

State of New Hampshire

HOUSE RECORD

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

Vol. 30

Concord, NH

Thursday, December 13, 2007

No. 2

Contains: Meetings, Notices and Reports on Retained Bills

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

Pursuant to Part 2, Article 3 of the New Hampshire Constitution the House “shall assemble annually on the first Wednesday following the first Tuesday in January.” Therefore, the House will convene on Wednesday, **January 2, 2008** at 11:00 a.m. and will continue to meet on Wednesdays throughout the 2008 session.

Please also note that there will be no legislative business conducted on the day of the New Hampshire Presidential Primary, Tuesday, January 8th, and no House session on Wednesday, January 9th. There will be a break in legislative activity the week of February 25th to coincide with the New Hampshire school vacation.

Enclosed within this Calendar you will find the committee reports on all bills retained from the 2007 session, along with the relevant amendments. We will take up the Consent Calendar and bills pulled from the Consent Calendar on January 2nd and the Regular Calendar on January 16th. There will be no Calendar the week of December 24th, so please keep the amendments for use on January 2nd.

I am pleased to announce that seven of our past House Speakers will be honored at a Breakfast Reception on the opening day of the 2008 session. The reception will be held from 9:30 a.m.-11:00 a.m. in the Executive Council Chambers. I look forward to hosting and honoring my predecessors as Speaker and offering all House members the opportunity to meet or renew acquaintances with these distinguished leaders. I look forward to seeing you there.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **January 2 at 8:45 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability and publication of meeting notices. Please note Calendar will close on Wednesdays.

CLOSES NOON WEDNESDAY:

December 19th

TO BE MAILED THURSDAY:

December 20th

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Wednesday, January 2, 2008	Last day to introduce House bills for	2008
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WEDNESDAY, JANUARY 2

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 502-FN-A-L, allowing foster families to receive subsidies for foster children attending postsecondary educational facilities and establishing a scholarship fund for foster children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beth R Arsenault for Children and Family Law: This bill extends medicaid coverage to students through age 20 who are attending post secondary schools and who were in foster care on their 18th birthday. The bill also establishes a study committee to examine other state programs that extend support services to former foster children such as extending health care benefits to age 21 for those who are attending college. **Vote 18-0.**

HB 537, establishing a task force on homeless teenagers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Hull Richardson for Children and Family Law: This bill enables legislators and representatives of various agencies involved with homeless teenagers to solicit information and testimony from youth and young adults who are or have been homeless. Task force members will study the educational, social and financial needs of teenagers leaving the foster care system and special education system and identify the type and adequacy of available transition services and make recommendations for proposed legislation. **Vote 17-0.**

HB 584-FN, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E Walz for Children and Family Law: Except for major crimes, this bill will allow 17 year old children charged with a crime to be treated as juveniles; they will be treated the same as children under the age of 17. They will have their cases heard in juvenile courts and be incarcerated at YDC. If they are charged with a major crime, they will, as all juveniles, continue to be eligible to be certified as an adult and have their cases heard in the adult court system. In anticipation of this law, the state built enough capacity into the new YDC facilities to accommodate 17 year olds. In passing this law, New Hampshire will join the majority of states in treating 17 year olds as juveniles. Under current law, 17 year old children find themselves in a legal limbo. They cannot drop out of school. They cannot enter into a contract and thus cannot rent an apartment. There are limitations on when and where they can work. The committee also heard extensive testimony about the immaturity of 17 year olds brains and how that impacts their ability to make judgments. The services these children need are available through the juvenile system. Furthermore, studies show

that incarcerating these children in the juvenile system lowers the recidivism rate. **Vote 18-0.**

HB 682, relative to the court's authority to award parental rights and responsibilities to a "psychological parent." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M Gargas for Children and Family Law: This bill establishes factors the court may consider in awarding supplemental or substitute guardianship of a minor to provide continuity to a minor's existing parental relationships. **Vote 15-0.**

HB 702, relative to the court's jurisdiction over persons between ages 18 and 21 in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deanna S Rollo for Children and Family Law: This bill establishes the procedure for the court to continue or close the case of a child over 18 years of age who had previously consented to continued jurisdiction of the court under RSA 169-C. The bill also permits the Department of Health and Human Services to provide a voluntary service plan to a person under 21 years of age who had been abused or neglected as a child. **Vote 15-0.**

HB 841, relative to the appointment of parenting coordinators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eileen C Flockhart for Children and Family Law: This bill establishes a procedure for the certification of parenting coordinators in divorce and parenting cases. It changes the name of marital mediators to family mediators. It also renames the board of marital mediators, as the Board of Family Mediator and Parenting Coordinator Certification, and establishes the board's authority and duties relative to parenting coordinators. **Vote 12-2.**

COMMERCE

HB 31-FN, requiring the licensure of property and casualty insurance appraisers. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert F Matheson for Commerce: The purpose of this bill was to make insurance appraisers more accountable for the determination of the damage to property. It was retained by the committee. A similar bill, HB 169, which subjected insurance appraiser to penalties if they knowingly underestimate a claim, was sent to the house floor and eventually was signed into law by the governor. This makes HB 31-FN unnecessary. **Vote 18-0.**

HB 116, limiting access to certain business records. **REFER FOR INTERIM STUDY.**

Rep. Joel F Winters for Commerce: A house tradition, this bill is introduced, retained, and referred to interim study each session. Some of our neighboring states have been over-zealous in attempting to collect taxes from New Hampshire businesses. For years, keeping this bill 'pending' has achieved the goal of putting them on notice that certain procedures must be followed. **Vote 17-1.**

HB 432-FN, relative to age requirements for cocktail lounges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce: As introduced, this bill would bar anyone under the age of 21 from entering the cocktail lounge area of a restaurant. Given that many restaurants use these areas for overflow of their restaurants, this legislation would cause many families to wait for a table. The amendment replaces the entire bill and will create a new type of liquor license for establishments that do not want to serve food. Under current laws, only private clubs are exempt from the current food requirement which is that a restaurant must sell at least \$75,000 worth of food a year or that their liquor sales are only 50% of their revenue. HB 432 would create a Tavern license that would be \$24,000 per year and would require the owner to have liability insurance. The owners must also be at least 25 years of age and no one under the age of 21 would be allowed to enter. The bill also allows for smaller taverns of fewer than 50 seats with a license fee of \$12,000. Under current law, restaurants with a cocktail license may stop serving food at 9:00 p.m. and it is difficult to restrict access to underage drinkers when they are already seated. The committee feels that now is the time to address the disparities in our law and will allow better enforcement of

underage drinking. Finally under current law any city or town may request to the liquor commission to not issue these new licenses in their community. **Vote 18-0.**

HB 442-FN, prohibiting unconscionable prices for essential commodities during a declared state of emergency. **REFER FOR INTERIM STUDY.**

Rep. Matthew S Houde for Commerce: After four work sessions, no consensus was reached on HB 442-FN. The subject matter, which would have made it an unfair trade practice to charge an unconscionable price for a commodity during a declared state of emergency, has been before the committee (and the General Court) before. This version, however, did not retain a central provision of a previous incarnation (HB 1621, 2006) (a provision for the Office of the Attorney General to initiate an investigation). It was not clear to the members this time around, however, exactly how this provision of HB 1621, upon which consensus within the committee had been reached in the past, would operate (i.e., exactly how the Attorney General would petition the court and whether any party would have an opportunity to refute the evidence presented), and the issue was not resolved before the vote on HB 442-FN. Thus, it is recommended that HB 442-FN be referred for interim study so that the best components of each can be incorporated into a new bill and clarification can be obtained from the Office of the Attorney General. **Vote 16-2.**

HB 492, relative to consumer protection in telecommunication contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. James R Martin for Commerce: This bill would regulate contracts for telecommunications service entered into between businesses and telecommunication service providers. It does not affect individual consumers who purchase off tariffs filed with the Public Utilities Commission. The bill requires telecommunication carriers to keep records in perpetuity and to refund any overcharges regardless of when the error occurred or when it was discovered and regardless of what the contract between the carrier and business provided in that regard. The bill would invalidate all contract provision requiring notice of errors in a reasonable period of time. The bill requires a minimum penalty of \$1,000.00 for each error. The bill would dramatically increase the costs of telecommunications services to businesses in New Hampshire. **Vote 17-1.**

HB 560-FN, relative to insurance coverage for prostate cancer testing. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P Spratt for Commerce: This bill, a bill mandating coverage for prostate testing, was introduced by the sponsors as a bill intended to raise awareness for prostate cancer. Testimony given during committee hearings established that coverage was already in place. The bill was retained to gather more information. In work sessions the committee heard testimony again from providers regarding coverage and no additional information from the bill's supporters. The committee was also aware of the governor's intent to proclaim September "Prostate Cancer Awareness" month. With no additional information available and both awareness and coverage addressed, the committee voted to find the bill inexpedient to legislate. **Vote 17-1.**

HB 858-FN, relative to a discount medical plan organization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce: This bill was entered at the request of the NH Insurance Department to address gaps in the consumer protection statutes regarding discount medical plans. These plans may be a component of a traditional insurance plan, but they are not considered insurance and may also be purchased independently. For example, a discount medical plan may offer discounts on eye glasses if purchased at a specific store. This benefit may be part of an insurance plan, but may also be totally separate from one's health insurance. Unfortunately some consumers were signing up for these plans thinking they were actually purchasing a regular insurance plan and only finding out what they had purchased after an injury or illness. The NHID also heard complaints that some plans were sold where the local vendors did not exist or did not otherwise honor the plan as expected. The conflict arose that since these plans are not actual insurance, they should fall under the

Attorney General's office under the Consumer Protection Act, but the substance was more in line with what the NH Insurance Department deals with on a daily basis. That confusion was compounded by the problem that some of these plans are sold by insurance companies who are regulated by NHID, not the Attorney General. HB 858 puts all discount medical plans under the jurisdiction of the Insurance Department and creates regulations regarding disclosure and notification so that consumers can make informed purchasing decisions and the confusion can be minimized. **Vote 17-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 35, establishing a commission to study human trafficking issues in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: SB 192 has already passed and a commission is already in place. Meetings are already being held. This bill is not needed. **Vote 15-0.**

HB 159, establishing a committee to study the need for a classification system for criminal offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill, as amended, creates an entity where members are drawn from various areas of the criminal and juvenile justice system including the defense bar, New Hampshire Civil Liberties Union, law enforcement and most important, the court system. This same group had been in existence several years ago and was very informative and beneficial to all members. Problem solving was a main benefit. The original bill would have created a committee to study the need for a classification for criminal offenders. We currently do recognize the need and such a system is in place. The original bill is not necessary but during the study it was mentioned that the original Interbranch Criminal and Juvenile Justice Council was a forum where similar discussions did take place. The amendment recreates the original council in statute so that it will become the forum for identifying and solving problems within the justice community. **Vote 15-0.**

HB 214, relative to discovery in criminal matters. **REFER FOR INTERIM STUDY.**

Rep. John E Tholl for Criminal Justice and Public Safety: The bill would have repealed RSA 604:1-a Relative to discovery in criminal matters. Testimony indicated that there were problems with current law that created problems for the prosecution having to provide multiple discoveries of the same materials on the same case. The defense properly pointed out that timely discovery is necessary to protect the accused's rights and to move the trial along in a timely manner. The solution chosen by the committee was to have the Supreme Court address this matter through Rules. This is currently in the works. The committee decided to refer this bill for interim study in order to ensure that this important issue is addressed in a timely manner. **Vote 15-0.**

HB 260-FN, relative to bail agents and recovery agents. **REFER FOR INTERIM STUDY.**

Rep. William V Knowles for Criminal Justice and Public Safety: This bill is being recommended for interim study. The committee retained the bill this summer because the contents are encompassed in HB 776. We do not at this time know the disposition of HB 776 which is in the Executive Departments and Administration Committee, therefore interim study is recommended. **Vote 15-0.**

HB 291, relative to licensure of fireworks sellers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill changes the licensing for sale of display and consumer fireworks and the sale of permissible fireworks to a renewable license to expire on May 1st of each year. Section 3 of the bill makes the first license a pro-rated license to equalize the fees for all applicants. There was no opposition from the Fire Marshall or those dealers who attended the subcommittee meetings. Some licenses expire in July which does not make sense for those engaged in retail sales of permissible fireworks. **Vote 15-0.**

HB 373, relative to unlawful possession of alcohol by a minor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill, as amended, provides that anyone under the age of 21 who has in his or her possession or has consumed an alcoholic beverage shall be guilty of a violation. It further allows the court to impose a fine, or in lieu of any portion or all of the fine, impose community service. It also permits the court to order treatment and services. The committee is well aware of the tragic consequences of underage consumption of alcoholic beverages on our youth and society in general. The committee was unanimous in approving this legislation with the amendment to prevent the tragedies that result from underage drinking, the loss of life, the injuries, and the criminal acts that but for the consumption of alcoholic beverages would not have occurred as well as the damage done to youthful maturing bodies and brains of our youth. **Vote 15-0.**

HB 535-FN, establishing a regional license suspension hearing pilot program.

INEXPEDIENT TO LEGISLATE.

