been sufficiently studied. The Army Corps of Engineers studied it after the flood of April 1987 and put forth four alternatives that could alleviate the problem. The cost is estimated to be in excess of \$3 million for each alternative remedy. More studies would likely come to the same conclusion. **Vote 9-7.**

Rep. Suzanne H Gottling for the **Minority** of Resources, Recreation and Development: More frequent and increasingly severe floods pose a threat to many year-round and vacation homes along Lake Massasecum in Bradford, New Hampshire. This is a unique watershed-wide situation where water from the Warner River flows backward into the lake. Many studies by state and federal agencies have examined the problem and proposed solutions. So far, after 50 years, there has been no remedy while the problem increases. The primary duties of the commission are 1) to study the entire watershed around Lake Todd, Lake Massasecum, and the Warner River and 2) to explore funding sources for addressing the problem. DES has stated it “will welcome the opportunity to work with the commission.”

HB 1264, relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A Brueggemann for the **Majority** of Resources, Recreation and Development: Since the mid 1990's, the state has tapped into federal transportation enhancement (TE) funds in order to purchase several unused rail corridors with a mileage totaling about 160 miles. The purpose of these funds was to make these trails available for local use and they came with the stipulation that they be used only for non-motorized recreation with the sole exception of snowmobiles. Initially this stipulation was enforced, as documented by several letters from DRED in response to requests regarding ATV use. Over the years, DRED latched onto the tenuous argument that because ATV's could be considered "snow traveling vehicles" in the winter, they were de facto snowmobiles. A 2006 clarification of the definition of "snowmobile" in New Hampshire statutes made this already questionable assertion untenable and DRED's decision to allow winter use of ATV's was challenged. Correspondence from the US Department of Transportation makes clear that the state is not in compliance with the agreed use of the trails and says that "ATV's must be prohibited from (such) trails. . ." In response, New Hampshire DOT and DRED initiated a waiver application to be exempted from this prohibition. The majority of the committee believes that such a waiver is a policy change that, if desired, should be initiated by the legislature. It is a betrayal to the municipalities in which these trails run and private groups who participated in the acquisition of the trails to alter their use without a public process. It is also not clear that these trails are appropriate for ATV use. Although the phrase "multi-use" has a pleasant ring, the truth is that ATV's are often incompatible with other uses, including cross country skiers, snowshoers and snowmobiles, because of their tendency to rut up trails. Also a Fish and Game memo asserts that if winter use is allowed for ATV's, summer enforcement is "extremely difficult". HB 1264 requires that DRED and the Trails Bureau abide by the original agreement and no longer allow ATV use on these rail trails. Rail trails purchased with other funds are not affected nor are 95% of other winter ATV trails. The amendment places Trails Bureau responsibility for non-motorized trails in a more appropriate section and reinstates DRED responsibility for obtaining easements and rights-of way that had been deleted.

Vote 10-6.

Rep. Christopher J Ahlgren for the **Minority** of Resources, Recreation and Development: The minority believes that this bill is an unintended consequence of 2005 legislation. Due to this sweeping legislation, ATV's and snowmobiles were separated by definition. Previous to this, ATV's and snowmobiles were both considered "snow traveling vehicles" as a matter of policy. This separation negated the Department of Resources and Economic Development's (DRED) ability to consider ATV's on snow covered trails as snowmobiles. The Federal Highway Administration (FHWA) offered three options that would enable DRED to continue their ten year policy of allowing ATV's on the rail trails. DRED chose to apply for a waiver as provided by federal law and is currently awaiting a decision. Unfortunately, this bill prohibits the use of ATV's on the rail trails even if the waiver is granted.

WAYS AND MEANS

CACR 24, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: This CACR would enshrine in the state constitution the provision that no new tax on personal income may be adopted in New Hampshire. While some committee members strongly oppose a new tax on personal income, they do not wish to limit the options available to future legislatures which may be required to respond to emergencies or unforeseen circumstances. CACR's on this issue have been submitted to the legislature three times in the past ten years. Each was defeated by a large margin or a voice vote. The majority of the committee believe that the New Hampshire Constitution should remain as a framework of government. They strongly believe that a constitutional amendment is not necessary to limit legislators in performing their duties. **Vote 14-1.**

HB 1241-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps.

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

Rep. William A Hatch for the **Majority** of Ways and Means: This bill would establish a discount of one cent per tobacco stamp for wholesalers. Though some of the bipartisan majority agreed that

some discount may be appropriate, one cent is excessive. Also considered was that there was no mechanism to replace the revenues lost. **Vote 10-6.**

Rep. Roger G Wells for the **Minority** of Ways and Means: The minority believes there is considerable work and expense in placing the tobacco stamps on the cigarette packages and feels the wholesalers should be compensated for their effort. The people paying meals and rooms tax have far less expense and are compensated much greater. This rebate was previously given but was removed by a committee of conference.

HB 1511-FN-A, relative to fees for laboratory services and establishing a laboratory services fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B Hinkle for Ways and Means: This bill creates a fund into which will be deposited laboratory service fees. This is simply an attempt to create yet another fund for the purchase of capital equipment that should really be funded through the capital budget. The public health laboratories are able to continue operating without the capital equipment they would like to purchase, so this does not constitute a public health emergency. It is the committee's feeling that a fund should not be created in the middle of the biennium, and that the expenditures for capital equipment should be justified by testimony before the Finance Committee. **Vote 14-1.**

HB 1577-FN-A-L, relative to revenue sharing between the state and municipalities of vehicle fines and forfeitures. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: This bill proposes that from each fine and forfeiture collected by a court, there shall be deducted 10 percent of the fine and the same shall be deposited with the town or city treasurer. The sponsor contended that towns should be reimbursed for the "clean-up of accident scenes on state highways." Although the committee was sympathetic with the sponsors' attempt to provide funds for this service provided by some towns, it could not decrease the state general fund by approximately \$1,045,000 in FY 2009. The department of safety also stated that there would be considerable administrative difficulty and cost in determining which town should get the money from each fine. **Vote 14-0.**

BILLS REMOVED FROM CONSENT CALENDAR

COMMERCE

HB 1356-FN, prohibiting the use of certain information to underwrite motor vehicle insurance coverage. **REFER FOR INTERIM STUDY.**

Rep. Matthew S Houde for Commerce: This bill would have made it an unfair insurance practice to ask for social security number, occupation, or level of educational attainment for use in the underwriting and rating process. An amendment offered by the sponsor would have limited the areas of inquiry to occupation and level of educational attainment. The committee received studies that arrived at different conclusions: one indicating the use of such factors has a potentially discriminatory result and another suggesting their use was justified. Few companies doing business in New Hampshire actually use the factors of occupation and educational attainment. Furthermore, the Department of Insurance reviews actuarial design to determine that their use is justified (i.e., that there is a correlation between those factors and loss ratio, and that they are not used exclusively). However, since there was evidence presented that a change in one of these factors - when all other factors are consistent - can result in significant rate disparities, the committee believes additional study is appropriate. **Vote 14-2.**

ELECTION LAW

HB 1255, relative to declarations filed by candidates for office. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: This bill would make it a misdemeanor for an officeholder to not assume the duties of the office to which he is elected. The Committee voted unanimously against this bill for two reasons. First, the bill would unfairly penalize the officeholder who is not able to assume the duties of office for reasons outside his control. Second, the bill only penalizes the officeholder who won't "assume" the duties of office. Because an officeholder "assumes" the duties of

office when he takes the oath of office, the bill fails its purpose of penalizing the officeholder who won't perform the duties of office. **Vote 14-0.**

ENVIRONMENT AND AGRICULTURE

HB 1348, relative to the milk producers emergency relief fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H Snow for Environment and Agriculture: This bill consolidates and makes technical corrections to the two emergency dairy relief bills passed by the legislature during the last session. One (HB 407, Chapter 374, 2007) was a short-term immediate appropriation and the second (SB 235, Chapter 381, 2007) was a long-range, dedicated fund program. Both addressed the cyclical nature of federally controlled producer prices in the dairy industry. This bill repeals the short-term program, which admirably served its purpose. The bill requires that the department of agriculture, markets and foods continue to monitor any farms that benefited from the bill to ensure that they live up their part of the bargain and continue producing milk. The bill, as introduced, was intended to move any monies not expended in the short-term bill into the fund established in the long-range program. The committee believed that would be viewed as contrary to the intent of the legislature in the original bill. The proposed amendment returns it to the general fund. The fund established in the long-range bill was amended to allow it to accept private money as well as appropriations, to allow additional sources of funding. A number of other housekeeping changes were made to the long-range bill to clear up ambiguities or clarify the intent of the legislation. **Vote 16-0.**

HB 1458, relative to milk producers and hauling and stop charges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara A Sad for Environment and Agriculture: Imagine you are the manufacturer of a product. A customer buys your product and sends a truck to pick it up from your factory. Even though the ownership of the product transferred to the customer the minute he loaded it on the truck, a week later you get a bill for the shipping costs of the product from your factory to the customer's house, and he expects you to pay it. Sound crazy? Well, this is what is, and has been, the practice in the dairy industry. The farmers are billed for hauling their milk, milk that is no longer their property, to the processing plant. They are also charged a fee simply because the truck stopped at their farm. This bill is an attempt to put an end to this practice and thereby save the small New Hampshire farmers the \$1,500 to \$3,000 a month they are currently paying. In order to give this shift necessary weight in the industry, we need to have the support of neighboring states. Vermont and New York have similar bills in their legislatures at this time. The effective date of July 2009 will give these states the time necessary to join us in changing this practice. **Vote 16-0.**

HB 1522, relative to care standards for farm animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for Environment and Agriculture: This bill is a California bill that is being pushed, across the country, by the Humane Society of the U.S. Does one size fit all in New Hampshire? The Humane Society of the U.S. testimony is that this bill is aimed at factory farms. We have no factory farms in NH. The prime sponsor indicates that it is intended to legislate care standards for chickens, pigs and calves. Testimony during the "chicken bills" last year was that we have no caged birds in NH. A hog farmer has indicated that she does not use farrowing crates, but asked that we not take that option away from her, if for no other reason than for her safety. The NH farm bureau indicates that there are no commercial veal operations in NH. The wording on this bill does not limit care to just calves, pigs and chickens but refers to "farm animals." That would mean that barns with stanchions would not be allowed. Horses and cows would have to be housed so that they could stand up, lie down, and turn around without touching the sides of any enclosure they are in. That would be devastating to our NH dairy industry. Alvirne High School in Hudson has the last high school dairy farm in the state. This legislation may well put that farm out of business. It has not only educational value, but historical significance. If the Hudson school district chose to build a new stanchion free barn, would that be a 28A Issue? While the intention of the sponsors is admirable, the bill is not needed in NH and is in fact an anti-farm bill. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1585-FN, relative to regulation of fuel gas fitters by the state fire marshal. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C Day for Executive Departments and Administration: This bill would exempt plumbers from the necessary installation and safety training of fuel gas fittings. Extensive testimony described the very real need to require appropriate training in proper installation techniques. A secondary issue of the use of fees received was resolved as the fire marshal's office already sends those excess monies to the general fund after deducting for expenses. **Vote 16-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1389, requiring hospitals to report on criteria for placing patients on waiting lists for organ transplants. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L Batula for Health, Human Services and Elderly Affairs: The sponsors of this bill have good intentions to require hospitals to report on criteria for placing patients on waiting lists for organ transplants. Our understanding of the bill is that a person needing a liver transplant went to a Massachusetts hospital for a potential liver transplant and the result was that at least one hospital would only consider putting the person on a transplant wait list if the person had insurance coverage. The committee was unanimous in thinking the bill was premature for New Hampshire because only one hospital in New Hampshire performs organ transplants and that hospital (Dartmouth-Hitchcock Medical Center) does not require an individual to prove insurance coverage or ability to pay prior to putting the potential patient on an organ transplant wait list. The bill is not needed at his time. **Vote 17-0.**