Rep. David A Welch for Criminal Justice and Public Safety: This bill would establish a regional license suspension hearing pilot program in Cheshire County. It was pointed out that the leasing of a facility and personnel salary would amount to an estimated \$110,000 annually. The subcommittee never met and it was the recommendation of the whole committee that if such a need existed there would have been more attention paid to the subject matter. There are no funds for such a pilot program. **Vote 15-0.**

HB 581-FN, relative to the penalty for purposely mistreating service dogs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill was amended to change the title of the bill from service dogs to service animals to be all inclusive in recognition of the fact that other animals, such as monkeys, are being used as service providers to humans. It also provides a definition for "service animal." **Vote 15-0.**

HB 589-FN, relative to the calculation of concurrent and consecutive terms of imprisonment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lee M Hammond for Criminal Justice and Public Safety: Under present statutes, prisoners who are serving consecutive terms of less than four years each can never qualify for sentence review. This bill rectifies an unjust situation created by the wording of current law. **Vote 15-0.**

HB 595-FN, establishing a sentence reduction method for state prisoners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The committee feels there should be a clemency board in place. A prisoner who has a good record while in prison should have a place to go to ask for a reduction in sentence. The commissioner will adopt the rules and recommendation. **Vote 15-0.**

HB 632-FN, relative to the penalty for death resulting from the trafficking of controlled drugs. **OUGHT TO PASS.**

Rep. William V Knowles for Criminal Justice and Public Safety: This legislation clarifies when a person is responsible for the death of another when such person manufactures, sells or dispenses certain drugs and the injection, inhalation or ingestion of the substance is a substantial contributing factor in causing the death. In determining an appropriate sentence the factors are outlined for the court. **Vote 15-0.**

HB 730, increasing the maximum fine for speeding in a highway construction or maintenance zone. **OUGHT TO PASS.**

Rep. Everett A Weare for Criminal Justice and Public Safety: The present law provides a maximum penalty of \$500 dollars for speeding in a highway construction zone. This bill will increase the maximum penalty to \$1,000 in a highway construction or maintenance zone, which is presently the maximum penalty for speeding. **Vote 15-0.**

HB 773, excluding noise violations from the crime of disorderly conduct. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would repeal RSA 664:2, III which specifies that loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities, are a breach of the peace, or a public inconvenience, annoyance or alarm. The committee sees no reason to eliminate this section of the statute which has as its intention to protect the public peace. **Vote 14-0.**

HB 792-FN, prohibiting convicted felons from profiting from their crimes. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The committee feels this issue can be handled by a civil suit by the victim. We did not feel a new law was necessary when there is already a way the victim can get relief. **Vote 15-0.**

HB 842, establishing safety requirements and procedures for firefighters. **REFER FOR INTERIM STUDY.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: There are issues with this bill that need more time to resolve. Various involved parties agreed that this would provide an opportunity to attempt to find common ground. **Vote 15-0.**

SB 201, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: The bill had an admirable purpose, to allow Keene State security to apprehend and detain those persons who violate enumerated statutes and then turn them over to Keene police to answer for their offenses. However, the detaining of a person to answer for a crime/offense constitutes an arrest. One law enforcement officer may pass his/her probable cause to another law enforcement officer, but a non law enforcement security officer may not do so. This would then necessitate the Keene police officer getting an arrest warrant for the offender as the Keene officer did not have probable cause to make an arrest because he was not present when the offense/crime was committed. The suggestion was made to make them law enforcement officers rather than security officers but Keene State chose not to do so. Neither the sponsor nor the committee was able to craft a means of overcoming this obstacle that would be constitutional. **Vote 15-0.**

EDUCATION

HB 79, relative to the safety of school bus stops. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education: The committee is in agreement with the ITL recommendation of its subcommittee. School bus issues arise locally, and policies and procedures exist within the local districts to deal with safety issues as needed. An appeal process is already in place. State agency resources are available when needed. **Vote 12-0.**

HB 330, establishing a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott A Merrick for Education: The committee agrees that supplying laptop computers to certain school students warrants further study and recommends ought to pass with amendment. **Vote 14-1.**

HB 578-FN, providing a definition of an adequate education and establishing an adequacy board. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott A Merrick for Education: The committee voted to recommend inexpedient to legislate on all of the adequacy bills except HB 927, which will incorporate all adequacy concerns and issues. The committee did look at, and consider, all of the bills but felt it would be easier to operate under one bill, rather than seven. All of the adequacy bills, however, have been considered by the definition and costing committees and will continue to be discussed as the state legislature works toward defining and funding an adequate education. **Vote 13-0.**

HB 642-FN, relative to educational accountability programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M Carson for Education: This bill required the New Hampshire department of education to report annually on all monies received and expended in New Hampshire under NCLB. Additionally, it set up a committee to study New Hampshire's education accountability program. The committee and the New Hampshire department of education reached an agreement under which the New Hampshire department of education will report on NCLB in its annual report to the governor. Also, since education accountability program legislation has been filed for the upcoming session, the committee believes the concerns outlined in the bill will be addressed then. **Vote 12-0.**

HB 677-FN, relative to special education procedural safeguards and the dispute resolution process. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy F Stiles for Education: This bill was one of the Special Education bills retained last session. The proposed changes in that bill have been addressed in HB 766. **Vote 15-0.**

HB 765-FN, relative to procedures for determination of special education costs, payment liability, and rate setting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott A Merrick for Education: The issues of student residency and financial liability proved too complex to solve within the context of the special education bills, and the committee recommends a separate study committee to address this issue. **Vote 17-0.**

HB 865-FN, relative to an adequate education and state education grants. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott A Merrick for Education: The committee voted to recommend ITL on all of the adequacy bills except HB 927, which will incorporate all adequacy concerns and issues. The committee did look at, and consider, all of the bills but felt it would be easier to operate under one bill, rather than seven. All of the adequacy bills, however, have been considered by the definition and costing committees and will continue to be discussed as the state legislature works toward defining and funding an adequate education. **Vote 12-1.**

HB 916, relative to nonpublic or private schools receiving public funds. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Timothy Dunn for Education: This bill would require private schools receiving public funds to comply with all relevant education, labor and health and safety laws in place for public schools. Clearly the bill needed an amendment. No amendment was forthcoming; therefore the committee voted unanimously to recommend ITL. **Vote 14-0.**

HB 919, relative to the high school curriculum for New Hampshire history. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Timothy Dunn for Education: At first reading, this bill may seem quite sound in that it requires US history and NH history to get equal time in social studies curriculum. However, that presented problems for current curriculum structure. Further, it placed in statute museum visits, historic site renovation projects and the like to fulfill course requirements. Upon investigation it was discovered that education frameworks already encourage all of what this bill contains. **Vote 13-1.**

SB 173, relative to regulation of private postsecondary career schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K McRae for Education: The committee previously retained this bill in order to clarify the changes in the structure of the relevant postsecondary education statutes. These statutes deal with the licensing of career schools and certain exempted entities. The amendment reflects these clarifications. **Vote 15-0.**

SB 179-FN-A, establishing an automated external defibrillator advisory commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S Casey for Education: The language and intent of this bill to establish an automated external defibrillator advisory commission was covered by HB 911, Chapter 62, 2007 which passed the House and Senate with (mostly) identical language. Therefore, further retention or action on this bill was unnecessary. **Vote 13-0.**

ELECTION LAW

HB 156, relative to the membership of the ballot law commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee is developing a more comprehensive bill which will collect the diverse charges for and may recommend new tasks for the commission. It will also recommend restrictions on who might be appointed and will recommend increased membership. This bill was related specifically to membership on the Ballot Law Commission. **Vote 17-0.**

HB 241, relative to permissible campaign contributions by business organizations and labor unions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R Splaine for Election Law: The committee has spent much time during the past year discussing the way in which contributions and expenditures by corporations, businesses, partnerships, and unions are made to candidates or used to influence political decisions, as well as how those contributions and expenditures are reported. The committee recommends this bill because it preserves important core elements of current New Hampshire law. New Hampshire has had prohibitions of direct contributions from their treasuries by corporations since 1911, and in 1955 added the prohibition by unions. This has helped prevent political corruption and excessive influence-peddling in the political process of our state. A court decision in 1999 declared outright prohibition of corporate donations to be unconstitutional, thus creating an imbalance since now corporations can contribute directly from their treasury, but unions cannot. In an effort to truly level the field, this bill continues our traditional prohibition of such direct donations by corporations, businesses, partnerships and unions but allows those organizations to create a political action committee. This guarantees their right to participate in the democratic process while also ensuring full disclosure to the Office of Secretary of State, and thus the public, of their expenditures and contributions. Therefore, passage of HB 241 will accomplish important two goals: 1 - level the field for the constitutional right of business organizations and unions to participate in the political process; and, 2 - provide full disclosure reporting for transparency of their expenditures and donations, so the voters will know to whom they are giving funding, and other ways that they are attempting to influence political decision-making. **Vote 14-0.**

HB 285, prohibiting municipalities and state and local officials from entering into nondisclosure agreements with vendors of voting machines with respect to the purchase or lease of voting machines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B Drisko for Election Law: The intent of this bill is to initiate a process to develop a system requirement specification for a voting machine. This system will provide: (a) verifiably valid and accurate vote counting and reporting of election results, (b) preservation of paper ballots and voting machine data, and (c) public confidence in the integrity and transparency of the system and the voting process. The bill also provides for an evaluation and procurement process under the Secretary of State's Office. **Vote 14-3.**

HB 358, relative to the procedure for listing candidates on state election ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Election Law: The New Hampshire Supreme Court ruled in 2006 that all candidates have an equal chance to get the best spot on ballots. In response to that ruling, the state instituted a procedure by which a single letter from the alphabet is picked at random to serve as the starting point for listing candidates' names on state ballots. HB358 would merely codify that procedure into statute. **Vote 16-0.**

HB 555, relative to certain disclosures by campaign workers. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law: While many members of the committee were sympathetic to the goal of the bill, the reality is that, even though work sessions were held on the bill, there is no reasonable way to accomplish the goal of this legislation. The bill would have required that anyone who was employed by a candidate or political organization disclose the terms of their employment and remuneration package every time they mentioned their employer on the air, on television or in print. As we saw in the last election,

doing so without making some disclosure, brings much unwanted publicity to a campaign and is most likely more effective than any law could be. **Vote 16-0.**

HB 574-FN-L, relative to preservation of electronic voting machine data. **INEXPEDIENT TO LEGISLATE.**

Rep. Claudia A Chase for Election Law: Several bills were retained in order to deal with the issue of electronic voting equipment. We amended two of the bills and declared this one inexpedient to legislate. **Vote 16-0.**

ENVIRONMENT AND AGRICULTURE

HB 201-FN-A, relative to recycling and reconstituting the recycling market development steering committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Burton W Williams for Environment and Agriculture: The content of this bill was addressed in two other bills. **Vote 16-0.**

HB 540-FN-A, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Burton W Williams for Environment and Agriculture: The content of this bill, identifying a source of revenue to fund solid waste management programs, was addressed to the committee's satisfaction in HB 503. **Vote 17-0.**

HB 830-FN-A, relative to milk support prices in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. James G Phinizy for Environment and Agriculture: This bill, similar in nature and concept to House Bill 407 and Senate Bill 235, was held over in order to effect any technical changes to the two programs established in HB 407 and SB 235. As there were no immediate changes to the legislation passed which provided direct emergency relief and a long term support program, the committee no longer required this title. At present, the Department of Agriculture has dispersed the funds allocated through HB 407. It did so very efficiently within about one month of the application deadline date. There are currently only about eleven appeals before the emergency relief appeals board regarding minor, perfunctory technicalities. The board granted the majority of the appeals and is awaiting clarification of such criteria as herd status or production figures before settling the last several appeals. **Vote 16-0.**

HB 837, relative to easements and the land and community heritage investment program and creating a farm viability program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David E Essex for Environment and Agriculture: This bill originally sought to amend the LCHIP statute to clarify the intent of allowing "term," or temporary, easements on conserved land only if they are granted in connection with a farm viability program. Since the establishment of such a program depends on the ongoing work of a study commission that has not issued its report, the committee majority recommends an amendment that makes the original technical corrections and leaves the establishment of a farm viability program as a possibility for future legislation. **Vote 17-0.**

HB 839, establishment of maximum retail fluid milk prices. **INEXPEDIENT TO LEGISLATE.**

Rep. James G Phinizy for Environment and Agriculture: As in the case of HB 830, this bill was retained in order to address possible ancillary issues surrounding dairy producers, sharply lower "farmgate" milk prices and production costs. There are several areas regarding milk quality and pricing to be considered; however, these areas of concern due to their complexity deserve full public hearings before the committee and are filed under separate titles for the next session. It is interesting to note that even-though prices to the farmer are "up" to near-term highs, production costs are managing to keep pace. For example, grain prices are continuing to accelerate at about a 33% increase from a high of last year. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 329, relative to fire equipment servicing certification program. **INEXPEDIENT TO LEGISLATE.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill originally proposed creating an exemption for electricians licensed by the electrician's board from voluntary certification of persons engaged in the inspection, installation, and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems. The Advisory Committee on Portable Fire Extinguisher and Fixed Fire Extinguishing Systems, Fire Sprinkler Systems, and Fire Alarm and Detection Systems (established in RSA 153:5-b), the Bureau of Electrical Safety and Licensing and the Electrical Contractors Business Association have come to an agreement on administrative rules in re training required for electricians who wish to qualify for this voluntary certification. **Vote 14-0.**

HB 561-FN, relative to pharmacy benefit managers. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I Millham for Executive Departments and Administration: This is the second time around for this bill. The committee still has concerns about transparency and openness to consumers about pharmacy benefit contracts, but has determined that we have not yet found an approach without unintended consequences, which seems to sometimes be the way with commercial contract issues. **Vote 13-2.**

HB 594-FN, granting group II retirement system status to certain positions in the department of corrections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill, as introduced, would give Group II benefits to 59 employees at the Concord State Prison who are presently Group I. After reviewing each job classification and job description, the committee voted to include eleven of these positions in Group II. The supplemental job descriptions explicitly identify security responsibilities for these positions making them eligible for Group II. **Vote 14-0.**

HB 596-FN, relative to a retirement system calculation exemption for certain retired teachers of the Concord school district. **INEXPEDIENT TO LEGISLATE.**

Rep. John Reagan for Executive Departments and Administration: This issue regarding past benefits for some Concord teachers is still under consideration by the New Hampshire Retirement System. It is not necessary for the legislature to address this request at this time. **Vote 14-0.**

HB 696, reclassifying certain positions in the insurance department. **INEXPEDIENT TO LEGISLATE.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The committee opposed this bill because it involves an inappropriate approach to job re-classification for unclassified employees. Prior to the 2000 session of the general court, requests to change classification were regularly referred to the Executive Departments and Administration Committee. It was decided that it would be advisable to remove such requests from the political arena and refer them to an outside consultant who would make recommendations to a joint committee on employee classification. The joint committee can concur and assign a temporary classification and subsequently file legislation to make necessary changes in statute. As a result of the discussion about the request to classify these positions in the insurance department, the joint committee on employee classification has adopted specific protocols and time-frames for processing such requests. **Vote 14-0.**

HB 763-FN, establishing the licensure and regulation of residential and building inspectors. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I Millham for Executive Departments and Administration: How to regulate home inspectors is an issue this committee has been struggling with for several legislative terms. The proposals are either too skimpy or too detailed and the people involved cannot agree on what is good policy. An ITL of this bill means the parties go back to the drawing board and come back with a proposal that protects the people of New Hampshire and promotes good public policy for Home Inspectors. **Vote 13-2.**

HB 771-FN, extending medical and surgical benefits to domestic partners. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have given medical benefits to domestic partners of state employees, but it is not needed as that has been negotiated in the latest union contract. **Vote 13-0.**

HB 776-FN, establishing the licensure and regulation of private investigators. **REFER FOR INTERIM STUDY.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would establish the licensure and regulation of private investigators. The consensus of the committee, after much discussion, was that more study was needed to address concerns brought forward by the Police Chiefs Association, the Public Defenders Office, New Hampshire Judicial Council, and the New Hampshire Association of Criminal Defense Lawyers. **Vote 15-0.**

HB 779-FN, relative to funding of retirement system benefits and supplemental allowances. **INEXPEDIENT TO LEGISLATE.**

Rep. John Reagan for Executive Departments and Administration: The governor's commission continues to deliberate on the issues surrounding the future of public employees' retirement benefits including COLA's and medical allowances. The commission will not conclude its findings until December. It would be premature to act on this bill until that research can be fully considered by the legislature. **Vote 13-0.**

HB 908-FN, relative to the licensure and regulation of massage therapists and registration of somatic and bodywork practitioners. **REFER FOR INTERIM STUDY.**

Rep. Alida I Millham for Executive Departments and Administration: There was no agreement on parts of this proposed legislation. Good public policy regarding massage therapy and other body work modalities is important. Rather than find this bill inexpedient to legislate, it was deemed that putting the bill into interim study would give the committee some influence in encouraging all the parties to work on a workable piece of law-making.

Vote 15-0.

SB 146-FN, relative to allowing service credit for certain court system employment. **OUGHT TO PASS.**

Rep. Daniel J Sullivan for Executive Departments and Administration: This bill allows a group of county and municipal court employees, whose employment predates the January 1, 1984 conversion of their retirement system to the New Hampshire Retirement System, to carry over their service time. The committee recommends this bill as a clarification of the benefit status of this small group of workers. **Vote 13-0.**

SB 166-FN, relative to port moorings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill as amended has two components related to the use of moorings (scarce and valuable coastal commodities) that are managed by the Pease Development Authority Division of Ports and Harbors. The first provision gives the division the ability to establish a program for temporary seasonal moorings. The second provision creates a reconsideration process for mooring permits that have lapsed. While reconsideration of an appeal decision made by the division director is rarely necessary, SB 166 does give mooring holders one more option to explain their situations to the Pease Development Authority Board of Directors. **Vote 15-1.**

SB 251, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice. **REFER FOR INTERIM STUDY.**

Rep. Maurice L Pilotte for Executive Departments and Administration: We acknowledge that there is a serious staffing problem for doctors, especially doctors of psychiatry, in the correctional environment. There is no disagreement that this problem has been exacerbated by the passage of the sexual predator law. The medical society has agreed to create a correctional care ad hoc committee which will include input from the board of medicine. This ad hoc committee will attempt to find a solution to the problem and make recommendations for future legislation to the ED & A committee. **Vote 14-0.**

FINANCE

HB 173-FN-A, relative to the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L Smith for Finance: The bill addresses a critical issue for owners of large animals, especially in the more rural counties. The bill puts forth the basis for establishing a fund to attract and retain large animal veterinarians in New Hampshire by offering tuition reimbursement to veterinarians who practice in underserved areas. Only \$1.00 is to be appropriated now, but the fund is eligible to receive funds from any source. No funds will be used in the program until sufficient funds (\$100,000) are in hand to fund each veterinarian who applies and is accepted. The fund will be a budget item, and subsequent legislatures will have the decision of funding this line item as it will best suit the state's need at that time. **Vote 23-0.**

HB 181-FN-A, establishing a tuition voucher program for New Hampshire national guard members and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A Foose for Finance: The committee received a recommendation from the Deputy Adjutant General that consideration of this bill be deferred until the next biennium because of a delay in developing an appropriate support structure. The delay was caused in part because of the General's staff's service in Afghanistan. **Vote 15-1.**

HB 374-FN-A, increasing the appropriation to the firemen's relief fund. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Smith for Finance: Although the state has had a very long history of supporting this organization, due to other financial commitments we are not in a position to increase that current support of \$6,000 per year to \$40,000 per year. Representatives of the firemen's fund understand our position, and they have the cash reserves to meet immediate needs. This organization does much to encourage volunteer firemen in our communities, which is in the best interest of the state. The return of this request will be expected in the next budgeting year, and hopefully it will be favorably received. However this bill is recommended ITL due to lack of our funds, and adequacy of theirs. **Vote 20-3.**

HB 415-FN, establishing a geothermal assessment project. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L Benn for Finance: The use of geothermal technology provides a renewable and clean source of energy. This technology has been a proven renewable technology that is extremely viable in New Hampshire. However, the state does not have adequate geological data to prepare maps and/or provide information on the geology that would support the use of geothermal applications. Despite this lack there has been a growing and successful use of geothermal technologies in our state. This bill provides methodology for collecting needed data from existing construction projects that drill exploratory hydrothermal wells or from projects that drill at least 3 boreholes 1,000 or more feet deep on one site. Many other states already have such a program as this. The data provided from these drillings will be provided to the New Hampshire Department of Environmental Services, which will, in turn, compile the data into a usable format available to the public. This legislation will ensure that New Hampshire has needed information to support further use of this renewable energy and there will be no cost to the state for this program. **Vote 23-0.**

HB 628-FN-A, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry A Emerton for Finance: This bill would establish a state-sponsored discount pharmacy program run by the Department of Health and Human Services to provide reduced priced prescription drugs to qualified New Hampshire residents. The policy of this bill was passed during the 2007 session. Due to the numerous questions about the fiscal note as prepared by the department and the complexity of the bill, the committee did not have enough information and time to bring the bill forward. It is hoped that when further cost estimates are available, appropriate action could be taken. **Vote 22-0.**

HB 643-FN, relative to the distribution of tobacco settlement funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon L Nordgren for Finance: This bill was voted ITL by the Finance Committee. The proposal in the bill is laudable, but the budget we passed last year contained over \$6M for the NH Cancer Plan and it is the assumption of the Finance Committee that many of the goals of this bill will be met with this significant financial support. The Finance Committee would recommend that any further consideration of the proposals brought forth in HB 643 be considered at the start of the budget process as the Health and Human Services Department generates its budget recommendations to the Governor. **Vote 22-0.**

HB 861-FN, allowing certain active duty members of the United States armed forces and their dependents to attend public postsecondary institutions at the in-state resident tuition rate. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A Foose for Finance: The committee received assurances from both the university system and the community college system that the two institutions would take prompt action to handle this request administratively. Prior to the final vote of the full committee, both systems completed the necessary policy changes to accomplish the intent of the bill. **Vote 19-0.**

HB 887-FN, allowing certain members of the United States armed forces, including the reserve component, and veterans who qualify for the Montgomery GI Bill, to take courses tuition free at public postsecondary institutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H Gould for Finance: The committee heard several bills dealing with tuition assistance for military and their dependents. There is a need to do more research on people helped and people who fall through the cracks. The problem has been partially solved by the University of New Hampshire through its own change in policy. Other remedies will be forthcoming in the next session if necessary. **Vote 20-0.**

HB 893-FN, relative to long-term care. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry A Emerton for Finance: Long term care is of great importance to the citizens of New Hampshire, not only to give our older citizens efficient and proper care, but to allow them to remain in their own homes at much less cost to all involved. This bill's purpose was to strengthen New Hampshire's Long Term Care program. It would have established a presumptive eligibility process; provide for an annual report on the availability and need for quality long term care services; and require that the department estimate the full cost of adequately funding long term care services to assist in the budgetary process. However the committee determined that some of the bill's requirements have been incorporated into other bills. Also questions concerning the presumptive eligibility rules have to be resolved; and definitive costs relative to the bill's implementation have not been determined. For these reasons, while supporting the bill's intent, at this time the committee concluded that the bill was inexpedient to legislate. **Vote 22-0.**

HB 910-FN, relative to state reimbursement to sheriffs' departments for the costs associated with court bailiffs. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Smith for Finance: This bill addresses moving bailiffs' compensation from \$65 per day to \$20.00 per hour. A pay adjustment is now long overdue. However, although the committee recognizes the need to positively deal with this pay issue, there are two other bills (SB 79 AND HB 369) which are better bills which address other sheriff department issues more comprehensively. Due to this other legislation, the sponsor of HB 910 and the Hillsborough County Sheriff requested that we recommend ITL on this bill. **Vote 22-0.**

FISH AND GAME

HB 640-FN, relative to requiring reimbursement of search and rescue costs of the fish and game department. **INEXPEDIENT TO LEGISLATE.**

Rep. Vincent E Greco for Fish and Game: The committee did not feel that passage was justified since the law would require reimbursement by the beneficiaries of search and rescue

efforts, regardless of circumstances, such as lost children or adults with disabilities. **Vote 11-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 563, relative to obtaining birth certificates for stillborn children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: This bill allows individuals to request a certificate of stillbirth under the fetal death statute. The sponsors were responding to the requests of constituents who wanted a tangible recognition of a stillbirth. The amendment places the actual certificate in statute. This amendment provides clarification of an issue that caused the bill to be retained. **Vote 20-0.**

HB 603-FN, establishing a task force on mental health costs and requiring the commissioner of the department of corrections to enroll any person being released from a correctional facility in any available free or reduced cost drug program. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: The Commission to Develop a Comprehensive State Mental Health Plan, the Governor's Commission on Alcohol and Other Drugs, the Correctional Health Care study group, and other groups are addressing the issues raised in this bill. The departments of corrections and of health and human services recently signed a memorandum of understanding to improve planning for release, including enrollment of those eligible in medicaid. The committee believes that an additional task force is not necessary. **Vote 19-0.**

HB 740-FN, relative to mental health services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill as amended makes small modifications in the statutes governing the mental health services system. It updates the titles of key administrators in the system and modifies the description of the process and terms of their appointment to be consistent with practice. It permits the sharing of clinical information between a community health program and a mental health in-patient program when essential to the care and treatment of a patient. It allows the individual providing continuing treatment in a community mental health program, whether a psychiatrist or an ARNP, to revoke the conditional discharge of a patient, under defined conditions. An earlier version of the bill contained modifications in the definition of "mental illness" and the process of extending involuntary admissions; these were eliminated at the request of DHHS. **Vote 20-0.**

JUDICIARY

HB 235, relative to the recognition of out-of-state marriages. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for Judiciary: This subject matter is dealt with in the civil union statute, RSA 457-A. **Vote 18-1.**

HB 269, prohibiting "pretexting" as a means of obtaining personally identifiable information. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Judiciary: This bill deals with "pretexting" which is defined as obtaining personal information about an individual, without the individual's consent, or by using a ruse. This bill has some merit, but is so broadly written that it could have unintended consequences. As was pointed out by the attorney general's office, this bill would have a chilling effect on law enforcement. Police officers often use "pretexting" in order to affect an arrest. Under this bill a police officer could be charged with a criminal offense.