HB 1447-FN, relative to Medicaid for employed adults with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: HB 350, Chapter 67 of 2001 established Medicaid for Employed Adults with Disabilities (MEAD) to "ensure the availability of long-term supports to workers with disabilities who are medically eligible for medicaid, enabling them to maximize their employment potential." The program has been very successful, enabling over 1,000 individuals with disabilities to work without losing their medical insurance. This bill clarifies that should they need to leave the program, MEAD participants may retain and use savings they have accumulated under the program and still be eligible for medical assistance. This bill allows people with disabilities who are self-employed to participate in MEAD even if they earn less than minimum wage. It also provides that individuals who are eligible for home- and community-based care (HCBC) services may participate in MEAD. The amendment ensures that this will be available even to workers whose income is small. The department of health and human services advised the committee that this would allow about 100 additional individuals to participate in MEAD and that the net cost could be managed through the existing budget. In consultations with the federal centers for Medicare and Medicaid services, the department confirmed that the state has flexibility to implement these provisions. **Vote 19-0.**

JUDICIARY

HB 1176, relative to jury duty. **REFER FOR INTERIM STUDY.**

Rep. Gary B Richardson for Judiciary: A majority of the committee felt that this bill warrants further consideration, but should not be adopted at this time. The committee would like additional input from the administrative office of the courts relating to the costs and logistics of maintaining master jury lists on a county by county basis. **Vote 11-4.**

HB 1333, relative to post-foreclosure eviction actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen C Mooney for Judiciary: This bill clarifies the law with regard to termination of tenancy and notice to quit. The bill defines "purchaser at a mortgage foreclosure sale" and adds it to RSA 540:0, I and II to make the law consistent. **Vote 16-2.**

LEGISLATIVE ADMINISTRATION

HB 1392-FN, relative to prohibited activities of lobbyists. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth S Hager for Legislative Administration: The committee believes that our laws already address the problem outlined by the sponsor. The committee has been looking at the lobbyist laws for the last several years. **Vote 10-0.**

HB 1464, relative to the availability of proposed amendments to bills and resolutions. **REFER FOR INTERIM STUDY.**

Rep. John P Gleason for Legislative Administration: The committee wishes to applaud the intent of the sponsor of this bill. The issue of public transparency with regard to amendments is laudable. The committee however, does not feel that enough time is available to give serious consideration to this subject. An interim study will allow for proper attention to this serious subject. **Vote 10-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1349, relative to membership on the council on resources and development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: This housekeeping bill allows a member of the council on resources and development to appoint a designee to serve on the council when the agency commissioner or director is unable to serve. **Vote 17-0.**

WEDNESDAY, MARCH 12

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1184, relative to religious practices of children placed outside the home pursuant to RSA 169-C. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Elizabeth D Blanchard for the **Majority** of Children and Family Law: This bill provides that if a child is placed outside the home in an abuse or neglect preceding, the court shall arrange for the child to continue the child's religious practices or that of the child's family. The majority of the committee decided that this bill is not necessary based on testimony which indicated that group homes and foster families currently accommodate a child's religion. Also, the members of the committee who toured YDC observed that the spiritual needs of the juvenile residents are provided. **Vote 14-4.**

Rep. Anthony P Matarazzo for the **Minority** of Children and Family Law: While there is in place an opportunity to have access to a place of worship or pursuit of religious practice, many group homes for juveniles do nothing to encourage it. These children are hungry for the sense of stability and belonging that faith can provide. Therefore the minority agrees that the group homes shall post the availability of access and do more to encourage participation in the child's faith of choice.

HB 1217, relative to violations of conditional release by delinquent children. **REFER FOR INTERIM STUDY.**

Rep. Daniel C Itse for Children and Family Law: The committee recognized that clarification of the court's authority may be needed, but was concerned that it was introduced to address one case. There were further concerns as to whether or not current law provides sufficient due process. Therefore, the committee intends to study the issue further. **Vote 12-4.**

HB 1291, requiring persons under 18 years of age to wear ski helmets. **INEXPEDIENT TO LEGISLATE.**

Rep. Ruth Ginsburg for Children and Family Law: Committee research demonstrated that there is already a growing movement by various juvenile skiing groups to encourage the use of helmets. The committee decided that a positive approach using various incentives would be more beneficial. **Vote 15-3.**

HB 1477, relative to cellular phone and satellite television records for child support enforcement.

MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.

Rep. Edward P Moran for the **Majority** of Children and Family Law: This bill recognizes technological changes in the arena of child support. It seeks to include cell phone and satellite customer name and address records which were not included in existing law, while those subscribing to land lines and cable were included. The minority had reservations about the administrative subpoena authorization in current law that would be carried forward. The majority was unaware of any abuse connected with the authorization. At the end of 2007, uncollected child support amounted to over \$169,700,000 in New Hampshire. **Vote 13-2.**

Rep. Daniel C Itse for the **Minority** of Children and Family Law: The minority of the committee agrees with majority that collection of the child support in arrears is an important issue. However, we were uncomfortable with the administrative (Executive Department) subpoena of private records, rather than judicial subpoena.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1243, amending the timeframes for involuntary civil commitment of sexually violent predators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George D Winchell for Criminal Justice and Public Safety: This bill, as amended, excludes weekends and holidays from the calculation of deadlines for evaluating whether a person is a sexually violent predator. This bill also allows that if a person's incarceration sentence expires at any point in the process prior to the trial on the merits of a petition (such as defense motion to continue), the court shall hold a hearing within 10 days of the expiration of the sentence. This bill is the request of the Department of Justice as a "house cleaning bill." **Vote 13-4.**

HB 1501-FN, relative to the penalty for certain sexual assault cases where the perpetrator is under 21 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David A Welch for the **Majority** of Criminal Justice and Public Safety: This bill would reduce the penalty for engaging in sexual penetration of a person under 16 years old but more than 13 years old where the difference in age between the actor and the other person is 3 years or more from a Class B felony to a Class A misdemeanor if such actor is under 21 years of age. Consider the extreme of a 20 year old college student and a 13 year old middle school student. Are we to consider the maturity as equal, or are we to continue our protection of young children when they make immature decisions that could involve life long consequences? **Vote 13-4.**

Rep. Timothy N. Robertson for the **Minority** of Criminal Justice and Public Safety: This bill seeks to address the problem of non-violent offenders being placed on the NH Sex Offender Registry. No two offenders are the same and we should not be using a one-size fits all approach to classify them. A commission to study a comprehensive sex offender classification system in NH would be a step towards ensuring that all individuals on the public registry pose a credible threat to the public. Placing a non-violent or non-coercive 19 year old on a public registry for having sexual relations with his 15 year old girlfriend does not help to protect our communities. The state of New Hampshire has an obligation to ensure that citizens who are classified publicly as a sex offender are those who truly pose a threat to our children and communities. The state must also find ways to provide education to parents about keeping their children safe and teach teens about the legal consequences of having sex with a partner who has not reached the age of consent (currently, 16).

EDUCATION

HB 1281, prohibiting public schools from requiring health insurance as a condition of enrollment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Pamela G Price for the **Majority** of Education: This legislation would prohibit public schools within the university system and the community college system from requiring health insurance as a condition of enrollment. One year ago, UNH set a policy to require health insurance of all full time students. A student must buy the school offered health insurance unless they can prove that they already have coverage. Plymouth and Keene are considering a similar policy. Testimony was given

that almost 88 percent of UNH freshmen and sophomores have insurance. A low income student, defined as “Pell eligible” would pay almost \$900 more after a \$500 credit to defray the cost. This is in addition to the \$530 health services fee required for all students. The committee has heard concerns with college affordability and that average student loans are growing. The majority believe that this mandate will provide another barrier for the low income student to attend our premier state school. The amendment allows an exception where health insurance is a requirement of the program of the student. This recognizes that there are some programs of study, such as in the allied health fields, that require insurance because this is a requirement of the clinical providers or institutions where they train. **Vote 10-7.**

Rep. Kimberley S Casey for the **Minority** of Education: After a decade of discussion, research, and data collection, the University of New Hampshire made the decision to require health insurance for its full time students. The USNH board of trustees and administrators considered cost and the effect on lower income students, but concluded this is the policy that best protects the health and safety of the entire university community. The decision was supported by both the Graduate Students’ Organization and the Undergraduate Student Senate whose endorsement was unanimous. Why did the committee choose to micromanage the university administration, the board of trustees, and the students who attend the university? Members had concerns about additional financial burden to students although testimony indicated there had been not one single potential student who was unable to attend because of the requirement, that Pell-eligible students receive a \$500 supplement, and that total costs are similar to charges for New Hampshire Healthy Kids. The most frequently voiced concern had to do with a dislike of mandates, but uninsured students affect everyone’s welfare and costs. More and more students require ongoing attention for physical and mental health needs that fall between what University Health Services can provide and what would be met by local emergency rooms. If students resist referrals or medication because they lack insurance, their needs can escalate and disrupt the educational process. In a time when we witness one campus tragedy after another, it is evident that university students can be considered a “high risk demographic.” Health and safety should transcend ideological concerns. Let’s not micromanage a policy that the university and trustees have carefully and thoughtfully considered and implemented.

HB 1285, relative to organization of or withdrawal from a school administrative unit.

INEXPEDIENT TO LEGISLATE.

Rep. Kimberley S Casey for Education: SAU withdrawal is a complicated and difficult issue. There is already an SAU Oversight Committee and a Co-Operative District Study Committee, and rather than work counterproductively, and outside the efforts of these two bodies, whose sole work is to understand the nuance and complexity of SAU/Co-Op withdrawals and formation, the bill was deemed inexpedient to legislate. **Vote 15-4.**

HB 1330, relative to the process for nonrenewal of teacher contracts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Timothy Dunn for the **Majority** of Education The amended version of this bill does three things: First, it amends RSA 189: 14-a III by deleting a sentence that removes the responsibility of administration to assist a teacher who is having difficulty meeting the standards set by the district. In other words, nothing more is demanded of an administrator than to tell a teacher in writing each month he or she is not practicing up to standards, and at the end of the year that person will be non-renewed. That is not regarded as sound policy in business or industry. That practice is as close to making teachers employees at will as you can get and not say so. The commissioner of education strongly supports this change as best educational practice. Second, it amends RSA 189: 14-b I. The amendment allows a non-renewed teacher who is in a bargaining unit which has won the right to arbitration through collective bargaining, the choice of arbitration or the hearing set forth in current law. Third, it amends RSA 273-A:4 by removing the prohibition against negotiating the right to arbitration in the master agreement. It gives local bargaining groups the right to bargain for arbitration in cases of non-renewal. This allows for local control of negotiated contracts. It is not good policy for the state to determine what is and what is not negotiable. In no other instance does the state rule on what can and cannot be negotiated. Finally, nothing in this amended bill or in

current law affects the right to be heard by the New Hampshire Commission for Civil Rights or the US Equal Employment Opportunity Commission. **Vote 11-8.**

Rep. James M O'Neil for the **Minority** of Education: This bill completely rescinds the due process provisions for non-renewing teacher contracts recommended by a blue ribbon study committee including then Governor Jean Shaheen's legal counsel in 2002, and which was enacted into law (Chapter 204) in 2003. In its place, it reenacts the pre-2003 language with all of its defects and redundancies, and with absolutely no evidence that current law is deficient or unfair. Under current law, a teacher is entitled to a due process hearing before his or her school board before that teacher's contract can be terminated. If the teacher is dissatisfied with the school board's decision, there is a right of appeal to the state board of education. The committee was told that there have been only eight teacher non-renewals throughout the entire state in the last four years. None was appealed to the state board of education. Under this bill, if a teacher is dissatisfied with the hearing before that teacher's school board, the teacher would be entitled to an entirely new hearing - either before the state board of education or in arbitration under a collective bargaining agreement. But it doesn't end there. Since the bill does not specify that the arbitration is "binding" or that the state board's decision is "final," the teacher can then file suit in either state or federal court and receive yet another hearing. Furthermore, if the teacher alleges employment discrimination, he or she could also challenge the non-renewal and receive hearings at the New Hampshire Commission for Civil Rights or the United States Equal Employment Opportunity Commission. In short, this is a teachers union bill. Other than the equivocal testimony of the commissioner of education, the only two witnesses before the committee in favor of the bill were teacher union representatives. This bill will increase the costs, resources and administrative time devoted to teacher non-renewal issues in all of our school districts. That would make it extremely difficult, time-consuming and expensive for school districts to replace poor teachers. It could spawn potentially endless litigation at unknown additional cost to our local taxpayers. And it replaces the easily understandable appellate review standard of "clearly erroneous" with the very subjective, trial de novo concepts of "unjust or unreasonable." By changing this standard, the hearing officer is empowered to substitute his or her own subjective judgment of what is reasonable or just for that of the local school board. Further, this bill repeals a key sentence enacted in 2000 during Governor Shaheen's administration which specifies that remedial assistance is not required for teachers facing possible non-renewal. The committee received testimony that this deletion could, as well, lead to protracted litigation. In conclusion, there were no persuasive reasons given to the committee to enact this bill.

HB 1435, requiring certain food programs to comply with Centers for Disease Control/Institute of Medicine standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: The goal of this legislation is to redirect behavior for health and wellness in children. This bill as amended improves food quality access and practices. It slows the implementation for a healthier school environment to a schedule that is reasonable for school districts without making radical changes or restricting fundraising or booster club activities. We are facing a rising obesity problem nationwide especially in children with rising medical costs both short term and long term. The state has an interest: testimony told us that 38 percent of Medicaid children have been identified as overweight or obese and the state pays 50 percent of that cost.

Vote 14-5.

ELECTION LAW

HB 1139, relative to party access to voter information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for the **Majority** of Election Law: As introduced this bill would have merely removed the gender and year of birth from the voter information provided by the secretary of state. The sponsor suggested an amendment, portions of which were adopted by the committee. The committee's amendment sets the fee that the secretary of state shall charge for selling the state wide voter list. Additionally it provides that each municipality would receive the amount they would charge if the list were purchased directly from the community. There is some concern that the fee, which would be around \$7,000 for the state wide list, is high and may be challenged as constituting a tax. The majority believes that due to the extraordinary amount of work that the supervisors of the

check lists must do to gather this information to create the list, the fee is defensible. In fact, the representative from the attorney general's office did feel that the fee could be defended. The amendment further requires that anyone who buys the list and resells it must pay, to the secretary of state, the original cost of the list, each time they resell it. The sponsor had suggested that voters be allowed to opt out of having their name appear on any list which is sold by either the municipality or the secretary of state. The committee believes that there is a strong public interest in having candidates being able to directly contact potential voters. Voters are free to throw away unwanted mailings, but candidates should have the opportunity to make themselves known to potential voters. Taken to the possible extreme, there would be no public checklist available, as all voters could opt out. **Vote 8-6.**

Rep. James R. Splaine for the **Minority** of Election Law: Some of the members were opposed to the approximately \$7000 cost of the statewide list. Others were opposed to the elimination of the "opt out" provision for copies of the statewide list. We are looking forward to a Senate bill dealing with the same issue.

HB 1273, establishing a commission to study "clean elections" funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N Jasper for the **Majority** of Election Law: As the House has already voted to establish a commission to study public financing of elections, the committee felt that it would be prudent to wait for the recommendations of that committee prior to establishing another commission on elections. While the sponsor did offer an amendment to make it clear that the duties of each commission would not overlap, the committee felt that we would nonetheless be asking the office of the secretary of state and attorney general to provide a great deal of staff time over a short period of time. There was also a strong feeling that the duties proposed for the commission should be done by the committee itself. **Vote 11-4.**

Rep. James R Splaine for the **Minority** of Election Law: This bill creates a commission of 14 members to study our election laws concerning campaign disclosures and spending requirements, and to recommend improvements. Such a review is coming due. We should be sure our laws are clear and complete.

HB 1397-FN, relative to retention of political expenditure receipts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David R Boutin for the **Majority** of Election Law This bill would require every political committee or candidate to retain receipts for expenditures of \$10 or more for two years after the election. The committee applauds the sponsors' efforts to make our election laws more transparent. However, although the law now authorizes the attorney general to review all statements of campaign expenditures, the law does not authorize the attorney general to review the receipts themselves and HB 1397 does not grant that authority. Accordingly, there is no point to retaining campaign expenditure receipts without a means to enforce it. **Vote 11-4.**

Rep. James R Splaine for the **Minority** of Election Law: This bill requires that receipts be kept of all expenditures in excess of \$10 by candidates or campaigns, which is a good thing to do in order to require more transparency in our campaign spending laws.

HB 1398-FN, requiring that certain political contributions be made in cash. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N Jasper for the **Majority** of Election Law: The bill would require that no political contribution of \$100 or more be made in cash. First and foremost, cash is the legal tender of these United States and to prevent people from using legal tender for a legal purpose strikes the committee as being wrong. While the goal of the sponsor is to insure that all large donations are reported, current law already requires that all political donations of \$25 or more be reported. If that requirement is being ignored, it is hard to believe that passing another law would turn any dishonest politician (if there are any in New Hampshire) into honest ones. In fact it may have just the opposite effect; many of us when we first run for office may not be familiar with all election laws. Turning away a contribution just because it is made in cash could be hard to do. Many people do not have checking accounts and prefer to do their business in cash, which is their legal right **Vote 13-2.**

Rep. James R Splaine for the **Minority** of Election Law: This bill prohibits candidates or campaigns from accepting contributions of more than \$100, so that large contributions will be traceable. This makes sense so that we will have transparency in our campaign disclosure laws.

HB 1399-FN, relative to the limit for political contributions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard B Drisko for the **Majority** of Election Law: The intent of this bill is to lower the limits for political contributions. The committee felt that the current caps beyond which monetary penalties are assessed were adequate and working. In addition, candidates readily exceed the current caps if they wish to succeed. **Vote 12-3.**

Rep. James R Splaine for the **Minority** of Election Law: It is important to discourage greater and more spending in campaigns by encouraging candidates to abide by the state's voluntary campaign spending limits. This bill has an incentive for candidates to accept the voluntary campaign spending limits by allowing them to raise \$5,000 but if they do not accept the voluntary limits, they can only raise \$500 from each source.

HB 1454, relative to electoral college electors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janet F Allen for the **Majority** of Election Law During the public hearing regarding this bill, the committee was given an example of what could happen if this bill became law. If all of the voters in New Hampshire voted for one particular candidate and a different candidate won in all of the other states, then all 4 of the New Hampshire electoral college votes would go to the other candidate. This example alone tells the voters in New Hampshire that their vote does not count and they may as well have not voted at all. This would be incredibly unfair to the voters of New Hampshire. **Vote 11-4.**

Rep. James R. Splaine for the **Minority** of Election Law: The minority believes that the electoral college is an anachronistic vestige which may have served the country well when we were without rapid transportation and immediate communication. It may have been a useful check on a population which had not proven itself responsible or resistant to spontaneous manipulation. But the existing system gives inordinate power to the smallest states which have vetoed attempts in the United States Senate to amend the Constitution more than 30 times. The status quo also disenfranchises voters in uncompetitive states which are ignored in the consultant driven 17-19 state strategies of the major parties. With the electoral college in place, we are guaranteed to end up with presidents who have received a minority of the popular vote. The minority agrees with top constitutional scholars whose research findings focus on the profoundly undemocratic nature of the electoral college. This bill would have been a good way to fix this undemocratic vestige.

HB 1554-FN, relative to challenges of voters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Election Law: New Hampshire law permits anyone to challenge another's right to vote for no reason at all. As a result, mass, indiscriminate and groundless challenges of voters have been made solely for the purpose of preventing or delaying voters from voting. But the right to vote is the fundamental right that protects all other rights. It should not be undermined except upon a showing of good cause. HB 1554 requires a showing of good cause by requiring a challenger to state – under oath -- specific, articulable facts that a voter is ineligible to vote. HB 1554 brings a balanced approach to this issue because it protects the right to vote and the ability to assert a challenge if it is legitimate and well grounded. **Vote 11-3.**

ENVIRONMENT AND AGRICULTURE

HB 1314, relative to animal cruelty. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D O'Connell for Environment and Agriculture: Current law enables the taking of a dog's life if, in effect, the animal is running loose without supervision only under two conditions. First, that such dog suddenly assaults a person peaceably walking or riding. Second, if such a dog is attacking livestock or other domestic animals. The bill removes "worrying" from acts of "wounding" and "killing of livestock". Although not commonly recognized, historically "worrying" is defined as tearing at the throat, gnawing, or dragging around with the teeth. There was no public testimony in

favor of the bill. The majority, as well as the state veterinarian, feels the bill is unnecessary and weakens the overall effectiveness of current law. **Vote 15-1.**

HB 1473, restricting the placement of fertilizer within 250 feet of the reference line of any property. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D O'Connell for Environment and Agriculture: Currently under Chapter 483-B, the comprehensive shoreland protection act, no fertilizer except limestone can be placed within 25 feet of the mean high water line of such designated water bodies. The bill increases the specified distance ten-fold to 250 feet. Although the majority of the committee recognized the environmental consequences of eutrophication due to improper use of fertilizers there was no scientific backup presented to support the bill as drafted. **Vote 15-1.**

HB 1502-FN, relative to disposal of used needles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H Snow for Environment and Agriculture: This bill prohibits the future disposal of medical sharps in the normal solid waste disposal stream. The current disposal of needles and other medical sharps by the general public into our normal trash bins puts the people that have to handle our trash on a daily basis in danger of physical harm. Puncture wounds, particularly with infected needles, can cause permanent physical disability. As our state moves towards single-source resource recovery, these kinds of injuries will become more frequent, impacting workers compensation costs that are borne by our business community. The bill also establishes a public/private informational effort to educate the public about the dangers associated with the current disposal methods and provide current information about safe disposal methods. Facilities disbursing sharps to the public will be required to participate in a take-back disposal program. There are a number of currently available commercial programs that are both easily and economically available. The educational component of the bill will become immediately invoked, but the other provisions of the bill do not become effective until July 1, 2009, allowing time for the facilities and the public to become fully aware and informed about the program. **Vote 16-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1208, allowing dental hygienists to engage in independent practice. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alida I Millham for the **Majority** of Executive Departments and Administration: While independent practice for dental hygienists has some appeal, the HB 1208 proposal is not appropriate. It does not provide any criteria for an expanded practice responsibility and would allow a new graduate, without working experience, to set up an independent practice. Dental hygienists cannot, by statute, diagnose or treat so this proposal would separate one function of dental care from a more integrated approach of prevention and diagnosis and treatment. The function of the dental hygienists is only one piece of the dental care people require. In addition, Medicaid reimbursement requires the service of a dentist in the program, especially with the early periodic screening diagnosis and treatment program (EPSDT). Independent practices for dental hygiene would not qualify for EPSDT and Medicaid; therefore, require total state dollar payment without federal match dollars. At this point in time, this is not good public policy. There is another bill, HB 1487, from the Health and Human Services Committee that provides for a study of advanced dental hygiene practice. That is where this subject should begin. **Vote 11-6.**

Rep. John Reagan for the **Minority** of Executive Departments and Administration: Dental hygienists are licensed by the state and allowed to see and treat patients without a dentist present. It is fair to allow the hygienists to establish their own offices to provide oral hygiene to the general public. Competition often improves service and always lowers the price. Those not insured should be allowed to purchase dental hygiene services without having to subsidize a full dental practice.

HB 1519-FN, relative to the determination of gainful occupation for a group II member receiving a disability retirement allowance from the retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ken Hawkins for the **Majority** of Executive Departments and Administration: Currently, when a public employee goes on disability, that person receives a disability check and a pension from the New Hampshire Retirement System that equals the persons normal pay. If the person goes to

work in a job not affected by the disability, and earns more than what the pay and pension would be, the pension is reduced. This bill would have exempted Group II from this requirement. The committee took into account the \$200,000 impact on employer contribution rates, the fact that this covers Group II only, and of the 33 employees affected, 16 are Group I and 17 are Group II. We also considered the fact that HB 1645, concerning the retirement system, is still being worked on and could address this issue. **Vote 9-7.**

Rep. Pamela V Manney for the **Minority** of Executive Departments and Administration: The minority believes this bill fixes an inequity in the current law placed on Group II members (police, fire) forced to retire due to an on the job career-ending injury and receiving accidental disability allowances. Currently, Group II members who work their 20 years can retire as early as age 45. If they desire, they can work another job, earn as much as they want and still receive their full pension benefit. In contrast, earnings of a Group II member hurt on the job are capped until the age of 70, an additional 25 years. This means that a Group II member receiving a disability retirement allowance (set at 2/3rd of his or her average final compensation at the time of injury) is stuck for the rest of his or her life in the position/pay grade that he or she last held. The only increase to the benefit is when that position's salary is increased due to inflation. It never takes into account what the individual could have earned from overtime or potential promotions. For example: A Group II person who had been earning \$30,000 a year at the time of injury will receive a pension of \$20,000 a year in disability benefits. If the person goes back to work in the computer industry, the earnings are now capped at only \$10,000 a year, anything over that must be paid back to the retirement system. This creates a great hardship to Group II workers, forced to retire at a young age, who have families to support and find it difficult to do so under the current law. This bill will allow the earning cap to be lifted at 45 years of age, the same as those Group II members not hurt on the job and bring equity between Group II members.