Vote 20-0.

HB 359-FN, relative to recovery of medical assistance from an estate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anthony R DiFruscia for Judiciary: The bill as amended clarifies present practice by the department of health and human services with additions. First, upon the death of a spouse who has received medical assistance, the surviving spouse shall not be liable for

recovery. Second, the bill makes it clear that if the recipient of joint property or a remainder interest paid fair market value for the property at interest during the lifetime of the deceased, the property recipient will not be subject to recovery. Third, the bill exempts joint interests and remainder interests created prior to July 1, 2005, the effective date of the legislation allowing recovery, as these property interests vested before the enactment of the law. Finally, the bill requires that written notice shall be given in all cases stating what categories of recipients are exempt by reason of familial status, and how others may obtain a waiver in case of hardship. **Vote 19-0.**

HB 369-FN, relative to state reimbursement for costs of bailiffs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Shurtleff for Judiciary: This bill will raise the current per diem rate for court security officers from \$65 a day to \$100 a day. Our court security officers provide an outstanding service to our state in maintaining the security and integrity of our state's court facilities. This bill will help to maintain the level of expertise and professionalism needed in our changing society. **Vote 20-0.**

HB 522, requiring the supreme court to notify the legislature of any pending cases or matters before the court which involve constitutional issues regarding current law or pending legislation. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Judiciary: The committee believes that this bill would cause unnecessary work and additional expense to the N.H. Supreme Court. Furthermore the bill may cross the boundary of separation of powers, between the legislative and judicial branches of government. For the legislature to demand that the judiciary review every bill that is filed goes far beyond the role of the court. Every criminal case has the potential of raising a constitutional issue. Asking the court to notify the legislature of pending criminal cases which may involve constitutional issues could raise constitutional questions before cases are adjudicated. **Vote 19-1.**

HB 786-FN, relative to compensation for retired full-time justices for service after retirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for Judiciary: This bill addresses compensation for retired full-time justices for service after retirement. The committee, having heard from the chief administrative judge from each court and from the judicial council, agreed that this is an important issue. There is no need for this bill, however, because it was incorporated nearly verbatim into HB 2, Chapter 263, 2007, together with an annual appropriation of \$200,000 for 2008 and 2009. **Vote 20-0.**

HB 814-FN, relative to the judicial retirement plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for Judiciary: The substance of this bill was incorporated into SB 178, Chapter 313, 2007 which has already been signed into law. The new law now allows for a retired member to be appointed to the judicial retirement system board of trustees; changes the method for determining and funding supplemental allowances (COLAs); permits a quorum of 4 trustees at a board meeting if 4 out of 7 members attend; and requires reports to be made to the fiscal committee of the general court and to the executive departments and administration committees of both the House and the Senate. **Vote 20-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 671, relative to certain data used for workers' compensation rates. **INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The committee felt that the procedures that are in place for workers compensation classification code disputes are sufficient and that no further legislation is needed. **Vote 10-1.**

LEGISLATIVE ADMINISTRATION

HB 91-FN, relative to registration fees for lobbyists and requiring registration of employers of lobbyists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael S Rollo for Legislative Administration: This bill, as amended, clarifies what activities constitute lobbying, who is a lobbyist and a lobbyist's duty to register and report their activities with the secretary of state. Under this amendment, registered lobbyists will continue to report fees, expenditures, political contributions, honorariums and expense reimbursements. The amendment permits individuals with pertinent expertise, who do not make their living as lobbyists, and who are generally not considered lobbyists to participate in executive and legislative task forces without having to register as a lobbyist, as long as the convening authority files a statement with the secretary of state's office listing the subject matter and participants involved, and the anticipated duration of the group or meeting. Under the existing law, a lobbyist only has to report political contributions they make to candidates. By eliminating the language that limits what information regarding political contributions must be reported, the committee intends to require lobbyists to report all political contributions made by the lobbyist pursuant to RSA 664 in his or her professional or personal capacity, including to political committees or political action committees, not only those contributions made to a specific candidate. The amendment also changes, at the urging of the secretary of state, the reporting dates for financial disclosures by lobbyists to coincide with other filing dates received by that office. Lastly, the amendment exempts volunteers who assist the state with non-policy setting or decision making functions, such as individuals who stock ponds for the fish and game department and maintain trails at state parks from having to file financial disclosure forms. Executive branch department heads will have to submit to the secretary of state the names of the exempt volunteers who perform this type of work. The current requirement that these volunteers file financial disclosure forms is a barrier to obtaining volunteers. Without volunteers, these activities would require additional state expenditures, so the committee recommends eliminating the reporting requirements in these circumstances. **Vote 9-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 255, establishing a committee to study the implementation and use of growth management ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary R Cooney for Municipal and County Government: The committee decided that the issue had been studied before in previous sessions and the consensus was that a new bill should be filed addressing the proper use of growth management ordinances and giving municipalities guidance in crafting such ordinances. A new bill has been filed for the 2008 Session. **Vote 12-0.**

HB 270, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L Osborne for Municipal and County Government: This legislation would cause increased cost shifting for the local residential and business property tax payers by an indeterminate amount. The number of residents eligible for this homestead exemption could be substantial and huge problems exist with determining the assets that could be counted as income. The Department of Revenue Administration indicated that it will increase the costs of administration for setting the local property tax rates. There are in existence numerous ways for the elderly, blind, disabled, veterans and low and moderate income residents to obtain credits or exemptions. This subject is also in HB 617 which the committee has recommended be put in interim study. **Vote 12-0.**

HB 294-FN, relative to current use taxation of certain farm buildings. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: The bill fixed the assessing practice of placing the highest and best use valuation on farm buildings other than residences by adding the land under those buildings into the current use assessment. However, there was no support to change the current use statute. Another bill will be introduced in 2008 that will address this issue in a new section of current use statutes. **Vote 13-0.**

HB 315, relative to criminal background checks of municipal employees through the New Hampshire state police. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Laliberte for Municipal and County Government: The bill allows municipalities to obtain criminal background checks through the state police. It is necessary to pass the bill to allow background checks through the FBI data base. Municipalities can obtain the background investigations on candidates for town employment who work with children or elderly, who can enter homes and/or who handle money. **Vote 14-0.**

HB 331, relative to the withholding of building permits in certain cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The amendment revises the time frame for design review process before the local planning board by giving that board the discretion to announce the end of the design review. The planning board also will have the opportunity to establish specific rules of procedure relating to the design review process that will be part of its regulations. **Vote 12-0.**

HB 335, defining "unnecessary hardship" for purposes of zoning variances. **REFER FOR INTERIM STUDY.**

Rep. Jessie L Osborne for Municipal and County Government: The committee had several questions about what the term "economically viable" meant and felt that it needed more information regarding use variance and area variance as it relates to economically viable. The committee members recommended that the bill be sent for Interim Study to decide on the definition of "economically viable" and how this would affect hardship ordinances. **Vote 11-2.**

HB 474, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The Department of Environmental Services (DES) has the authority to grant a local tax exemption on the value, in whole or in part, of any facility, device, application or installation that would reduce, control or eliminate any source of air or water pollution. The amendment removes any private septic and sewer treatment systems that have as their primary purpose treatment or disposal of human waste from the allowable exemption. The committee agrees that the amendment closes a loophole that erodes the local property tax base. **Vote 12-0.**

HB 617-FN-L, establishing a property tax relief program and fund and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Jessie L Osborne for Municipal and County Government: This bill would repeal the current law dealing with low and moderate income property tax exemptions and establish a relief fund. The Department of Revenue Administration testified that this would be very costly to the state. Upon examination, the committee found that this bill was so complicated and that the funding mechanism was probably not doable and therefore, recommended that the bill be sent for Interim Study to preserve the subject matter. The prime sponsor introduced an amendment which looked promising, but was so different in scope that it warranted a full hearing. The full committee suggested that the prime sponsor submit a new bill based on the amendment in order to have a full hearing on the subject matter. **Vote 12-0.**

HB 734, establishing a committee to study requiring certain nonresidential property owners to submit income and expense information for determining property value for tax purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: The assessors in the state of New Hampshire would like to have more information regarding commercial, rental and industrial properties. However, requesting "income and expense" information is now associated with private business enterprise and financial and proprietary information. The committee chose to find a different nomenclature for the property operating expenses of commercial, rental or industrial properties in the upcoming session. **Vote 12-0.**

SB 172-FN-L, allowing counties to share correctional facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G Stohl for Municipal and County Government: This bill allows a county to contract with the state or another county for the reception and confinement of prisoners committed to or who are ordered to be detained at a county facility. The bill was retained by the committee awaiting action in the Senate on a similar bill – HB 566. The Senate passed and the Governor signed HB 566 into law. There now is not any need for SB 172-and the committee unanimously recommends the bill be Inexpedient to Legislate. **Vote 15-0.**

SB 236, extending the authority for police mutual aid. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bennett F Moore for Municipal and County Government: The bill, as amended, will permit police officers to respond to named incidents in jurisdictions in the state, other than their own, when requested to do so by such jurisdiction. Such permission will not supersede any police mutual aid agreement that may exist covering the officer and the requesting jurisdiction. Responding officers will remain employees of their home departments for insurance purposes. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

HB 282, relative to administration of road tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: The capital budget bill (HB 25) established a study commission to investigate the administration, efficiencies and costs of collecting the road toll (better known as the “gas tax”), and the possibility of transferring some or all of those duties from the Department of Safety to the Department of Revenue. That commission has introduced legislation for the current session, so this bill is no longer necessary. **Vote 13-0.**

HB 582-FN-A, relative to the bridge over the Merrimack River. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: While the committee recognizes that there are only two Merrimack River crossings between the Massachusetts line and Manchester, this bill is not appropriate to solve that transportation problem. The bill locates the bridge between the towns of Merrimack and Litchfield and is funded by a bridge toll. The merrimack legislative delegation and town council were adamant in their opposition to a toll bridge. No new bridge can be built without a toll. Additionally, legislation is being filed to enable private financing of a third Merrimack River bridge in an alternative location between Nashua and Hudson. **Vote 14-0.**

HB 823-FN, relative to state and municipal contracting practices for public works. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T Tilton for Public Works and Highways: This bill would add to the cost of state contracts and likely would diminish the number of contractors willing to compete for state contracts. While some of the requirements of the bill are admirable, contractors can adopt them now if deemed positive to them. **Vote 12-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 485, exempting tidal waters from the general rules for vessels operating on water. **INEXPEDIENT TO LEGISLATE.**

Rep. David H Russell for Resources, Recreation and Development: This bill was introduced in order to remove the “headway speed only” law on the Cocheco River that runs from the Piscataqua River to Dover. The committee retained the bill in order to go on a field trip to investigate. We agreed unanimously that the river is far too narrow and curvy, and anything over headway speed would be dangerous as well as ecologically harmful. **Vote 14-0.**

HB 810, establishing a commission to prepare a master plan for Mount Sunapee state park, Sunapee state beach, Pillsbury state park, Wadleigh state park, Rollins state park, and Winslow state park. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: The committee unanimously agreed that establishing a commission at a regional level would be in conflict with the Department of Resources and Economic Development's current strategic planning at the state level which will include the input of regional groups. **Vote 14-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 467, establishing a state climate change policy commission and developing a climate action plan and to report on climate change issues. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: The Governor's Climate Change Task Force closely mimics HB 467 thereby making HB 467 unnecessary at this time. **Vote 14-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 287, requiring the seller to provide notice to the buyer of privately owned land or property known, or in an area historically known, to have been inhabited by Native Americans. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane Wood for State-Federal Relations and Veterans Affairs: This bill originally put the burden on sellers of real estate. The goal was to protect the buyer from the seller knowingly hiding information that could cause the buyer's property to lose value. The committee quickly ascertained that there were too many liability issues involved with both the original bill and a couple of proposed amendments. Our study of this retained bill brought out the need for cooperation by several state agencies, and education of local boards and commissions regarding the need for historic and cultural preservation. The division of historical resources needs to be involved at the outset of the land planning development process. Educating planning boards and conservation commissions in all of our 234 municipalities is beyond the scope of this bill and our ability to accomplish. The same is true for getting the department of environmental services (DES), the department of resources and economic development (DRED), fish and game, and other departments to be proactive and coordinate with DHR. The committee believes that through cooperation this matter could be properly addressed rather than making a new law. **Vote 12-0.**

HCR 7, urging federal action on the earned income tax credit and other tax benefits related to child custody. **INEXPEDIENT TO LEGISLATE.**

Rep. Doreen Howard for State-Federal Relations and Veterans Affairs: The committee vote reflects the unanimous consensus that HCR 7 tax credit concerns are being fully addressed at the present time in the United States Congress. Furthermore many issues concerning federal tax credits and tax deductions for children are often addressed in the final divorce decree. The committee felt that this complex tax credit issue did not fall under New Hampshire jurisdiction as New Hampshire has no income tax. **Vote 10-0.**