HB 1552-FN, relative to establishing a single liquor commissioner. **REFER FOR INTERIM STUDY.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The committee heard compelling testimony for the current commission structure (3 commissioners), as well as for changing to a single commissioner model. Issues identified in making the change as suggested in this bill were twofold. (1) There is no specific recommendation for the administrative structure of the commission in the transition period from three to two and ultimately to one commissioner. (2) There is no specific recommendation for the commission's structure once the transition is complete. The committee also reviewed a recommendation of the 1994 Performance Audit: "We believe the three- member SLC structure has outlived its usefulness and stands in the way of a more efficient, effective and economical organization with streamlined and professional management." Therefore, this issue warrants additional study. **Vote 10-5.**

FINANCE

HB 1612-FN-L, relative to county and state obligations for costs for nursing care and services, and for court orders for children services. **INEXPEDIENT TO LEGISLATE.**

Rep. Fran Wendelboe for Finance: The sponsors' intent on HB 1612 was very well intended. While many legislators are frustrated with the complex issues involved with the county/state relationship on the cost of juvenile justice and nursing homes, however well intentioned, this bill is premature. There are several issues at the heart of the bill currently in litigation. The suggested county share on juvenile justice would be viewed as an Article 28A issue. The department of health and human services and the counties are making progress in their efforts to resolve these issues. In addition there is a study commission established in HB 2 looking at the same issues. **Vote 22-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1396-FN, relative to requiring prescriptions to be ordered pursuant to a practitioner-patient relationship. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill makes it unlawful for a pharmacy to ship controlled drugs to patients in New Hampshire without a prescription from a practitioner who has a valid relationship with the patient. The relationship is defined based on board

of medicine rules and includes an exam, a history, a diagnosis, a treatment plan and documentation of all prescription drugs. Presently there are online pharmacies that may be located anywhere in the world and ship controlled drugs without a valid prescription. These “rogue” pharmacies have websites that advertise “oxycodone—no prescription.” The consumer fills out an online survey or questionnaire, which is relayed to a physician who approves it for a fee without having had legitimate contact with the patient. The amendment addresses a concern about telemedicine and a program where a physician at a Boston hospital prescribes a drug for a patient at an emergency department in New Hampshire. This bill will not interfere with legitimate mail order pharmacies or any valid prescription written by a prescriber in another state with whom the patient has a relationship. The committee believes prescription drug abuse is a significant problem, and this bill can be a tool for law enforcement. The bill was requested by the board of pharmacy and was also supported by the attorney general and the New Hampshire Medical Society. **Vote 18-0.**

HB 1487, establishing a commission to study the creation of an advanced dental hygiene practitioner to increase access to oral health care. **OUGHT TO PASS WITH AMENDMENT.** Rep. Barbara C French for Health, Human Services and Elderly Affairs: This bill as amended establishes a legislative committee to study practice of advanced dental hygiene practitioners (ADHP) and to study various models, which include dental care by other dental professionals, currently being proposed by the American Dental Association, the American Dental Hygienists’ Association and other national and state groups to increase access to oral health care. The committee shall also determine potential fiscal and programmatic impacts on New Hampshire Medicaid dental programs. **Vote 13-4.**

JUDICIARY

CACR 30, relating to the oath of office. Providing that the name of the state in the oath of office be corrected. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for Judiciary: CACR 30 provides two changes to Article 84 of the Constitution. First, the letter “s” in the word “state” would be changed from the current lower case “s” to a capital “S.” Second, the oath would change from bearing “faith and true allegiance to the United States of America” to supporting “the Constitution of the United States of America.” The changes arise out of a 1970 amendment to Article 84 in which the oath of allegiance to the United States was added. At that time, the Constitution as printed used the phrase “state of New Hampshire” throughout. Subsequent research of original sources shows that the Constitution as originally drafted favored the usage “State of New Hampshire” and in more recent printings, that style has been preferred. However, the lower case “s” having been affirmatively adopted by the voters in 1970, it cannot be changed without a subsequent act of the voters. The majority of the committee believes that although the better practice, if creating a new amendment, would have been to change the style and possibly the wording of the oath as well, the passage of 38 years without any problems arising out of the current language makes this change unnecessary. **Vote 12-8.**

HB 1160, establishing the women's health protection act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R Lasky for the **Majority** of Judiciary: While it is laudable that the sponsors of HB 1160 have titled their bill “Women’s Health Protection Act,” the clear intent of it is to provide “protection” to only one aspect of a woman’s health. This bill does not in any way focus on the #1 killer of women, heart disease, or on the eradication of breast cancer, but seeks to deny, and impose significant burdens on a woman’s reproductive health decision making. HB 1160 imposes extraordinary and unreasonable burdens on medical providers and inserts the government into the doctor-patient relationship by dictating the content of information given to the patient and makes one medical provider liable for the quality of care of another provider. **Vote 11-3.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: The minority believes that this bill would protect women from the psychological and physical harm caused by abortions in our state. This bill calls for women seeking an abortion to have a medical and psychological screening prior to the abortion. As we know, many women suffer from the emotional effects of an abortion for many years. A licensed physician would be required to perform the procedure and that physician would be

required to carry insurance and have hospital admitting privileges. The women of this state deserve to have the best medical care and this would raise the minimum standard for abortion.

HB 1173, relative to the definition of a trust. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for Judiciary: This bill would have removed trusts created for the purpose of land conservation or the holding of conservation easements from the definition of a trust. The bill was intended to address a number of issues arising out of the creation and subsequent administration of conservation easements, and these concerns applied not only to easements held by trusts but also the creation and administration of open space set-asides held by other private entities such as homeowners associations. The bill as presented would not have effectively addressed the concerns of the sponsor, and would have had far-reaching consequences for established land trusts. Significant consideration was given to the creation of a study commission or referral for interim study. The majority believed that the concerns of the sponsor could not be addressed appropriately by a study purporting to consider trust administration issues, but rather should be taken up in a new bill specifically addressing the land use issues. **Vote 13-6.**

HB 1265, establishing a duty for owners of businesses and institutions to provide protection to customers and employees and liability for failure to provide protection. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy McV Weber for the **Majority** of Judiciary: This bill provides that any business or institution that prohibits members of the public from carrying a firearm onto the premises is strictly liable to provide the level of protection they would have had absent the prohibition. The majority was concerned about a number of issues arising out of the bill. Because the bill expressly imposed strict liability, no amount of effort taken to protect the public would be deemed adequate if a tragic event took place. This places too heavy a burden on the business or institution. The majority believes that the business owner has the right to restrict firearms if he or she chooses, and the public can then choose to patronize the establishment or not. The bill as drafted would also create significant issues with respect to school zones, airports and other places where firearms are now banned. Finally, a representative of the banking industry testified that they departed years ago from the practice of having armed guards in banks because they have determined that their presence increases the likelihood of severe injury or death in the course of a bank robbery. **Vote 12-2.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: In recent years, shootings have increased in "gun free" zones. Because a posted "gun free" zone attracts those intent on harming others and because a law abiding citizen is prohibited from carrying a gun to protect himself and his family, the minority believes that such prohibiting establishments should be responsible for the safety of those on their premises.

HB 1495-FN, relative to parental notification. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maureen Baxley for the **Majority** of Judiciary: The committee feels that the laws currently in place are working well and there is no need for imposing this barrier between doctor and patient. In the vast majority of cases, patients do include their parents in the process. In the small number of cases where patients do not include their parents there are compelling reasons such as abuse and it would be counterproductive and detrimental to the patient's health and/ or well-being. The medical community has excellent protocols and ethical guidelines for treating minors and the committee feels these decisions are best made on a case by case basis by experts in adolescent medicine. **Vote 11-6.**

Rep. Maureen C Mooney for the **Minority** of Judiciary: HB 1495 would bring back into our law the parental notification statute with the constitutionally approved "medical emergency" health exception. The bill also contains a judicial bypass exception. The judicial bypass allows a girl the option of accessing a judge, in place of her parents, if the girl is unable to communicate with her parents. Upon passage, New Hampshire would join 42 other states that currently have either parental notification or consent laws. The minority of the committee feels strongly that a constitutionally sound parental notification law is first and foremost needed for the safety, health and best interest of minor girls. The bill also enhances parental rights. Parents should be informed of medical procedures which may have grave long-term consequences on their minor daughters. We feel that parents can properly ensure their daughters are aware of the risks involved before an

abortion and can adequately assist with medical care after an abortion. The bill also protects providers. Notified parents are the primary and best resources for giving providers their minor daughters' medical histories. This protective measure can prevent medical malpractice and protect the patient's health. HB 1495 is essential to protect minor girls' wellness, and parental awareness. We emphatically urge its passage.

CORRECTED REPORT

HB 1498-FN, relative to notification of a parent or guardian by medical professionals when treating a minor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frances D Potter for the **Majority** of Judiciary: NH statutes support confidential treatment for minors with respect to mental health (RSA 135-C: 16), drugs & alcohol (318-B: 12-a) sexually-transmitted infections (RSA 141-C: 18) HIV/AIDS (141-F: 5) and others if a minor is mature. The AMA representative stated that AMA ethical guidelines support confidential treatment of mature minors. Also, the practical issues of notifying parents would be problematic. It would be impossible to delay treatment of a minor in an emergency room more than 6 hours without incurring charges of malpractice. **Vote 11-6.**

Rep. Gregory M Sorg for the **Minority** of Judiciary The frustration the minority feels generally on the subject of parental notification bills stems in large part from its view that the majority keeps shifting the basis for its opposition to them. Once it was the lack of a judicial bypass. Such a bypass was supplied. Then it was the lack of a specific exception for medical emergencies, notwithstanding the existing common law self-defense immunity, statutory civil immunity at RSA 329:25, and statutory criminal immunity at RSA 672:3. Such specific exception was added. Now it is back to the judicial bypass, which this time is said to be inappropriate due to the lack of expertise of judges on medical subjects. But the purpose of the judicial bypass is not to determine medical questions, but to explore the basis of the minor's opposition to notifying her parents of the pregnancy. The judiciary, in particular judges of the district and family courts, who deal routinely with domestic matters, are eminently qualified to decide such matters. Indeed, testimony at the public hearing indicated that minors seeking a judicial bypass are seldom turned down except when the court determines that the basis of the fear of the parents' reaction is unreasonable. Abortion is almost the only surgical procedure in which the "growth" to be removed is one whose loss has the potential to be grievously regretted forever. It is not one to be made by a frightened child on her own, but in consultation with the two people in the world who love her most, her parents. Children often have little understanding of the depths of love and understanding of which parents are capable in a crisis, because those depths thankfully seldom have to be tested. Every section of this bill is modeled on statutes of other states that have been upheld in federal court. Its constitutionality not being open to dispute, the full House can no longer hide behind legalistic quibbles, but must answer the question at the heart of this bill, namely whether or not it supports parents' fundamental right to rear their own children.

HB 1517-FN, relative to parental consent for abortions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill would make it a misdemeanor to perform an abortion on a minor without parental consent unless a superior court justice found, after a hearing, that the minor was mature and capable of giving informed consent. A majority of the committee was opposed to involving a judge in the decision of whether to require parental consent. The majority supports the American Medical Association Principles of Medical Ethics which state that physicians should permit a competent minor to consent to medical care. **Vote 12-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill is the mirror image of Massachusetts law. This law has worked well for our neighboring state for many years. It has a judicial bypass for girls who are unable to obtain consent and this bypass gives an added safety net for those girls that may be victims of rape or incest. This bill would restore parental involvement when their minor child seeks an abortion and the minority believes this is a good thing.

HB 1536, relative to periodic payments of judgments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter S Espieffs for the **Majority** of Judiciary: Presently, when a court renders a judgment for the payment of money which the defendant fails to pay, the plaintiff can seek enforcement by filing a

petition for a court ordered payment under the provisions of RSA 524:6-a. Under existing court procedure, the court then notifies ONLY the defendant to appear for a hearing at which the court examines him or her regarding his or her financial condition and ability to pay the judgment. This places the court in the position of interrogator for the plaintiff, and creates the appearance that the court is acting as a collection agent of the plaintiff. It is the committee's view that inquiry into a defendant's ability to pay is a continuation of the legal proceedings requiring the production of evidence from both the plaintiff and the defendant about the extent of and any limitations on the defendant's ability. This bill assures that the plaintiff as well as the defendant will be present to produce sufficient evidence at an RSA 524:6-a hearing to enable the court to make a fair decision and order. Finally, this bill also gives the court some discretion as to whether or not to hold the defendant in contempt should its orders be violated. Overall, it enhances the purpose and integrity of RSA 524:6-a proceedings, and will conserve state resources. **Vote 14-4.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: Under current law, the judgment creditor is not required to be present at the hearings at which the judge determines from time to time the amount of the periodic payments a judgment debtor must pay towards the judgment against him. This bill would require the presence of the judgment creditor or his legal representative at each such hearing. Very often, the periodic payments a judgment debtor is ordered to pay are very small, and the minority believes that to require such presence would place an undue and unnecessary burden and expense upon the judgment creditor. No judge or other representative of the district courts appeared at the public hearing to express any dissatisfaction with the present system, by which the judge usually conducts the inquiries of the judgment debtor directly and alone.

CORRECTED REPORT

HB 1588-FN, relative to the verification of the state of residency of an unemancipated minor seeking an abortion in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip Preston for the **Majority** Judiciary: While reproductive health care professionals, in fulfilling their responsibilities, are required to follow New Hampshire's RSAs, this bill would also require them to know and follow the laws that would apply to any out-of-state female patient under the age of 18 if she were seeking an abortion in her own state. In this situation, failure of health care providers to follow out-of-state abortion laws that are at variance with New Hampshire's would make them guilty of a felony. Since this bill could affect temporary New Hampshire residents from many states and therefore place an undue legal burden on physicians, the majority of the committee believes this bill is unrealistic, inappropriate and Inexpedient to Legislate. **Vote 12-6.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: Although stated in general terms, this bill addresses principally the phenomenon whereby, in order to evade Massachusetts' parental consent law. Pregnant minors residing in the Bay State travel to New Hampshire, which has no parental consent or notification law, to have their abortions. The minority believes that New Hampshire should not by this means both thwart the policy decision of our sister state and become a magnet state in the service of the abortion industry. As drafted, this bill prohibits performing abortions on minors unable to prove they do not reside in states with parental notification or consent laws. A legitimate objection was raised that abortion providers cannot reasonably be expected to know either which state have such laws or the specifics of those laws. The proposed minority amendment addresses this concern by changing the bill from one prohibiting performing abortions on minors unable to prove they do not reside in states with parental notification or consent laws to one limiting abortions on minors to those who can prove they reside in New Hampshire, subject to the "competing harms" exception of RSA 672:3 in the event of a medical emergency necessitating an abortion on a non-resident.

HB 1589-FN, prohibiting the lethal injection of any substance as part of the abortion process. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen Baxley for the **Majority** of Judiciary: The committee feels it is not the role of government to prohibit doctors from using their medical judgment in determining what medical

treatment is best for their patients. This procedure is used in cases of severe abnormality of the fetus, such as having no brain, or in cases of eclampsia. **Vote 12-6.**

Rep. Nancy J. Elliott for the **Minority** of Judiciary: The minority believes that injecting an unborn child with a lethal injection is inhumane. The substance commonly used for this process is potassium chloride. This is the same serum used to terminate death row inmates. Of course we administer pain medication to inmates first. Not so for our children. They are forced to endure excruciating pain of a massive heart attack that can take some time for the unborn child to die. We heard testimony that this chemical is very painful and therefore unethical to use on animals, but not so for unprotected babies. Literature passed out in committee from the World Net Daily detailed that this injection is to protect the abortion clinics from being charged in violation of the partial birth abortion ban. Three area hospitals, Massachusetts General, Brigham and Women's and Beth Israel Deaconess are using this method to avoid any chance of a live birth and prosecution. One area doctor does not even give the woman a choice; the injection is required in babies over 20 weeks' gestation. This is a strange position for an individual who says women should have a choice. This same doctor states he is "more concerned about the risk for the faculty and staff here." He is so concerned about prosecution that "he will no longer allow medical and nursing students to observe late-term abortions at his clinic, fearing someone might lodge a criminal complaint." This chemical is for the doctors' convenience without regard for the pain of the infant or the possible side effects on the mother if the potassium chloride is accidentally injected into her. This procedure is cruel and should be prohibited in NH.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1469, relative to public employee terms of employment, bargaining units, and dispute resolution. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jeffrey P Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill adds safety considerations to the terms and conditions of employment and must be brought up during negotiations. But it still gives management the rights in determining the number of its personnel and the number of personnel for task performance. **Vote 9-4.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: The bill as amended adds "matters related to safety considerations" to those items that must be negotiated. The problem is that there is no definition of "safety considerations," meaning that property taxpayers will now need to fund the time it takes for negotiating parties to define "safety considerations," a definition that not even the committee could agree upon. "The use of technology" remains a management right and therefore raises a question when technological advancements in safety equipment are developed – must they be negotiated or not? The minority of the committee feels these questions need to be answered before this legislation becomes law. The minority is also concerned that the inclusion of "safety considerations" as a negotiated item may in fact be to the detriment of the public employee if a new or enhanced "safety consideration" is developed while employees are stuck with an antiquated "safety consideration" in their contract.

LEGISLATIVE ADMINISTRATION

CACR 22, relating to the membership of the senate. Providing that the senate shall consist of 36 members. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia J Dokmo for Legislative Administration: The sponsor brought this CACR forward due to his concern about the time demands placed on each Senator. He believes that increasing the number of Senators will decrease the work load. The majority believes that if Senators feel their work load is overwhelming, then this CACR should originate in that body. **Vote 5-4.**

CACR 26, relating to the state senate. Providing that state senators shall be 25 years of age or older. **OUGHT TO PASS.**

Rep. Elizabeth S Hager for Legislative Administration: The committee feels that the barriers to entry to our general court should be as few as possible. The voters should again have a chance to say that anyone old enough to serve in the US Congress is old enough to serve in our Senate. **Vote 9-1.**

CACR 28, relating to compensation of members of the legislature. Providing that compensation of members of the legislature be increased to \$100 per week. **INEXPEDIENT TO LEGISLATE.**

Rep. Nickolas J Levasseur for Legislative Administration: Increasing the pay of NH legislators would result in funds being divested from other state programs into our pockets. Although this increase would not take effect until 2010, it is not likely that budgets will be any less stressed. The committee feels that this is not an expense we can take on. Moreover, the committee feels that this CACR does not address the real problems of having the legislative salary defined in the constitution. Even if ample funds were to exist for this increase, this amendment would only be a temporary fix and would be a problem for future legislatures. **Vote 7-3.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1420, relative to the applicability of zoning ordinances to auto salvage yards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for the **Majority** of Municipal and County Government: There are existing junk yards/auto salvage yards that have been licensed by the department of environmental services pursuant to RSA 236:114 and RSA 236:121. The department requires that a renewal license has to comply with the best management practices (BMPs) which it has established. When a pre-existing, non-conforming auto salvage yard applies for renewal the BMPs will dictate required changes, such as adding a building or changing the location of an existing structure which are more environmentally friendly compared to the existing operation. The amendment allows, but does require, a local zoning board of adjustment to grant a variance to the existing junk yard/auto salvage yard without the finding of "hardship" for the purpose of making improvements to the yard to comply with the BMPs. The amendment states that all other requirements for granting a variance must be met and that the BMPs are only for the proposed improvements to the existing use. The majority of the committee recognizes that to have "green" auto salvage yards is an important step in protecting our environment. **Vote 10-5.**

Rep. Robert A Srnec for the **Minority** of Municipal and County Government: This bill would eliminate hardship as one of the criteria for an existing junk yard to obtain a variance from a local zoning board of adjustment. The proponents of this measure advocate it as necessary to encourage the clean up of sites with serious environmental situations. The minority is in complete support of this worthy objective. However, there is no need to gut decades of established zoning law to achieve this goal. There are potentially serious unintended consequences from such a drastic change to the generally understood concepts that control zoning cases. Hardship is perhaps the most important of the five requirements that must be satisfied before a zoning board may grant the relief of a variance. In addition, once granted a variance is permanently "attached" to the real estate in question. The minority of the committee is convinced that an entirely separate procedure, equally effective but that does not tamper with existing variance criteria, could easily be established to assist existing junk yards in cleaning themselves up.

PUBLIC WORKS AND HIGHWAYS

HB 1209, establishing a 6-year transportation improvement plan. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: Earlier in the session, the committee unanimously voted for SB 84 (a retained bill, which was amended to establish a 6 year State Transportation Plan). The House passed SB 84 on a voice vote and is waiting a response from the Senate. The majority felt this bill was duplicative. **Vote 10-6.**

HB 1590-FN, establishing a DWI fatality memorial sign program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: This bill, as amended, will allow the next of kin of an individual killed by a driver who was operating under the influence of drugs, or alcohol, to apply for a sign to be placed near the site of the accident urging other motorists not to drink and drive. These signs would include the name of the victim and would remain standing for a period not to exceed 2 years. These cautionary signs would be placed at a cost to the applicant. There would also have to be substantial evidence, gathered by law enforcement officials, that the accident was caused by a driver operating under the influence. The signs could be placed along any state owned

and maintained roadway, but due to federal regulations, will not be placed along the inter-state system. **Vote 15-1.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1460, requiring the public utilities commission provide cost recovery for construction of generation assets by Public Service Company of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael A Kaelin for the **Majority** of Science, Technology and Energy: The majority of the committee felt that this issue has been heard previously, and that no new arguments have been presented. While the committee understands the need for investment in the North Country, and strongly believes that it would be very desirable to have more clean renewable energy sources, the issue of whether to revisit the existing electricity restructuring laws needs to be addressed first.

Vote 9-5.

Rep. Thomas R Fargo for the **Minority** of Science, Technology and Energy: The minority recognizes the reluctance of the majority to upset the current delicately-balanced regulatory framework that prevents PSNH from using ratepayer-financed resources to build new generating capacity. However, the minority feels that the need to address the deepening economic hardship in New Hampshire's North Country justifies keeping HB 1460 available for reassessment through interim study. Because of time constraints, the committee did not explore options to set conditions for allowing PSNH to build one biomass-fueled generation facility within Coos, Grafton, or Carroll County. These options include: 1) allowing PSNH to incrementally add generation assets to offset their loss of self-generation capacity due to growth in demand; 2) providing PSNH incentives to retire dirty coal-based generation and replace this capacity with a proportionally larger amount of renewable generation; and 3) to require PSNH to assume some measure of risk in financing the construction of new renewable generation, perhaps following the model of its Northern Wood project in Portsmouth. The minority recognizes that power transmission system capacity problems remain the primary impediment to the committee will be addressing these challenges in the second half of this session. Keeping HB 1460 available through interim study would provide a vehicle for a coordinated effort to simultaneously address solutions to the North Country's electricity transmission and generation issues early in the next session.