TRANSPORTATION

HB 45, relative to addresses on motor vehicle registrations. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: The committee voted inexpedient to legislate as this bill was folded into HB 901. Please see the report on HB 901. **Vote 13-0.**

HB 121-FN, expanding eligibility for special number plates for veterans to family members of soldiers killed in action. **INEXPEDIENT TO LEGISLATE.**

Rep. Jean-Guy J Bergeron for Transportation: After review, this bill and HB 355-FN, dealing with special plates the committee established criteria for future bills which request special plates, and will share the criteria with future bill sponsors. Some of the criteria for plates are that law enforcement needs license plates to confirm a vehicle is properly registered, identifies a state vehicle, and identifies a vehicle involvement in an accident. The committee does not recognize the purpose of license plates as raising money for public or private organizations or supporting particular causes. In addition, license plates should be easy to read and remember. Special plates can make this difficult. **Vote 13-0.**

HB 190, relative to the definition of "resident" for motor vehicle purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: The content of this bill was folded into HB 901. Please see the report on HB 901. **Vote 13-0.**

HB 211-FN, requiring that first-time driver's license applicants be informed of and examined on laws relating to blind pedestrians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A Packard for Transportation: The bill as amended requires the Department of Safety to inform the applicant for a new or renewal driver's license of the safety issues surrounding blind pedestrians. The committee felt that it is important that the driving public be continually aware of the problems with handicapped people. **Vote 13-0.**

HB 296, prohibiting the use of flatbed trailers with outrigger wheels in parades. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard N Cunningham for Transportation: SB 187 passed at the end of last session and was signed by the Governor to prohibit flatbed trailer wheel outrigger to be used in parades. **Vote 13-0.**

HB 355-FN, establishing number plates supporting New Hampshire public higher education. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W Williams for Transportation: The committee had over ten requests for special plates. A report of the committee findings is shown in the statement for HB 121-FN **Vote 13-0.**

HB 449-FN, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: This bill was originally voted ITL on February 23, 2007. It was again voted ITL by the committee on October 23, 2007 for the same reason. It would have changed motor vehicle inspections from annual to biennial. Currently, the Department of Environmental Services requires an annual emission control test as required by the federal emissions standards. Annual inspection help keep our highways safe and this bill was opposed by the Department of Safety and The New Hampshire Automobile Association. **Vote 13-0.**

HB 647, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: This bill would discriminate against non-citizens who have presented proper identification to the Department of Motor Vehicles. **Vote 13-0.**

HB 656-FN, relative to the issuance of identification cards to individuals who lack the ability to obtain a nondriver's picture identification card. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: The committee voted ITL as the content of this bill was folded into HB 901. Please see the report on HB 190. **Vote 13-0.**

HB 729, relative to prohibitions on reproducing drivers' licenses and identification cards and copying information in motor vehicle records. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: This bill was an attempt to prohibit the use of a driver license from being used to identify a person who uses cash during a retail transaction and brings back the merchandise for a refund and is asked for a driver's license. Testimony was given that this is done to prevent fraud. In addition, under federal statute the banking industry is required to use a driver license as a measure of identification. This bill as written would also take away from the Department of Safety the ability to prosecute an individual for procedural reproduction of a driver's license. **Vote 13-0.**

HB 781-FN, relative to the duties of the department of safety. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter F Bergin for Transportation: The bill eliminated the section which would have put the New Hampshire Hospital Security Force under the control of the Director of Division of State Police rather than the Commissioner of Safety. The amendment repeals, removes term limits for members of the motor vehicle industry board and permits the Department of Safety to establish late fees for non payment of surcharges required for the 911 fund. In

addition, the amendment clarifies the annual reporting procedures required by the Department of Safety. **Vote 12-1.**

HB 878-FN, relative to drivers' licenses issued to persons 70 years of age and older and relative to the medical/vision advisory board. **INEXPEDIENT TO LEGISLATE.**

Rep. Carole J Estes for Transportation: The bill does not improve the cost, time, or content of driver testing, and probably limits the possibility of improved future legislation. It increases the cost to a single age group, creates an inconvenience for this age group, and increases the workload of the Department of Safety (DOS). Review of DOS fatal crash statistics show that the very young (<26) and very old (>66) have the highest at fault percentages for years 1997-2006 and this bill will not address a significant part of the problem to test the under 26 driver. Future legislation, such as tiered testing, or simulator use will be limited because this bill may engender the belief that the problem is solved. In the future, there may be technologies to eliminate the inherent discrimination involved with targeting a single age group. **Vote 12-0.**

HB 901, relative to requirements for non-driver identification cards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter F Bergin for Transportation: There were several bills addressing non-drivers identification. Several were consolidated into HB 901. The bill as amended will make it possible for person without a physical home to get a non-drivers identification card. It establishes several criteria for the Department of Safety to verify this. These are people who are homeless, state prison inmates who are released and need an identification card to start a new life. Also, foster children, abused and neglected children, delinquent children who reach maturity and are in need of identification. **Vote 13-0.**

WAYS AND MEANS

HB 145, establishing an education funding study committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G Marsh for Ways and Means: This bill seeks to establish an education funding study committee, to consider a number of possible revenue sources to fund public education. Among the sources to be studied are an income tax, several variations of a sales tax, and a tax on legalized gambling. The committee was asked to consider the amount of revenue that could be raised, the economic consequences of each revenue source on the state, and the constitutionality of each tax. In its work on this retained bill, the committee believes it has arrived at a sufficiently good understanding of each possible tax so that a study committee to gain further knowledge is no longer necessary. Accordingly, it recommends that HB 145 be found Inexpedient to Legislate. **Vote 16-2.**

HB 283, allocating a portion of unrefunded road tolls to the dam maintenance fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: This bill would have transferred one-half of the unrefunded boater road tolls from the general fund to the dam maintenance fund (DMF). Currently the unrefunded road tolls are divided between the general fund and the Fish and Game. As a result of the Electric Utility Reconstructing Act of 1996, hydropower lease payments have been declining. It appeared that there would be a revenue shortfall in the DMF of more than \$600,000 for FY 2008. During 2007, DES received two one-time settlements that resulted in revenue of more than \$3 million. It is now estimated that there will be a balance in the DMF of more than \$2,000,000 for FY 2008 and more than \$800,000 for FY 2009. This bill would have raised only about one-half of the additional estimated revenue needed for FY 2010. The committee recommends inexpedient to legislate on this legislation, but to closely monitor the DMF revenue throughout FY 2008, with the expectation that new legislation would be introduced in FY 2009. **Vote 18-0.**

HB 385-FN, relative to licensing and insurance fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan G Ulery for Ways and Means: After the policy in this bill having been vetted by Commerce Committee, Ways and Means looked at the fee structure. The bill reorganized the licensing and permitting structure for more efficient and computerized processing of CEO's address changes, applications and the minutia of the department. Some fees were reduced (change of address to \$10 from \$25). A few new fees were added (late application for filing of CEO's) and many fees consolidated or moved to other sections. The amendment removed those sections of the bill enacted under HB 2. **Vote 18-0.**

HB 493-FN-A, expanding the meals and rooms tax on rentals to include motorized recreational vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: This bill was intended to expand the rooms and meals tax to include recreational vehicles. After review, the committee determined the amount of money accrued would be minimal plus there was not a clear reason why the funds were needed. **Vote 18-0.**

HB 520-FN-A, establishing a state-owned casino to provide funds for public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for Ways and Means: This bill was one of three bills relating to gambling and casinos which were retained and studied by a subcommittee of seven members over the summer. While a majority of committee members believe there is value in continuing to analyze emerging developments regarding these issues, it seems unnecessary to retain more than one of the bills in order to carry on this work. For this reason, the committee recommends inexpedient to legislate on HB 520-FN-A-L. **Vote 18-0.**

HB 570-FN-A, increasing the fee for a wild turkey hunting license. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: The provisions of this bill, increasing the fee for a wild turkey hunting license, were already incorporated into House Bill 2 (Chapter 263, 2007) and therefore the bill is redundant. **Vote 18-0.**

HB 576-FN-A, increasing certain fish and game nonresident license or permit fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: The provisions of this bill, increasing certain fish and game non-resident license and permit fees, were already incorporated into House Bill 2 and therefore the bill is redundant. **Vote 18-0.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Roger G Wells for Ways and Means: This bill would have imposed a tax on people purchasing dogs or cats from pet stores or private kennels in order to fund spaying and neutering for pets bought from humane shelters. It would have required a deposit of \$40.00 with the pet store which would be refunded after the pet was spayed or neutered.

Uncollected refunds would go to the spay and neuter program. However, pets purchased from pet stores or private kennels would not be eligible to participate in the state subsidized spay and neuter program. Another pending bill, HB 666 is preferable to fund the spay and neuter program. **Vote 18-0.**

HB 610-FN-A, requiring the criminal justice and public safety committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman L Major for Ways and Means: This bill was incorporated and passed as part of HB 2, Chapter 263, 2007. As a result, the House committee on criminal justice and public safety reviewed the fines for motor vehicle violations and finds that the current fine schedule should remain in effect and that future study, based on public safety considerations, is warranted. The committee agrees with the result of the study and recommends no further action on this bill. **Vote 18-0.**

HB 618-FN-A, establishing a research and development credit against the business profits tax and the business enterprise taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: This bill establishes a research and development credit against the business and profits tax and business enterprise tax. The committee retained the bill to prepare for SB 134, which had similar intent but was capped at an amount the state could afford. SB 134 was subsequently passed with the committee's amendment, and HB 618 has fulfilled its mission. **Vote 18-0.**

HB 637-FN-A-L, establishing a gaming oversight authority and video lottery gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for Ways and Means: This bill was one of three bills relating to gambling and casinos which were retained and studied by a subcommittee of seven members over the summer. While a majority of committee members believe there is value in continuing to analyze emerging developments regarding these issues, it seems unnecessary to retain more than one of the bills in order to carry on this work. For this reason, the committee recommends inexpedient to legislate on HB 637-FN-A-L. **Vote 18-0.**

HB 777-FN-A, relative to agricultural exemptions from alteration of terrain permitting requirements and penalties for site development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman L Major for Ways and Means: This bill imposes a fee and a fine for certain changes to terrain alteration permits. This bill as recommended by the Resources, Recreation and Development Committee and unanimously passed by the House in 2007 clarifies agricultural exemptions for alteration of terrain permits and sets penalties for change of use to any other activity. The penalty shall be based on the amount of land changed and length of time before the change. Part of the penalty assessment was to help fund the Land and Community Heritage Investment Program (LCHIP). HB 2, Chapter 263, 2007 as passed and signed by the Governor provided for a funding mechanism to fund LCHIP. The amendment specifies that the proceeds of any civil penalty levied pursuant to this section shall be placed in a nonlapsing fund held by the treasurer under RSA 482-A:14, III., which may be expended by the department, subject to the approval of the governor and council, for the purpose of restoration, research, investigation and enforcement relative to wetlands. **Vote 16-2.**

HB 868-FN, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman C Shattuck for Ways and Means: Funding for the LCHIP program has been incorporated in the General Funds Budget as part of HB 2, Chapter 263, 2007. HB 868 therefore is not needed. While funding for the first year of the biennium is by appropriation, funding for the second and subsequent years is essentially the methodology proposed in HB 868. A committee on alternative sources of LCHIP funding is established as part of HB 2; unless an alternative method of funding is recommended by the committee, the recording surcharge of HB 868 will be used after July 1, 2008. **Vote 18-0.**

HB 884-FN-A, increasing the rate of the tobacco tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G Marsh for Ways and Means: This bill seeks to increase the rate of tax on tobacco products by 50 cents per package of 20, raising the rate to \$1.30, to help balance the state budget for the current biennium. In HB 2, Chapter 263, 2007, the House raised the tax on cigarettes by 28 cents per package, to \$1.08. Inasmuch as the rate has been increased, and additional funds are not needed at this time, the committee recommends that HB 884 be found Inexpedient to Legislate. **Vote 18-0.**

HB 912-FN-A-L, establishing the New Hampshire homestead plan. **REFER FOR INTERIM STUDY.**

Rep. Norman L Major for Ways and Means: This bill as introduced I) imposes an education property tax at \$7.50 per \$1,000 of taxable value, II) establishes a homestead exemption from the education property tax for the first \$200,000 of assessed value of a homestead, III) establishes a new formula for the determination of adequate education grants to be funded by the education property tax and existing revenue sources in the education trust fund, IV)

provides sustainability grants to municipalities in which the education property tax would increase by \$3.00 or more per \$1,000 of taxable value, V) provides supplemental grants to municipalities based on demonstrated need, and VI) repeals the excess education property tax payment. The committee has considered four extensive amendments that would 1) lower the property tax rate to \$5.50 per \$1,000 of taxable value, 2) change the Homestead exemption to \$150,000 of assessed value, 3) address the administration of the Homestead Exemption, 4) establish a new formula for the determination of adequate education grants to be funded by the education property tax and existing revenue sources in the education trust fund, 5) provide sustainability grants to municipalities based on demonstrated needs, and 6) repeal the excess education property tax payment. The committee feels there are still many more issues to be resolved, such as the affect of the homestead exemption on the elderly, renters, small business and the interrelationship of the various credits and exemptions, and wishes the opportunity for further study. **Vote 18-0.**

HB 925-FN-A, relative to state and local taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: This bill was introduced by the sponsors in an attempt to raise \$400 million in small and medium revenue sources to pay for their estimate of costs for an adequate education. The committee retained HB 925 to evaluate whether the taxes it proposed could raise needed funds. The committee determined that the objectives could be met if the legislature moved in that direction, and if major modifications (including substitution of some taxes) were made. The adequacy commission will provide a proposal of cost to the legislature in February. The committee sees no purpose in amending this legislation to go forward before the costing is complete, and the amount of revenue needed is known. Therefore, while commending the sponsors, the committee voted to recommend the bill be found inexpedient to legislate. **Vote 17-1.**

SB 63, authorizing the commissioner of revenue administration to extend tax filing deadlines for certain members of the armed forces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John D Kelley for Ways and Means: The bill allowed the commissioner of revenue to extend the tax filing deadline for any members of the armed forces or National Guard serving in a qualified hazardous duty area or combat zone. The amendment allows the commissioner to extend the filing deadline for members of the armed forces and National Guard to file tax returns and make associated tax payments for a specified period of 180 days after return from service in a “qualifying duty location,” provided such person is filing as an individual, a sole proprietor, or as the member on behalf of a single member limited liability corporation. The amendment further defines a “qualifying duty location.” **Vote 18-0.**

WEDNESDAY, JANUARY 16

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 47, exempting inheritances from marital assets for purposes of divorce settlements.

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

Rep. Elizabeth D Blanchard for the **Majority** of Children and Family Law: This bill sought to exempt property from a divorce acquired by one spouse during a marriage by gift or bequest. We discovered the current statutes are adequate. It was the opinion of the committee that HB 47 would create more problems than it would solve. **Vote 14-3.**

Rep. Anthony P Matarazzo for the **Minority** of Children and Family Law: This bill proposed to relieve some of the pain in divorce by taking inheritance of property, tangible and intangible, off the judge’s table. Divorce is expensive and painful. Parents have worked hard to save and acquire property and no one should interfere with their right to private property. Its time to join with other states and take the family farm, as a matter of law, out of the property settlement arena.

COMMERCE

HB 267, relative to certain small loans. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen T DeStefano for the **Majority** of Commerce: This bill would impose a 36% annual percentage rates (APR) cap for two different kinds of loan products: payday advances and title loans. Although the federal government requires payday and title loan companies to disclose an APR, the committee majority recognizes that this is not a true indicator of cost for these loan products. Title loans are collateralized by a motor vehicle, and are for a period of 30 days. The annualized rate cap proposed in HB 267 would translate into \$2.96 interest per \$100 borrowed on a 30 day title loan. Payday advances are loans of \$100 - \$500 for a typical period of 14 days. The annualized rate cap proposed in HB 267 would translate into a 14-day payday loan equaling \$1.38 per \$100 borrowed, which is less than 10 cents a day. The rate cap proposed in HB 267 would force both the payday advance and title loan industry to close doors in our state. Once this industry leaves, consumers would have few, if any, real options: resort to bouncing checks and incurring fees that have an equivalent APR cost of 1,300%, paying credit card late fees that can reach an equivalent of 700%, take out unregulated internet loans with no usury cap, or visiting a pawn shop and potentially losing something of value. All these options provide a more costly option. The committee found that there is a need for regulated payday and title loan products and that these products can provide valuable financial tools for many New Hampshire residents who have an unplanned expense between paychecks. Banning the industry, as HB 267 does, would do nothing to address this need. The unintended consequence is to force consumers into less safe and more costly options. **Vote 12-6.**

Rep. Stephen P Spratt for the **Minority** of Commerce: The minority of the committee feels that HB 297 ought to pass. Strong testimony was given by representatives from NH Legal Assistance and the Welfare Administrators association. The testimony described a cycle of debt known as 'debt traps' which are nearly impossible to get away from once someone is ensnared. Interest rate charges at the low end equate to 250% APR. One argument against the bill was that these lending institutions were the only place of choice for its customers. The committee heard testimony to the contrary that local banks, credit unions through their community outreach programs, churches, friends, family, town assistance, etc. were all viable options and had been in place long before the 3 plus year history of the industry. Additionally it was clear to the minority of the committee that the effects of these debt traps go far beyond the original borrowers. Efforts to help relieve the situations caused by these loans are a burden on both agencies and a strain on local community resources when town aid must be used to ameliorate the situation. These loans for the most part target this state's most economically vulnerable citizens and the minority of the committee believes that we should strive to provide consumers with far less predatory sources of emergency funds. The minority remains committed to protecting consumers from the high cost long term debt traps which these products create. Along with the aforementioned support of local agencies and legislators the committee received full support from the banking commissioner in a letter which stated "I remain committed to HB 267, ... That bill contains a cap of interest rates of 36% APR for both payday and title loans. I will oppose amendments that remove the rate cap." The commissioner concludes his letter with, "I support the bill including the 36% APR rate cap."

HB 461, relative to purchasing alliances. **OUGHT TO PASS.**

Rep. Donald H Flanders for Commerce: This bill establishes a law governing purchasing alliances which may be formed for the purposes of purchasing health insurance. It is the same as SB 515 which was passed by this House last year and died in the Senate. It is based on the concept of using a purchasing alliance to foster competition among carriers and does not change any mandates or rating criteria adopted under SB 125 (Chapter 225, Laws of 2005) and is supported by the Insurance Department. **Vote 15-2.**

HB 620-FN, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce: This bill implements new, dramatic reforms to protect consumers and further regulate the payday loan industry. The committee recognizes that there is a potential for abuse of payday loans, but also realizes that there is a need for this product in our state. A payday loan can provide a valuable option to many New Hampshire residents who have an unexpected expense between paychecks. These loans are for between \$100-\$500 and to qualify, the individual must have a paycheck and a checking account. Consumers pay a one time fee based on the amount of the loan with the right to rescind the next day. There are protections already in place for individuals who chose to take out a payday loan. The maximum amount of the loan is \$500. A new loan can not be taken out until the first is paid back in full and no additional fees are charged even if payment is late. The committee heard from several individuals and groups while working on this legislation including state and local agencies, nonprofit groups, payday loan customers, payday loan employees and companies that provide these loans. After listening to all their concerns, the committee crafted this legislation that toughens the current law, further protects consumers and ensures this loan option continues to be available in our state. This bill will place a cap on fees paid by consumers of \$15 per \$100 borrowed. It will require a next day cooling off period between loans and a 2 day cooling off after the fifth consecutive loan. It will also require payday lenders to offer an extended payment plan without additional fees if a customer is not able to pay the loan back on time. When consumers find themselves unexpectedly in need of financial assistance between paychecks, they will consider all the options and pick what works best for them and their family. In some cases, they will choose a payday loan. It is our job as their elected representatives to ensure the product is a safe option. HB 620 will do that by cracking down on the industry and protecting borrowers but at the same time, allowing them access to this product in our state. **Vote 15-3.**

HB 686-FN, relative to the regulation of tracking devices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew S Houde for the **Majority** of Commerce: This bill would have: regulated the use of tracking devices in consumer products by requiring labels that inform consumers of their presence; restricted the circumstances under which the state could use electronic tracking devices; and prohibited private citizens from electronically tracking another person without consent. The committee feels it is premature to introduce legislation at this time since a study commission is actively engaged in resolving many of the issues raised by the bill (including constitutional ramifications of New Hampshire adopting disclosure requirements not used elsewhere and beneficial uses that would otherwise be foreclosed). **Vote 12-6.**

Rep. Joel F Winters for the **Minority** of Commerce: Over the 2005 summer break, the committee studied RFID with the retained HB 203. RFID was recognized as a beneficial technology that carried numerous privacy concerns; the amended bill laid out basic, common sense ground rules to guide the RFID industry as it developed. Merchants would have to label products containing these devices, the state would be restricted from putting RFID in drivers licenses and other documents, and it would be a felony to forcibly implant someone with a RFID chip. Explicit laws provided the legislative oversight for the study commission that would continue to examine and flesh out consumer protections on RFID; however, those laws were struck on the Senate floor, leaving only the study commission. Given that a minority of commission members represent consumer's interests, any legislation proposed by the commission likely will not protect our constituents as well as the pro-active consumer protection of HB 686, which contains the deleted provisions of HB 203.

HB 711-FN, requiring insurance coverage for the cost of hormone treatment drugs for transsexuals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B Hunt for the **Majority** of Commerce: The committee was very sensitive to the perceived discrimination that this bill attempted to address. The issue is not simply that a person's sex limits them to what prescriptions they may receive. For example, a heterosexual male undergoing treatment for prostate cancer may be prescribed estrogen and that is a covered benefit by most health insurers. Currently, many health insurance policies specifically exclude coverage for services related to the process and procedures a person undergoes for transsexual identity change. The committee heard conflicting information on, once a person has surgically changed their identity, whether they will then have their lifetime of hormone therapy covered by insurance. (In other words, once a male becomes a female, on-going estrogen therapy may or may not be covered.) It was generally agreed that these hormones are relatively inexpensive and likely affordable for patients undergoing the sex change process. The committee is also concerned that passage of this mandate is just the first step and will more than likely lead to another mandate for the far more expensive surgery as has happened with other health insurance mandates in the past and present.

Vote 14-4.

Rep. Susi Nord for the **Minority** of Commerce: This bill is a limited health insurance mandate to cover hormone therapy for transgender individuals. Insurance carriers stipulated that the cost of this coverage is minimal; they oppose the mandate on an ideological basis. In fact, the ultimate cost per person should be lower since many of these individuals will no longer need the more expensive psychiatric drugs they were on once their condition is properly diagnosed and treated. Hormones are relatively inexpensive drugs since they have been around for a long time and the hormones covered in the mandate are all already on the insurance carriers' formularies. That means that insurance carriers pay for them for menopause or prostate cancer, just not for gender identity disorder. In fact, these drugs would be covered for gender identity under the off-label prescription drug chapter of the insurance statutes except that they are specifically singled out for exclusion by the insurance companies. This special exclusion has led many transgender individuals to feel discriminated against by their insurance carriers. They point out that these drugs are covered by public insurance such as Medicaid, and wonder why private companies are allowed to exclude their specific condition.

HB 759-FN, relative to administration and enforcement of banking laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara G Reardon for Commerce: This bill was a technical change bill requested by the NH Banking Department last session. The committee removed all provisions regarding payday and title loans and those subjects were considered in other retained bills. Additions were made to the information required in application to the department for licensures; added the term "registrants" to portions of the law applying to "licensees"; allows the department to employ experts to recreate records that are inadequate to examine; includes background checks for those applying to be a mortgage broker licenses; includes "indirect owners" in the definition of principal; enables the department to share information with other state agencies if needed; and clarifies a provision regarding unclaimed money transmissions.

Vote 18-0.

HB 799-FN, establishing a criminal usury rate for interest rates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce: Title loans are loans that are made based on the equity of your car. The borrower must have a free and clear title to the motor vehicle. Title lenders will only loan an estimated 50% of the value of the car. The loans are for a period of 30 days. The amendment, which was worked on by the NH Banking Department and the industry, seeks to increase consumer protections by adding a rate cap of \$22 per \$100 for 30 days, requires a signed affidavit as to the consumer's ability to repay, includes a mandatory

disclosure to be signed by the consumer, enacts protections in case of a default as to how the consumer is treated and the process by which a car is repossessed. The bill decreases the number of allowable renewals afforded to the borrower, bans automatic renewals, and makes clear the costs of renewing a loan. The amendment also increases the amount of principal reduction to 10 percent per month from 5 percent per month. An important piece of the amendment is the establishment of a consumer credit counseling fund, to be funded by the title loan and payday loan industries and administered by the department. This fund will seek to work with qualified consumer credit counseling agencies to provide consumer finance education. This is an important regulatory reform bill that has the strong support of the committee. **Vote 15-3.**

HB 894-FN, requiring insurance coverage for bariatric surgery for diabetics. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for the **Majority** of Commerce: This bill sought to mandate insurance coverage for bariatric surgery for Type II diabetic patients who are morbidly obese. Testimony was heard in committee about the efficacy of extensive programs that included psychological counseling and weight loss preparation for one year before surgery, then several years follow-up, monitoring continued weight loss, diet and nutrition, exercise, and lifestyle changes. There was an effort to craft an amendment to stipulate that bariatric surgery be part of one such medically-recognized protocol. While these extended programs seem to have positive outcomes in numerous cases, bi-partisan misgivings and uncertainty led to agreement that this issue needed further study to carefully weigh the benefits and costs before enactment. **Vote 14-4.**

Rep. Marshall E Quandt for the **Minority** of Commerce: The minority disagrees with the majority because this is no different than in 1997 when the legislature had to mandate that insurance companies cover diabetes services and supplies (RSA 415:6-e). Again, it is necessary for the legislature to require that insurers recognize the needs of diabetics by compelling them to cover bariatric surgery when it is medically necessary. A subcommittee recommended the bill with the amendment because a significant amount of research shows that bariatric surgery cures Type II diabetes in over 90% of the cases. The success of bariatric surgery is well documented. Retrospective studies (one going back 7.1 years) show that deaths from diabetes, heart disease and cancer are significantly reduced. Studies show that after 3.5 years the procedure is paid for by the reduced costs of hospital stays, prescriptions, doctors' visits and other costs attendant to diabetes. Yet, a morbidly obese Type II diabetic who is insured by Medicaid is covered by this surgery but one who has private insurance probably is not. HB 894 with the amendment allows insurers to impose medically necessary criteria and per-certification prior to covering the treatment. It ensures that the patient is treated at institutions that are recognized as centers of excellence and the treatment is in accordance with medically approved protocols. The bill is carefully worded to ensure thorough and appropriate treatment.