HB 1562, relative to procedures of the site evaluation committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Harvey for Science, Technology and Energy: This bill required expanded criteria for the evaluation of siting, construction, and operation of new power facilities in the state. Entities would have to present a complete environmental assessment to the public utilities commission's site evaluation committee that goes far beyond the specific site involved. The majority of the committee believed that these requirements, by creating costly and time-consuming obstacles to the siting process, would deter developers from building renewable energy resources in our state. **Vote 8-3.**

HB 1628, relative to renewable energy generation incentive programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Kaelin for the **Majority** of Science, Technology and Energy: The renewable portfolio standard legislation passed last session created a fund to be used to support new renewable electrical generation sources. HB 1628 directs the PUC to reserve 10% of the fund for the support of smaller, home-sized renewable energy systems of 5KW or less. This legislation puts the homeowners on a more equal footing with larger industrial projects, and allows the ratepayers in the middle to recover some of their costs as well. **Vote 9-4.**

Rep. Gene F Andersen for the **Minority** of Science, Technology and Energy: This legislation provides a subsidy of \$6000 for individuals to renewable portfolio standards (RPS) fund. Individuals receiving the subsidy however, are not required to be ratepayers. At best this legislation is premature. No study has been made of funds generated from RPS to determine the optimum return for the ratepayers' investment. At worst this legislation is elitist in that it provides funds to individuals for their personal power systems without providing benefit of reducing greenhouse gas emissions, securing the electric grid, or maximizing the efficiency of the system.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1431-FN, establishing a permanent state defense force. **REFER FOR INTERIM STUDY.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: The committee felt that a state guard offers numerous opportunities for the citizens of New Hampshire to provide valuable volunteer services to their communities. However, there continue to be serious issues and concerns about the creation and use of the state guard. Due to the uncertainty and disagreements the committee supported Interim Study. **Vote 13-3.**

HB 1576-FN, relative to the employment of veterans on certain national holidays. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R Emiro for State-Federal Relations and Veterans Affairs: Veterans are those that represent our nation at home and abroad during times of peace, conflicts, and war. It is the veteran that protects our individual rights, liberties, and freedoms. Veteran's Day is set forth to thank and honor all our U.S. veterans for their dedication and service to our nation. Holidays were for a day of no work to recognize what the day stands for. There is no better way to show our gratitude to our veteran in the State of New Hampshire then to allow them their day. What is a veteran's day ceremony or parade without veterans? **Vote 9-3.**

HCR 12, urging the federal government to withdraw the United States from the North American Free Trade Agreement (NAFTA). **INEXPEDIENT TO LEGISLATE.**

Rep. David F Scannell for State-Federal Relations and Veterans Affairs: Unless proven otherwise, NAFTA is a lawful treaty entered into by the United States, Canada and Mexico. The Constitution prevents states from entering into treaties and limits the power to make treaties to the President based on the advice and consent of the Senate. Once a treaty is signed into effect there appears to be nothing in the Constitution that allows the Senate to change or end any treaty. HCR 12 is asking our legislative delegation under Article 2205 of NAFTA to use all of their efforts, energies, and diligence to withdraw the United States from NAFTA. It appears that any such legislative attempt would be ruled unconstitutional as congress does not have the authority. **Vote 8-2.**

TRANSPORTATION

HB 1222, prohibiting writing a text message while driving. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for the **Majority** of Transportation: It is the majority opinion that text messaging while driving is a distraction to operators of motor vehicles. In deliberations on this bill, information was received of a study done by Clemson University that showed 80% of the participants were distracted while writing or reading text messages. These distractions produced increased speed, lane changes, and the possibility of accidents. The majority opinion is to have motor vehicle operators, particularly our youth operators, focus on the important task of safe motor vehicle operations. **Vote 9-4.**

Rep. Jennifer M Brown for the **Minority** of Transportation: While text messaging while driving should not be legal, it is covered with our existing negligent driving laws. Negligent driving was instituted to cover anything other than driving including using cell phones, changing a CD, eating, using your navigation system, applying makeup, etc. The minority of the committee feels that to list one of these things will necessitate listing all, lest they be considered legal.

HB 1251, requiring wrecker operators to make certain reports to the department of transportation. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer M Brown for Transportation: This bill would place an onerous responsibility on the wrecker operators whose job it is to remove vehicles after an accident. They are not properly trained to offer an opinion on fault. DOT wanted this bill solely so it can get the information on whom to bill for any damage done to state property faster than it can get it from the police. The committee felt that the 15 days. The police have to file their report should be soon enough for the department of transportation to get all of the information it needs. **Vote 11-3.**

HB 1345, establishing a commission to study vehicle dealer licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter F Bergin for Transportation: This bill was amended to establish a commission to study vehicle dealer licenses, dealer plates and temporary plates. The last time dealer licenses and other subjects were studied was ten years ago. As a result, the majority of the committee felt it was time to study this subject again. This will give the transportation committee an opportunity to study the issue and bring forward legislation for the next session. **Vote 8-6.**

HB 1404-FN, relative to liability insurance for passenger rail service. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation: This bill requires the NH Rail Transit Authority to secure and maintain a liability insurance policy for passenger rail service. This is a critical step in our continuing efforts to improve transportation and reach the policy goal of the restoration of commuter rail service. The liability thresholds match up with current insurance requirements imposed by the Commonwealth of Massachusetts and are commended to us by all the stakeholders in the rail expansion project including our newly established NH Rail Authority. Significant concern regarding the impact of the bill on causes of action was considered as was a request of numerous participants to seek an advisory opinion of the Justices of the Supreme Court. The committee considered all factors of the debate, but supported the legislation as consistent with our role as policy makers and fastened our concern on the need to keep moving forward towards alternative transportation methods. Finally, the invitation to seek an advisory opinion of the Supreme Court was not favored as ultimately any such requests of the Court should be employed sparingly and the committee strongly and unanimously believed action on the part of the House in support of changes to our transportation methods were necessary. **Vote 13-0.**

WAYS AND MEANS

HB 1360-FN-A, repealing the court civil filing fee surcharge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael G Marsh for the **Majority** of Ways and Means: This bill would repeal the surcharge on filing fees for civil courts that was passed in 2007. Although not specifically assigned by statute, these fees were assessed to pay the cost of expanded legal assistance offices in the state that serve low income individuals. The underlying purpose of HB 1360 is to reduce the cost of access to the courts for residents who cannot pay these surcharges, which are typically \$25. The committee sympathizes with the intent of the bill, but believes this intent is already met because the surcharges do not apply to many actions that involve low-income individuals including small claims actions, actions related to children or domestic violence, and landlord-tenant actions. It was also pointed out that the court already makes provisions to waive fees for petitioners who demonstrate that they are unable to pay court costs. This bill would set a bad precedent by reversing a law that was passed just last session, and it would reduce state revenues by approximately \$400,000 at a time of heightened budgetary concerns, without proposing an alternative source of funds. **Vote 10-6.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: Part 1, Article 14 of the New Hampshire Constitution states, "Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it ;completely, and without any denial; promptly, and without delay; conformably to the laws." With apologies from the founding fathers for use of the word "he," the minority is convinced that the intent of this article quite clearly was to make the courts open and accessible to all citizens, regardless of race, color, creed, or income level, so as all citizens could address their grievances against others in an appropriate manner. Last year, as part of House Bill 2, the so-called trailer bill to the budget, also known to some of us as the Christmas tree bill, the House added a \$25 surcharge for Superior Court filings. This brought the filing fee up to \$175, and quite clearly it was done not to speed up the judicial process or to make it any fairer or more efficient, but simply to create revenue for a bloated budget. When we increase court fees for reasons not related to justice, we are in fact in violation of Part 1, Article 14 of the Constitution. The increase discourages people from using "their" courts and sends us down a slippery slope to the time when justice will be bought and sold and only the wealthy need apply. The majority argues that we shouldn't tamper with this matter since it was only passed last year. That might be true if this were done with full and open hearings, but House Bill 2 is a different matter. When Democrats were in the minority, they complained (and rightly so) that many items were

slipped into House Bill 2 which could not otherwise stand public scrutiny. Now that Democrats are in control, the lights on the House Bill 2 Christmas tree glow even brighter. And that's just as wrong as it was when Republicans lit those lights. This bill represents a modest attempt to extinguish those lights, to send the signal that the House will no longer tolerate increasing fees under cover of darkness, and that justice cannot be bought. One member of the majority actually contended in executive session that this \$25 surcharge could be justified because the courts are doing pilot programs in Belknap and one other county. The minority strenuously counters that gets us precisely to why the fee should not have gone forward. People filing to redress their grievances as Constitutionally provided should not be paying for pilot program that have nothing to do with their specific cases. Any such pilots should be paid for, if at all, with general fund revenues. This surcharge was projected to generate \$788,375 in state monies. It is truly sad when we would sell our principles and balance the budget on the backs of poor people (and yes, some middle income and wealthier people as well) for an amount less than a million dollars.

HB 1369-FN-A-L, relative to the amount of meals and rooms taxes retained by operators collecting the tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank W Davis for the **Majority** of Ways and Means: This bill would have decreased the percentage amount which operators may retain as compensation under the meals and rooms tax from 3 per cent to 1 ½ per cent. It would also place a monthly cap of \$100 on the amount retained by the operators. This bill would increase state revenue by about \$4,600,000, but DRA estimated that it would have additional costs to administer this change. Currently an operator with a gross income of \$1,000,000 would collect \$80,000 for the state, and must file by the 15th day of the month after the revenue is raised. They now retain less than \$6.60 per day. This bill would reduce the retained income to less than \$3.30 per day. The committee recognizes the costs borne by the businesses in credit card charges, and in administering the meals and rooms tax. Appreciating the timely recording, reporting, and remitting of the tax revenue to DRA, the committee voted to ITL this bill and retain the practices now in statute. **Vote 12-3.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: For the past two sessions, this committee has been struggling with the issue of fair and reasonable reimbursement for businesses which collect our taxes. Refer to the blurb for House Bill 1241 and you will note that those businesses which provide the labor-intensive and costly service of adhering stamps to cigarette packages receive absolutely nothing in return. Until four years ago, when budget constraints moved center stage, these businesses received a modest one cent per pack, yet the committee, in arguing not to return that sum (which would amount to less than one percent of the tax) argued that we can't come up with the monies elsewhere. The minority contends that this is the ideal place to come up with the monies (approximately \$1.6 million) to accomplish that task and to have another \$1.6 million or so left over. Currently, the rooms and meals tax is the only one which comes with a commission for those businesses which collect it, not just one or two percent but a full three percent. This bill would not have removed that entire amount but was in fact a compromise to realign the commission with actual costs. It would have allowed those who collect the amount to keep the full three percent for up to \$100 a month and to keep one and a half percent beyond that. In other words, according to figures presented to the committee from two years ago, businesses generating sales of \$40,000 a month (nearly a half million a year if they're operating on a year-round basis) would not lose a single penny. 3226 of 4207 rooms and meals tax filers, more than three out of four, would keep the same amount. Thus, this bill would not harm Ma and Pa stores which serve hot meals or small restaurants and lodges. The compromise would allow big rooms and meals filers to keep one and a half percent beyond \$.5 million sales per year. These numbers may have changed slightly since they were generated, but the committee took absolutely no time looking into them. No subcommittee was formed such as was the case two years ago; there was not even a second of debate during executive session. Proponents of this three percent "commission" argue that it is necessary because credit card expenses run about three percent. However, our best guess is that only about one-third of rooms and meals charges are paid with credit cards (keep in mind that 80 percent of the tax comes from meals and the number of small fast food restaurant sales is far greater than sales at larger restaurants where credit cards are used more). Thus, this bill would allow all businesses to

keep more than they incur in collecting the tax. Think about how unfair the current situation is not only for the cigarette stampers but to other businesses who do not get a "commission" for collecting taxes. Who would argue that about 90 percent of us now pay for gasoline purchases with credit cards? Gas stations must incur the three percent credit card fee, but they are not given even a penny in return for collecting the tax. Nor are telephone companies for the work they do in adding an extra line to everyone's bill to collect the communications tax. On and on it goes with only one group singled out for special treatment. The unfairness of this "commission" is staggering and this compromise would address the problem in a manner fair to everyone.