SB 131, relative to insurance coverage for services of midwives. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R Martin for the **Majority** of Commerce: This bill as amended does only one thing: It provides that women who have health insurance which includes maternity care shall be reimbursed for children delivered at home. As such, it carries forward the intent of the General Court and the Governor, clearly expressed in 1999 in RSA 326-D:1 which states in part: "The general court finds that...it is in the public interest to remove impediments to the practice of midwifery." "[I]t is the intent of the general court to preserve the rights of women to deliver children at home, to remove obstacles to safe out-of-hospital deliveries, and to assure quality care." RSA 326-D:1 I, II. Pursuant to elaborate procedures established by the legislature in 1999, midwives are certified in New Hampshire to assure quality care. The federal government reimburses women for home deliveries under the Medicaid program. This bill simply provides that those women who have health insurance which includes

maternity care may have a choice to either have their child delivered at a hospital or to have the child delivered at home. Currently, a woman with health insurance which includes maternity benefits who wants to have her baby delivered at home must pay the entire cost of that delivery out of her own pocket. That is neither fair nor rational. This bill amends the current law to provide that the place at which such services are covered includes the home, in accordance with the purpose of RSA 326-D. Since the bill does not require insurance companies to cover a procedure which they do not otherwise cover (maternity care), it is not a "mandate" as that term is normally used. **Vote 10-5.**

Rep. John B Hunt for the **Minority** of Commerce: The minority of the committee opposes this bill because it will not save any money and may put the mother and child at risk. The committee debated this issue at length in the previous session and reached what we thought was a safe and reasonable compromise: requiring health insurance reimbursement for certified (lay) midwives for providing birth services in a licensed health facility. The ink was barely dry when SB 131 was introduced to expand the insurance mandate to cover home births. There is little data on the overall safety of home deliveries because once a home birth becomes an emergency and requires physician and hospital services, the statistics shift to the doctor and hospital. Even though certified (lay) midwives are supposed to limit their care to healthy, low-risk women, birth emergencies do happen. Reimbursement for home births is cheaper than hospital births until something goes wrong. One or two such emergency cases will quickly eat up any potential savings. The minority of the committee certainly understands that some women may choose to give birth at home, but to require health insurers to pay for the services of a certified (lay) midwife in an unlicensed setting is poor public policy. Eleven states currently prohibit the practice of lay midwifery altogether.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 404-L, prohibiting state and local law enforcement agencies from enforcing federal immigration laws. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ellen Nielsen for the **Majority** of Criminal Justice and Public Safety: The committee heard testimony from several local law enforcement officers and from the New Hampshire Association of Chiefs of Police which indicated that this bill, if it became law, would limit the officers' ability to perform their duties without resolving the genuine issues of trust and fear within our immigrant communities. While the possibility of racial or ethnic profiling is a real concern, the committee did not hear of any specific incidents of such profiling.

Preventing such incidents may be a police training rather than a legislative issue. **Vote 14-1.**

Rep. Lee M Hammond for the **Minority** of Criminal Justice and Public Safety: This bill clarifies the jurisdiction of local law enforcement officials with regard to federal immigration laws. It simply states that local law enforcement officials will not use state resources to apprehend a person whose ONLY suspected infraction is of the federal civil immigration code. Immigration is already recognized as a federal responsibility over which local law enforcement has no jurisdiction. This would simply reinforce and clarify the current status. It is important for local police to have the trust and cooperation of the communities which they serve and protect; the immigrant community needs to feel protected not persecuted and encouraged to adhere to the laws of the state of New Hampshire.

EDUCATION

CACR 14, relating to cherishing public schools. Providing that state aid to public schools cannot decrease unless the number of students decreases. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Timothy Dunn for Education: This amendment would do two things: first, it would require the state to pay state aid for education at the current level unless the student population decreased, and second, it would allow targeting. Because of the current status of education funding, and because discussion of education funding CACRs was "indefinitely postponed," the committee voted to ITL. **Vote 11-3.**

HB 352-L, relative to trust funds for public school educational enhancement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberley S Casey for Education: This amended bill modified the law intended to allow local public school districts to establish endowment funds. It is enabling legislation. It was retained for further work by the committee, in consultation with the department of education and the attorney general's office. The amendment reflects that work and provides for districts to establish trust funds using standard procedures and terminology. **Vote 16-1.**

HB 678-FN, revising the special education program approval and monitoring process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire D Clarke for Education: The amendment replacing the bill creates a study committee on financial responsibility for "mapping" and maintaining cochlear implants for school children. A cochlear implant is an "in body" device that is surgically implanted under general anesthesia and takes one to four weeks (sometimes longer for children) to heal. Since it is a relatively new technology for the hearing impaired, there is question whether it is a medical or educational obligation since insurance companies presently cover it. A study committee should be formed to clarify the specifics pertaining thereto. **Vote 13-2.**

HB 679-FN-L, relative to delivery of special education services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill is the result of two years of work by more than fifty people. All vested interests have been represented in support of re-writing NH's Special Education statutes to bring them into compliance with federal law. This bill, in compliance with IDEA 2004, provides opportunities for students with disabilities to excel to their greatest potential in the least restrictive environment. The five bills retained last year (HB 677, 678, 679, 765 and 766) were organized according to services provided. After subcommittees reported at the end of October, the bills were consolidated into two bills: HB 766 updates special education statute (RSA 186-C) and HB 679 concerns other statutes affected by special education (RSA 169, 193, and 194). For clarity and simplicity, the bills now follow the order of current statutes. HB 679 is the second bill to come from the two year study of the Special Education statutes and addresses the RSAs that affect situations for students with disabilities in need of special education that are not included in the RSA 186-Cs. In our effort to re-write New Hampshire's Special Education statutes we addressed all the affected RSAs to make sure there was no conflict within our own statutes. Our overall effort in the re-write, in addition to meeting the federal law, was to make the statutes clear and well organized so that money spent by the local districts could be spent on services to students rather than on litigation. Because the language in RSA 169 deals with extenuating circumstances of children (CHINS and delinquency,) we sought legal expertise from representatives of advocates for children with disabilities and advocates for school administrators. The various legal experts worked together to develop the appropriate language to meet the educational needs of these students with extenuating circumstances. As it came forward to committee there was a question to insure privacy rights so we sought the legal knowledge of a committee member to clarify the language. During the executive session questions arose about the use of the words "believes" and "suspects". In referencing federal law and regulations, we find that "believes" is used three times in the IDEA statute and five times in the regulations. "Suspects" is used twice in IDEA statute and seven times in the regulations. In NH's current RSAs, "suspects" is used one hundred fifty times and "believes" more than five hundred times. You will find the words "believes" and "suspects" in current NH education law. **Vote 10-4.**

HB 766-FN, making changes to the laws relating to special education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill is the result of two years of work by more than fifty people. All vested interests have been represented in support of re-writing NH's Special Education statutes to bring them into compliance with federal law. This bill, in compliance with IDEA 2004, provides opportunities for students with disabilities to excel to their

greatest potential in the least restrictive environment. The five bills retained last year (HB 677, 678, 679, 765 and 766) were organized according to services provided. After subcommittees reported at the end of October, the bills were consolidated into two bills: HB 766 updates special education statute (RSA 186-C) and HB 679 concerns other statutes affected by special education (RSA 169, 193, and 194). For clarity and simplicity, the bills now follow the order of current statutes. This was a comprehensive study on the complex issues of special education to bring NH law into compliance with IDEA 2004. Within the House Committee there were questions about changing the language “educationally disabled child” to “child with a disability”. This bill uses the language of the federal statute, “child with a disability” (clearly defined in RSA 186-C:2, I) “who because of such impairment, needs special education or special education and related services” and carries this reference through all the special education statutes. This language mirrors the federal language with the exception that “acquired brain injury” was added because physicians tell us there are times when children, due to a fall or other circumstances, have sustained a brain injury that requires special education or related services. The bills retained last session had four major areas of disagreement: short-term objectives and benchmarks, expert witness fees, mapping of cochlear implants, and program approval and monitoring. 1) The short-term objectives and benchmarks were required for all special education students until this past August and are still required for children who take alternate assessments. Parents tell us benchmarks are helpful to support the educational process at home. To empower the local IEP team, this bill uses the short-term objectives and benchmarks as a fall back position unless the IEP team and in particular the parent determines they are not necessary. 2) Expert witness fees provide a level playing field for parents when they are in court with a due process hearing. A judge can determine if the expert witness was necessary for the parent to prevail and can award all, some, or none of those costs. This bill as amended provides the caveat that only when the court determines the school district has not acted in good faith can an award be considered. 3) Mapping of cochlear implants is done by an audiologist to make adjustments to an external processor so a child can hear, and allows the student to remain within the school district rather than possibly be placed out of district. Mapping is currently allowed through insurance policies and through Medicaid but the subcommittee felt it needed further study and has proposed a study committee through one of the other retained special education bills (HB 678). 4) The bill lays out the steps for program approval and monitoring by the Department of Education and consequences for non-compliance. In addition to bringing NH into compliance with IDEA 2004, the bill includes added opportunities for parent involvement in their child’s education, no expanded programming for the local district, incentives for local school districts at their own choosing to establish the capacity to offer programming in district which has the potential to save tax payer money from out-of-district placement, and strengthens accountability through the department of education.

Vote 12-3.

HB 778-FN-A-L, relative to a preeminent scholastic educational foundation.

INEXPEDIENT TO LEGISLATE.

Rep. Scott A Merrick for Education: The committee voted to recommend ITL on all of the adequacy bills except HB 927, which will incorporate all adequacy concerns and issues. The committee did look at, and consider, all of the bills but felt it would be easier to operate under one bill, rather than seven. All of the adequacy bills, however, have been considered by the definition and costing committees and will continue to be discussed as the state legislature works toward defining and funding an adequate education. **Vote 13-0.**

HB 789-FN-A-L, providing supplemental education grants for certain school districts.

INEXPEDIENT TO LEGISLATE.

Rep. Scott A Merrick for Education: The committee voted to recommend ITL on all of the adequacy bills except HB 927, which will incorporate all adequacy concerns and issues. The committee did look at, and consider, all of the bills but felt it would be easier to operate under one bill, rather than seven. All of the adequacy bills, however, have been considered

by the definition and costing committees and will continue to be discussed as the state legislature works toward defining and funding an adequate education. **Vote 13-0.**

HB 888-FN-A, relative to instructional and operational costs of providing an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott A Merrick for Education: The committee voted to recommend ITL on all of the adequacy bills except HB 927, which will incorporate all adequacy concerns and issues. The committee did look at, and consider, all of the bills but felt it would be easier to operate under one bill, rather than seven. All of the adequacy bills, however, have been considered by the definition and costing committees and will continue to be discussed as the state legislature works toward defining and funding an adequate education. **Vote 13-0.**

HB 904-FN-L, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott A Merrick for Education: The committee voted to recommend ITL on all of the adequacy bills except HB 927, which will incorporate all adequacy concerns and issues. The committee did look at, and consider, all of the bills but felt it would be easier to operate under one bill, rather than seven. All of the adequacy bills, however, have been considered by the definition and costing committees and will continue to be discussed as the state legislature works toward defining and funding an adequate education. **Vote 12-0.**

ELECTION LAW

CACR 8, relating to the term of office of the governor and the election of the attorney general. Providing that the governor's term of office shall be 4 years and that the attorney general shall be elected by the house of representatives and the senate. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for the **Majority** of Election Law: The candidates for governor in recent elections were forced to raise record amounts of money to mount a competitive campaign. The time and energy required to raise such large amounts of money necessarily detracts from the business of running the state government. CACR 8 extends the governor's term from two years to four years and would help relieve the constant pressure to raise money because the governor's re-election campaign would not have to begin just after taking office. **Vote 11-6.**

Rep. Shawn N Jasper for the **Minority** of Election Law: Our entire state government is based on two year terms for elected officials and it has served us well. The majority seems to be concerned that governors are unable to complete their agendas in a two year period. The reality is that regardless of the length of their term, it is impossible to implement anything in a period of time longer than the length of the legislative term. We have what is probably the weakest governor, from a constitutional standpoint, of any governor in the nation. There is virtually nothing that our governor can do without the approval of the legislature or the executive council. The voters of New Hampshire have always been willing to give a governor, who is seen as working in their interest and with the legislature a second term. It is only reasonable to have the Governor stand for re-election along with the legislature and executive council.