HB 1510-FN-A, redefining tobacco products and increasing the tax on tobacco products other than cigarettes. **REFER FOR INTERIM STUDY.**

Rep. Steve Vaillancourt for Ways and Means: The bill arrived as a more than threefold increase in tobacco taxes for non-cigarettes, from 19 to 60%. It also included cigars at 60% and created a dedicated fund for tobacco abuse prevention. A subcommittee, in an attempt at compromise, kept the rate at 19% but agreed to include cigars in the tax in an attempt to treat all tobacco products fairly. (Loose tobacco and smokeless tobacco are currently taxed at 19% at the wholesale level.) The amendment also eliminated the dedicated fund. The amendment passed the committee by a 12-5 vote, but the bill as amended failed 9-8. Some were not sure if 19% is the right amount. Some feared the bill as amended would either fail in the Senate or be vetoed by the Governor. The interim study motion thus represents a compromise of a compromise. **Vote 12-5.**

HB 1547-FN-L, repealing a fee charged by the registry of deeds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William Butynski for the **Majority** of Ways and Means: This bill would repeal the fee charged by the registry of deeds for the land and community heritage investment program (LCHIP), without providing any alternative revenue source to support LCHIP. In 2007, the House, the Senate, and the Governor all acted to finally provide sustained and predictable funding for LCHIP. Let us keep our commitment to LCHIP. **Vote 11-6.**

Rep. Priscilla P Lockwood for the **Minority** of Ways and Means: The House voted against this method of supporting LCHIP last session. It was reinstated by a committee of conference. The Town Clerks' Association has major objections with processing and administering. They do not feel they can be ready for implementation in time. They would have no problem administering an increase in the real estate transfer tax, but a fee on all documents presents many confusing problems.

LAI D ON TA B L E

HB 76-FN, creating an environmental policy for New Hampshire. (Pending question is Ought to Pass.)

HB 174-FN, relative to regulating residential building and remodeling contractors. (Pending question is Ought to Pass.)

HB 585-FN, requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered. (Pending question is the committee report of Inexpedient to Legislate.)

HB 620-FN, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate. (Pending question is Recommit.)

HB 799-FN, establishing a criminal usury rate for interest rates. (Pending question is Ought to Pass.)

HB 1391-FN, prohibiting the investment of state funds in the energy sectors of countries that have been identified by the United States Department of State as state sponsors of terrorism.

HB 1483, requiring instruction in Internet safety. (Pending question is Ought to Pass with Amendment.)

HB 1593-FN-A-L, establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes. (Pending question is the majority committee report

of Inexpedient to Legislate.)

HOUSE BILLS AMENDED BY THE SENATE

HB 267, relative to certain small loans. (SJ 2/14/08)

HB 351, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax. (House Concurred 1/30/08)

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. (House Concurred 1/30/08)

COMMITTEE MEETINGS

MONDAY, MARCH 10

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2), Room 202, LOB

1:00 p.m. Regular meeting.

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P), Room 205, LOB

9:30 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 307, LOB (Please note room change.)

9:00 a.m. Rescheduled subcommittee work session on **HB 841**, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.

10:00 a.m. Rescheduled executive session on **HB 172-FN**, relative to state meat inspection, **HB 690**, establishing a pilot program for job skills training in volunteer work by unemployed individuals, **HB 877-FN**, relative to the state recycling program, **HB 1346**, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers, **HB 1478**, relative to the quorum for meetings of the equalization standards board, **HB 1459-FN-A**, relative to modular building standards and fees, **HB 1286-FN**, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators, **HB 841**, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Rescheduled public hearing on **HB 1652-FN-A**, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.

10:00 a.m. Executive session on **HB 65**, relative to the Pease development authority, **HB 577-FN**, establishing the number of associate justices of the superior court, **HB 924-FN**, relative to the deconstruction of buildings, **HB 1598-FN**, relative to the salary ranges for unclassified state officers, **HB 1601-FN-A**, relative to funding for certain capital projects of the Pease development authority, **SB 94**, relative to the office of information technology, **HB 1298-FN**, making changes to the veterinary/medical/optometric education program, **HB 1618-FN-A**, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund, **HB 1631-FN**, relative to the state purchase of biodiesel fuels, **HB**

1652-FN-A, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor, **HB 502-FN-A-L**, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school, **HB 584-FN**, including 17-year olds in the juvenile justice system, **HB 1338**, establishing an arboviral illness task force and relative to mosquito control and abatement, **HB 1395-FN**, establishing the AIDS drug assistance program fund, **HB 1549-FN**, relative to the duration of the disability requirement for aid to the permanently and totally disabled.

FINANCE – (DIVISION I), Room 212, LOB

9:15 a.m. Work session on **SB 94**, relative to the office of information technology.

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

9:15 a.m. Rescheduled work session on **HB 1652-FN-A**, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.
Work session on **HB 1642-FN**, providing additional funding for charter schools for the 2009 fiscal year.

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

9:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Rescheduled executive session on **HB 432-FN**, relative to certain on-premises beverage and liquor licenses, **HB 666-FN**, establishing a license fee for the sale of animal vaccines, **HB 1293**, relative to eligibility requirements for the state animal population control program, **HB 1509-FN-A**, establishing, **HB 1545-FN-A**, establishing a waiver option for live-racing tracks, **HB 1604-FN**, relative to the electronic toll collection system, **HB 1622-FN-A**, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor. Also, continued executive session on pending legislation, if needed.

THURSDAY, MARCH 13

COMMERCE, Room 302, LOB

10:00 a.m. Subcommittee work session on **HB 686-FN**, relative to the regulation of tracking devices.

11:00 a.m. Executive session on **HB 686-FN**, relative to the regulation of tracking devices.

ELECTION LAW, Room 308, LOB

10:00 a.m. **SB 437**, relative to access to voter database information.

ENVIRONMENT AND AGRICULTURE, Rooms 305-307, LOB

10:30 a.m. Informational meeting. Presentation – RGGL.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:30 a.m. Continued executive session on pending legislation, if needed.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system and **HB 1645-FN-LOCAL**, relative to administration of the New Hampshire retirement system and benefits for members.

FINANCE, Rooms 210-211, LOB

9:30 a.m. Executive session on **HB 1642-FN**, providing additional funding for charter schools for the 2009 fiscal year.

FINANCE JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system and **HB 1645-FN-LOCAL**, relative to administration of the New Hampshire retirement system and benefits for members.

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

9:15 a.m. Rescheduled executive session on **HB 1637**, relative to reports to the cancer registry and **HB 1649-FN-L**, relative to the Medicaid long-term care eligibility determination process.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on **HB 1532**, relative to snow and obstruction removal from parking spaces designated for disabled persons.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Rescheduled executive session on **HB 1651**, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

8:30 a.m. Rescheduled executive session on **HB 1563-FN**, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs, **HB 1636**, relative to automotive recycling, **HB 1641-FN**, relative to collections and refunds of road tolls, **HB 1646**, relative to the 10-year transportation improvement plan. Also, continued executive session on pending legislation, if needed.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Executive session on **HB 1594-FN**, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees and **HB 1644-FN-A**, establishing a Coos county job creation tax credit. Also, continued executive session on pending legislation, if needed.

FRIDAY, MARCH 14

COMMISSION TO STUDY CHILDHOOD LEAD POISONING PREVENTION LAWS, POLICIES AND STANDARDS IN NEW HAMPSHIRE (SB 176, Chapter 293:10, Laws of 2007), Room 100, State House

9:30 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB

1:30 p.m. Regular meeting.

MONDAY, MARCH 17

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

1:00 p.m. Complaint hearing.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

9:00 a.m. Regular meeting.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 205, LOB

1:00 p.m. Subcommittee meeting.

THURSDAY, MARCH 20

PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of 2007), Rooms 110-112, 29 Hazen Drive, Concord

2:00 p.m. Regular meeting.

FRIDAY, MARCH 21

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

10:00 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:4), Rooms 305-307, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 24

ELDERLY AFFAIRS (RSA 17-H:2), Rooms 205-207, LOB

10:00 a.m. Regular meeting. Ms. Renee Martin of First Call Mortgage Company Inc. will give a special presentation on reverse mortgages for seniors. Pricing, terms and types of products for seniors will be presented.

TUESDAY, MARCH 25

ELECTION LAW, Room 308, LOB

10:00 a.m. **SB 436**, enabling certain persons to vote in primaries prior to turning 18 years of age.

10:30 a.m. **SB 492**, relative to persons designated to fill vacancies on the ballot.

11:00 a.m. **SB 478**, relative to processing absentee ballots.

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

3:00 p.m. Regular meeting.

TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h), Rooms 302-304, LOB

10:00 a.m. Telecommunications Oversight Committee joint with DRED Broadband discussion.

WEDNESDAY, MARCH 26

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

9:00 a.m. Regular business.

FRIDAY, MARCH 28

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration Training Room, 57 Regional Drive, Concord

9:30 a.m. Regular meeting.

STATE PARK SYSTEM ADVISORY COUNCIL (RSA 216-A:3-k), Department of Resources and Economic Development, 172 Pembroke Road, Concord

9:00 a.m. Regular meeting.

MONDAY, MARCH 31

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **March 28** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown. If you cannot attend please call the office at 627-5631.

Rep. David Essex, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet in Monday, **March 10** at 9:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is to review and approve 2008 department budgets.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

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.

Rep. Peter R. Cote, 68 Bowers Street, Nashua, New Hampshire 03060-3927.

Rep. Robert W. Forsing, Epsom Healthcare Center, Room 201, 901 Suncook Valley Highway, Epsom, New Hampshire 03234.

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

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 10** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs. 91, 172, 173, 185, 211, 285, 315, 369, 399, 415, 432, 436, 502, 523, 563, 584, 594, 678, 690, 692, 754, 765, 794, 837, 877, 901, 1293, 1298, 1396, 1459, 1508, 1509, 1545, 1580, 1584, 1594, 1598, 1599, 1601, 1602, 1603, 1605, 1607, 1608, 1614, 1615, 1616, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1631, 1633, 1635, 1639, 1642, 1647, 1648, 1652. SBs 94, 146, 173, 212, 303, 317, 318, 437, 439, 490.

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.

All legislators and staff are invited to the 6th Annual New Hampshire Capital St. Patrick's Day Breakfast and Roast to benefit events at Children's Hospital at Dartmouth (CHAD) on Wednesday, **March 12th** at 7:00 a.m. at the Marriott Courtyard in Concord. Guest roasters include Governor John Lynch and the House and Senate leadership. Free tickets are limited; please RSVP by March 7 by emailing James.Demers@TheDemersGroup.com.

Reps. Mary Jane Wallner and David W. Hess

On Saturday, **March 15**, the "Five Years Too Many March and Demonstration" to mark the fifth anniversary of the US-led invasion of Iraq will take place in Concord. We will assemble in the parking lot at 6 Loudon Road at 1:00 p.m., march at 1:30 p.m. to a Peace Rally at the State House at 2:30 p.m. We are calling for the US to leave Iraq NOW; NO military strikes on Iran and Pakistan; and funding Human needs at home and abroad. Endorsed by American Friends Service Committee-NH, New Hampshire Peace Action, the NH UCC Peace with Justice Task Force, Seacoast Peace Response, Code Pink-NH, MothersUniting, Pace e Bene Nonviolence Service, the Plymouth's Common People's Peace Vigil, the Unitarian Universalist Action Network of New Hampshire, Concord High School Peace Club, At Om Yoga, Lakes Region Peace and Justice, Concord UU Social Justice Committee, and the Sisters of Mercy. Please contact Erin Placey at eplacey@afsc.org with questions.

Rep. Susi Nord

The Merrimack County Democrats will hold their annual St. Patrick's Day Dinner on Sunday, **March 16** at 6:00 p.m. at the NH Audubon Center located at 3 Silk Farm Road in Concord. For further information contact Rep. Eleanor Kjellman.

Rep. Eleanor G. Kjellman

All members are invited to the Sullivan County Conversation with UNH President Mark Huddleston on Monday, **March 17**, at Kimball Union Academy's Flickinger Arts Center, 57 Main Street, Meriden from 4:00 to 6:00 p.m. This year's topic, Sustaining Sullivan County's Natural Resources, will describe UNH research and Cooperative Extension efforts that help sustain Sullivan County's working forests, farmland, water resources and wildlife. As refreshments will be served, please RSVP to UNH Cooperative Extension Sullivan County Cooperative Extension at 863-9200 or email to pam.joslin@unh.edu by March 12. If you are interested in two special farm tours starting at 1:00 p.m., prior to the Sullivan County Conversation that day, ask for more details. Hope to see you there.

Rep. Carla Skinder

Bobby Stephen's 30th Annual St. Patrick's Day Celebration to benefit NH Jobs of America Graduates and funds for education will be held on Monday, **March 17** at 5:00 p.m. at the Executive Court Banquet Facility, Route 28, Manchester. Dinner and entertainment. Tickets \$35 can be purchased

at the door.

Rep. John H. Thomas

In celebration of the YMCA Youth in Government Program and Legislative Awareness Day, all legislators are cordially invited to a luncheon in the State House Cafeteria on Wednesday, **March 19** during the House Session lunch break, sponsored by the New Hampshire Alliance of YMCAs. Sandwiches, hot and cold drinks, and dessert will be provided.

Rep. Larry A. Emerton

The members of the NH Chapter of the National Association of Insurance and Financial Advisors (NAIFA-NH) cordially invite all House members and staff to a reception at the Barley House on Wednesday, **March 19** from 3:00 to 6:00 p.m. Look forward to seeing you there.

Reps. Mary Jane Wallner and David W. Hess

All legislators and staff are cordially invited to the New Hampshire Automobile Dealers Association's annual Crossover reception on Wednesday, **March 19** at the New Hampshire Historical Society, The Tuck Library, 30 Park Street, Concord, beginning at 3:00 pm or following the session. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Mary Jane Wallner and David W. Hess

House members are invited to a lecture on Avian Flu and Lyme Disease on **March 25** from 4:30-5:30 p.m. at the Little Theater at Portsmouth High School, Portsmouth, NH. The lecture, "Risk Assessments of Highly Pathogenic Avian Influenza and Lyme Disease," is provided through support of the UNH Masters of Public Health Program and the NH Public Health Association. To RSVP for this free lecture, call 862-1128.

Rep. Cindy Rosenwald

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court and Staff to the annual UNH Legislative Breakfast on Wednesday, **April 9** from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Learn how undergraduate student researchers at UNH are focused on the most compelling challenges in New Hampshire and the world. Meet students as they share their discoveries at this special event.

Rep. Marjorie K. Smith

The House Republican Alliance will meet every Tuesday at 8:30 a.m. in the Upham Walker House.

Rep. David J. Bettencourt

The Main Street Republicans will meet every Wednesday at 8:30 a.m. at the Upham Walker House.

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **March 2008**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the remainder of the school year and subject to changes. **Please note that if your school is closed or has a delay, that their tour will be rescheduled. Please contact the Visitors' Center concerning school tour booking information.** Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Caitlin A. Daniuk, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
Mar 10	10:00	South Merrimack Christian Academy	4/20
Mar 11	9:30/11:00	Henry Wilson School – Farmington	4/66
Mar 12	9:30/11:00	Henry Wilson School – Farmington	4/60
Mar 12	1:00	Leadership of Greater Concord	Adult/22
Mar 13	9:00	Kimball School – Concord	4/50
Mar 13	9:30	Bristol Elementary School	4/40
Mar 13	11:00	Wheelock Elementary School – Keene	4/16
Mar 13	1:00	Dover Red Hat Sassy Lassies	Adult/18
Mar 14	9:30/11:00	Symonds Elementary School – Keene	4/58
Mar 14	12:30	St. Joseph's Regional School – Keene	(3&4)/29
Mar 14	1:30	Fire Academy	Adult/26
Mar 17	9:00	Broken Ground Elementary School – Concord	4/24
Mar 17	10:30	Tuftonboro Central School	4/34
Mar 18	9:00	Broken Ground Elementary School – Concord	4/24
Mar 18	11:00/12:30	Appleton Elementary School – New Ipswich	4/63
Mar 19	9:00	Broken Ground Elementary School – Concord	4/24
Mar 19	10:30	Sant Bani School – Sanbornton	4/14
Mar 19	12:30	KA Brett School – Tamworth	4/30
Mar 20	9:30	Barnstead Elementary School	4/50
Mar 20	11:00	Sacred Heart School – Hampton	4/30
Mar 21	9:45/11:00	Lincoln Street School – Exeter	4/60
Mar 21	12:30	Maplewood Elementary School – Somersworth	(3&4)/45
Mar 24	10:30	Henniker Elementary School – 2 Separate Tours	4/52
Mar 24	9:30	Dover High School – Civics Class	HS/45
Mar 25	9:00	Bow Elementary School	4/45
Mar 25	11:00	Greenland Elementary School	4/45
Mar 26	9:00	Bow Elementary School	4/45
Mar 26	10:00	East Kingston Elementary School	4/26
Mar 26	10:15	Woodbury Middle School – Salem	(7&8)/25

Mar 26	11:30	Disnard School – Claremont	4/40
Mar 27	9:00	Bow Elementary School	4/24
Mar 27	10:00/11:30	Newmarket Elementary School	4/90
	SH/HM		
Mar 28	9:30/11:00	Epsom Elementary School	4/60
	SH/HM		
Mar 28	1:00	Merrimack Area Home School	(4 th -9 th)/15
Mar 31	9:45/10:30	Hooksett Memorial School	4/95
	SH/HM		
Mar 31	10:00	Winchester School	4/50

WEDNESDAY, MARCH 12

ADDITIONAL AMENDMENTS

2008-0257h

Corrected Amendment to HB 1154

Proposed by the Minority of the Committee on Resources, Recreation and Development - R

Amend the bill by replacing sections 2 and 3 with the following:

2 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The commissioner of the department of transportation, or designee.
- (e) The commissioner of the department of insurance, or designee.
- (f) The national flood insurance program coordinator of the office of energy and planning, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study:

- I. Factors that contribute to repeated flooding in the town of Bradford, specifically Lake Massasecum, Lake Todd, and the watershed.
- II. The best means of preventing flooding.
- III. Funding for preventive measures.

2008-0851h

Floor Amendment to HB 1333

Proposed by Reps. Dokmo and G. Richardson

Amend the bill by replacing section 2 with the following:

2 Termination of Tenancy; Notice to Quit by Purchaser at a Mortgage Foreclosure Sale. Amend RSA 540:2, I and the introductory paragraph of RSA 540:2, to read as follows:

I. The lessor ~~[or]~~, owner, ***or purchaser at a mortgage foreclosure sale with the written consent of the mortgagee***, of nonrestricted property may terminate any tenancy by giving to the tenant or occupant a notice in writing to quit the premises in accordance with RSA 540:3 and ~~[5]~~ ***540:5***.

II. The lessor ~~[or]~~, owner, **or purchaser at a mortgage foreclosure sale with the written consent of the mortgagee**, of restricted property may terminate any tenancy by giving to the tenant or occupant a notice in writing to quit the premises in accordance with RSA 540:3 and ~~[5]~~ **540:5**, but only for one of the following reasons:

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Definition; Other Good Cause. Amend RSA 540:2, V to read as follows:

V. "Other good cause" as set forth in ~~[paragraph]~~ **subparagraph** II(e) of this section includes, but is not limited to, any legitimate business or economic reason and need not be based on the action or inaction of the tenant, members of his **or her** family, or guests.

2008-0860h

Floor Amendment to HB 1348

Proposed by Rep. Snow

Amend the bill by deleting section 2 and renumbering the original sections 3-8 to read as 2-7, respectively.

Amend the bill by replacing section 2 with the following:

2 Milk Producers Emergency Relief Fund Established. Amend RSA 184:107 to read as follows:

184:107 Milk Producers Emergency Relief Fund Established.

I. There is established a milk producers emergency relief fund in the office of the state treasurer. This fund shall be administered by the commissioner who shall deposit into the fund any appropriations made to the department from the general fund to be used consistent with the definitions and provisions of this subdivision, to reimburse New Hampshire producers of raw milk when the base price of milk falls below the target price. The fund shall be nonlapsing and shall be continually appropriated to the department. The treasurer may invest the proceeds of the fund as provided by law and any income earned on such investment shall be credited to the fund. ***In addition, the commissioner is authorized to accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this subdivision. The commissioner may employ legal counsel as deemed necessary.***

II. Beginning with the month of July in 2008, for each month that the base price is below the target price, each **eligible** participating milk producer in the state shall **be eligible to** receive an amount of money equal to the month's production in hundredweight multiplied by the difference between the target price and the base price for the month. The commissioner shall make payment from the fund on a quarterly basis after all information necessary to compute payment amounts is available for the applicable prior 3-month period.

III. In the event there is an insufficient balance in the fund to make full payment to all producers, the commissioner shall prorate payments to each producer to the extent funds are available. Any amount not paid to a producer shall be carried forward and later paid should sufficient funds become available.

IV. The commissioner shall continue to ensure compliance with agreements previously signed by milk producers under the provisions of RSA 184-B:2, V until August 1, 2009 or such later date that he or she deems advisable. If a milk producer does not comply with an agreement signed under the provisions of RSA 184-B:2, V he or she shall reimburse moneys received under this chapter to the commissioner. Such moneys shall be deposited into the general fund.

AMENDED ANALYSIS

This bill:

- I. Repeals the emergency dairy assistance program.
- II. Allows the department of agriculture, markets and food to reclaim money from milk producers who go out of business before August 1, 2009.
- III. Allocates any money leftover from the emergency dairy assistance program to general fund.
- IV. Makes various changes to the milk producers emergency relief fund board.

2008-0845h

Floor Amendment to HB 1455
Proposed by Reps. Mickelonis, Brennan and Baldasaro

Amend the title of the bill by replacing it with the following:

AN ACT requiring municipalities to extend the veterans' property tax credit to include all eligible veterans.

Amend the bill by deleting section 1 and renumbering the original sections 2-12 to read as 1-11, respectively.

Amend the bill by replacing sections 1 and 2 with the following:

1 Veterans' Tax Credit; Service Eligibility. Amend RSA 72:28, IV(a) to read as follows:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States ~~[in any qualifying war or armed conflict listed in this section]~~ and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;

2 Application to Municipalities; Veterans' Property Tax Credit; Eligibility. The changes to qualifications for the veterans' property tax credit in section 1 of this act, and in the repeal of RSA 72:28, V by paragraph I of section 11 of this act, shall be applied to all standard and optional veterans' tax credits adopted by towns and cities.

AMENDED ANALYSIS

This bill requires that the standard veterans' property tax credit be extended to include all veterans who have been honorably discharged or are officers honorably separated from service.

2008-0846h

Floor Amendment to HB 1458
Proposed by Rep. O'Connell

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2010.

2008-0835h

Floor Amendment to HB 1464
Proposed by Rep. Winters

Amend RSA 20:4-a as inserted by section 1 of the bill by replacing it with the following:

20:4-a Amendments to Bills and Resolutions. Proposed amendments to bills or resolutions before a house, senate, or joint committee, or before the house of representatives or senate in session, which are drafted by and picked up from the office of legislative services, except those in preliminary form not drafted as official proposed amendments, shall be made available by the general court to the public by posting such amendments on the general court Internet site.

AMENDED ANALYSIS

This bill requires that proposed amendments to bills and resolutions before house, senate and joint committees, and before the house or senate in session shall be available to the public on the general court Internet site.

2008-0838h

Floor Amendment to HB 1585-FN
Proposed by Rep. Wendelboe

Amend the bill by replacing all after the enacting clause with the following:

1 Fuel Gas Fitters; Fees. Amend RSA 153:28, I(d) to read as follows:

(d) After the first year, fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees shall be deposited in the fire standards and training and emergency medical services fund, established by RSA 21-P:12-d, *and used for the purposes of operating expenses of the state fire marshal's administration of this subdivision. Fees collected in excess of actual operating expenses shall be deposited in the general fund as unrestricted revenue.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the distribution of fees received by the state fire marshal for licensing fuel gas fitters.

2008-0644h

Amendment to HB 1588-FN

Proposed by the Minority of the Committee on Judiciary

Amend RSA 132:29 as inserted by section 1 of the bill by replacing it with the following:

132:29 Verification of Residency Prior to Abortion.

I. In this subdivision “unemancipated minor” means any female under the age of 18 years of age who is not married or who has not been freed from the care, custody, and control of her parents by court order or otherwise.

II. Subject only to the competing harms provisions of RSA 627:3, a person who performs or assists in performing an abortion in this state on an unemancipated minor shall be guilty of a class B felony unless the minor has verified that she is a resident of New Hampshire. A current United States passport, New Hampshire driver’s license, or a piece of mail postmarked within 30 days addressed to the minor in New Hampshire, shall constitute sufficient verification for the purposes of this subdivision.

AMENDED ANALYSIS

This bill requires any person performing an abortion on an unemancipated minor to verify that the minor is a resident of New Hampshire.