HB 48, relative to the definition of "party" for election purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: The committee intends to submit its own bill in the 2008 session to address the issue of encouraging ballot access by political parties other than the Republican and Democratic parties. For this reason, the committee voted to recommend inexpedient to legislate on this bill. **Vote 15-2.**

HB 186-FN, relative to random recounts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for the **Majority** of Election Law: This bill seeks a solution for a problem which does not exist in New Hampshire. Time and time again recounts have

demonstrated the accuracy of our voting machines. The changes which occur, as a result of recounts, are all the result of human error: incorrect marking of ballots (which only a hand count can determine) or other factors such as misplaced ballots. In the last presidential election, a candidate stopped his recount when the accuracy of the machine count was shown in precinct after precinct. If we were to pass this legislation it would give credibility to the theory that our machines can not be trusted, when in fact there has never been a recount in New Hampshire which has done anything but prove their accuracy. We have a process in place that allows for any candidate who doubts the validity of the outcome to have a recount. There is no reason to add the expense of random recounts or to question our election results.

Vote 9-8.

Rep. Claudia A Chase for the **Minority** of Election Law: The minority of the committee believes that due to the many vulnerabilities of the optical scanners used to count 85% of the vote in New Hampshire, it is expedient to install a random recount to prove to the voters of New Hampshire that vote counting in New Hampshire is accurate. Although we believe in the integrity of elections in New Hampshire, such a recount would protect us from future possible corruption of the vote.

HB 233-FN-A, specifying compensation for ballot law commissioners. **OUGHT TO PASS.**

Rep. Charles F Weed for Election Law: The majority of the committee recommends that the ballot law commissioners receive \$50 per diem plus mileage for the days they are summoned by the secretary of state. This compensation places this commission in similar circumstances to most of the other commissions in New Hampshire, and we honor the important job these commissioners accomplish. We estimate that it may cost \$2500 per election cycle. **Vote 10-7.**

HB 271, making political and commercial advertising placed illegally on public property subject to state litter laws. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles F Weed for the **Majority** of Election Law: This legislation would make placement of political and commercial advertising on public property subject to the state litter laws. While the committee has had much discussion about the placement of political signs on public property, we believe it remains an enforcement issue. The issue of commercial advertising is a different matter and should be taken up by a separate committee, and the sponsor has agreed to introduce a bill specifically on illegally placed commercial advertising. **Vote 13-2.**

Rep. James R Splaine for the **Minority** of Election Law: While the sponsor of this bill has agreed to introduce legislation for this session to specifically consider commercial advertising placed on public property without permission, the minority of the committee continues to believe that sticking up political signs in violation of state law on public property should stop. It is obviously going to continue to be a low priority in law enforcement to take illegally placed political signs down. Since candidates who are willing to disregard the law will put their signs up, other candidates who would like to follow the law are either at a disadvantage, or decide to put their signs in similar locations. The minority of the committee feels that by declaring such placement "litter" under our state litter laws -- just like the throwing of campaign brochures out of a car window while driving down the highway would be -- anyone in the neighborhood where the signs are placed illegally who would want to clean up the litter would be able to do so. We believe this is not a "free speech" issue since if a candidate wants to stand with a sign on public property, it is certainly that candidate's right to do so -- just as he or she would be able to walk on public property with a coffee cup. But when that sign is abandoned on public property that should be considered litter, just like that coffee cup being thrown on the ground would be.

HB 454, relative to meetings of the supervisors of the checklist. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: This bill would have required special meetings by the supervisors of the checklist to receive new voter registrations. The committee believes that

the way such special meetings would be funded by the petitioners requesting such meetings was unworkable. The committee also believes that most supervisors of the checklist already respond to requests from the citizens in their community for extra meetings without a need for the law. **Vote 10-6.**

HB 683, relative to nominations by party committees. **OUGHT TO PASS.**

Rep. David M Pierce for Election Law: Current law permits state party committees to designate a candidate for the general election when no person ran for the office (or received enough write-in votes) in the primary. This procedure gives state party committees the unrestricted power to instruct localities who their general election candidates will be. HB683 would repeal that law and would return local control over who earns the right to run for office. **Vote 12-4.**

HB 794-FN, relative to campaign contributions and expenditures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R Splaine for Election Law: In light of the ever-increasing costs of running for public office and the reliance on personal wealth or extensive fundraising in order to run for public office, the committee has had lengthy discussions about how to find alternatives for potential candidates without such financial sources. The committee believes that the concept of funding certain campaigns on a voluntary basis through a different funding system has merit, and should be further explored in a bipartisan manner. This bill with the committee amendment creates a commission of seven public members who will dedicate themselves to the task of identifying alternative ways to fund state campaigns. The commission would examine potential revenue sources for funding and develop recommendations to the legislative session of 2009. The commission may not consider revenue from the state general fund in developing its plan, but may consider voluntary contributions, in-kind donations of services, and other means to generate revenue. The commission would include not more than three members of a political party. No commission members would currently hold elective office. Two appointments would be made by the speaker of the house, two by the senate president, two by the governor, and one by the secretary of state. The commission would report back by December 1, 2008, in time for legislative action in 2009. **Vote 10-7.**

HB 809, relative to restrictions on political advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: Current law prohibits placing any political advertising on public property. The bill sought to emphasize that that rule applies with equal force on election day. The committee felt it unnecessary to amend the law merely for the sake of emphasis. **Vote 14-2.**

SB 45, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee is developing a more comprehensive bill which will collect the diverse charges for and may recommend new tasks for the Ballot Law Commission. It will also recommend restrictions on who might be appointed and will recommend increased membership. Senate Bill 45 was related to increased membership, possible redistricting as a new charge for the Ballot Law Commission, and recommended a change in the name. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 76-FN, creating an environmental policy for New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard H. Snow for the **Majority** of Environment and Agriculture: This bill, as amended, will accomplish three important interrelated objectives. It will establish, in statute, an overall environmental protection policy for New Hampshire, task an existing agency within the office of the governor with the responsibility and authority necessary to implement that policy and establish an independent position of environmental protection ombudsman to speak for the environment in all matters before the state. After three years of

testimony and study, including fourteen subcommittee meetings this summer, the proposed amendment is a carefully crafted compromise. While it was clear that the establishment of a state environmental protection policy was needed, important, and should be a priority for this legislature, it was also understood that any bill with an indeterminate cost, anticipated project delays and a multi-million dollar fiscal note was unlikely to pass and become law. Based on testimony that the state was already doing all the things that were proposed to be mandated by the bill, but that centralized authority and comprehensive state wide planning were less than perfect, an amendment was drafted and debated. The amendment reestablishes and renames the existing office of energy and planning, using language both from the original bill and existing statute. It neither changes nor expands their overall charter or mission. That portion of the original bill that created additional regulation, administrative burden and indeterminate cost was eliminated. A new position of environmental ombudsman is proposed, to allow additional public input and to improve collaboration, cooperation and coordination within the state. The position, as proposed, would not become effective until July 1, 2009, eliminating cost in this biennium, but requiring action by future legislatures in the budgetary process. The position is presented as a non-classified position, administratively attached to the office of environmental protection, energy and planning, without a recommendation for salary level. We anticipated that the legislation would be further considered by a second committee and those matters would be best determined by them. Our committee stands ready to work with that second committee. We recommend that compensation for the new position be commensurate with that of the director of the office of environmental protection, energy and planning. In order to provide a high degree of autonomy and to recognize the close association of the people and their representatives, it is proposed that the position be filled by election by the House and Senate, in joint session, initially at the first session in 2010 and every six years after that. Procedures are in the amendment to fill a vacancy in the position and to remove the person holding the position, for cause, in accordance with existing statute. As in all legislation, we do not presume that this proposal gives anybody everything that they wanted. What we do propose is that it is a reasonable compromise and that it is a workable approach, in the New Hampshire tradition, to finally establishing an overall environmental policy for the state and will give Mother Nature a seat at our table. **Vote 10-6.**

Rep. David E Essex for the **Minority** of Environment and Agriculture: This bill was significantly amended from one that addressed improving public input into projects undertaken by state government, and requiring environmental impact studies that could have increased annual state expenditures by almost \$13 million. The amendment refocused the bill on establishing an environmental policy for all of the state's resources, both public and private; creating the new position of environmental protection ombudsman in the office of energy and planning, and renaming and charging that agency with new responsibilities for overseeing the policy. The minority is especially concerned that the ombudsman's responsibilities are poorly defined, over-broad, and duplicative of some functions of other agencies and committees. In addition, it is unclear how much this new non-classified position will cost, and whether the ombudsman's election by joint session of the House and Senate, and placement in the office of the governor, are proper or effective. The assistant commissioner of the department of environmental services and director of the division of forests and lands expressed serious reservations. While some members of the minority support establishing a state environmental policy and improving coordination among state agencies, they cannot support the specific mechanism established by this bill.

HB 172-FN, establishing the position of state meat inspector. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D O'Connell for the **Majority** of Environment and Agriculture: Under current state law a New Hampshire meat inspection structure is in place within the New Hampshire Department of Agriculture, Markets, and Food. Presently however, USDA regulations do not allow the interstate sale of meat without USDA inspection. In 2000, the legislature

deactivated the state meat inspection law until such time as USDA withdraws its federal meat inspection program from the state. HB 172-FN as amended simply adds language enabling reactivation of the state inspection program, if and when USDA allows the interstate sale of state inspected meats. This potentially could offer expanded marketing opportunities for our livestock producers to support the renewal of a state meat inspection program and encourage locally grown products. **Vote 15-1.**

Rep. Steve Vaillancourt for the **Minority** of Environment and Agriculture: As originally filed, this bill would force the Department of Agriculture to hire a state meat inspector, at a cost of approximately \$100,000 a year, in hopes of creating enough work for the inspector to do. The minority believes that government should not be in the position of creating positions hoping the market will then create a need. It should be the other way around. The former Agriculture Commissioner testified that there is not enough volume to justify this position. He went on to say that if additional monies are available for his department, there would be other priorities. There is only one slaughterhouse (Goffstown) in the state. The amendment to the bill only muddles the waters by stipulating that if the federal government takes certain actions, then the state may or may not hire a meat inspector. This is totally unnecessary. We should not be passing needless legislation based on something which may or may not be done in Washington at some future time. If the Department of Agriculture Commissioner believes such a position is necessary he could include it in a future budget then the governor at the time could determine whether in fact he agrees it is necessary. The Legislature should not be creating positions which are neither necessary nor wanted by the officials in the best position to make determinations as to current or future need. The minority rejects the “if you build it, they will come” argument in regards to the state’s role in slaughterhouse inspection.

HB 503-FN, relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Burton W Williams for the **Majority** of Environment and Agriculture: Solid waste management is not a problem which will ever diminish, and the Department of Environmental Services is in constant need of general funds to facilitate the reduction of solid waste and to encourage recycling and reuse. This bill establishes a revenue source which will relieve the general fund and the taxpayer of considerable expense that the disposal of solid waste requires. A one cent per beverage container surcharge, levied at the wholesale level, will not only create funds for DES solid waste management programs, but allow all municipalities in the state to apply for grants to improve and expand their recycling programs, thus diverting tons of plastic, metal, glass and paper from incinerators and landfills, creating a flow of raw materials and opportunities for new industries and jobs in New Hampshire. Consumers should be responsible for the proper disposal and recycling of the containers they use, not the taxpayer. For the cost of one penny per beverage container, New Hampshire can serve as a model of recycling and reuse, and begin to reverse the trend of living in a throw-away society. **Vote 15-2.**

Rep. Steve Vaillancourt for the **Minority** of Environment and Agriculture: This bill, which began as a well-intentioned effort to promote recycling and solid waste management, sadly has become a \$10 million per year bottle tax. The proponent of the majority amendment began his dissertation by noting that the governor would not support this new tax (it’s called a fee, but make no mistake about it; this is a new tax pure and simple). “A beverage container fee of \$.01 per container shall be paid by a beverage manufacturer” is the precise wording. Don’t be fooled, however. This fee is a tax, and unlike bottle bills which traditionally promote recycling, there is no such incentive in this bill. Bottle bills mandate deposits. In other words, the monies are returned when the bottles are returned. There is no such stipulation in this bill. That’s why it must be considered nothing more than a tax. But even worse than that it is a tax which comes with a dedicated purpose, something the House and our governors have traditionally tried to avoid. Again don’t be fooled by the

language which calls for the tax to be paid at the wholesale level. As is always the case, we should expect this tax would be passed along and if history is any judge, many wholesalers would use the tax to raise fees beyond the one cent. So why did this bill become a bottle tax? The bill originally called for a surcharge on the disposal of solid waste to fund solid waste management, presumably sensible although still a tax. However, strong opposition (with a 28 A argument) was voiced by the municipal association and cities and towns, who by and large would have been levied that tax, that the committee went in another direction. The minority believes that the citizens of New Hampshire did not send us here to implement more special taxes to fund more government bureaucracy which may or may not accomplish anything of benefit to our society. The fact that even the governor opposes this is comfort to the minority which believes that this is such bad tax policy that it should be defeated here and now.

HB 666-FN, establishing a license fee for the sale of animal vaccines. OUGHT TO PASS WITH AMENDMENT.

Rep. Tara A Sad for Environment and Agriculture: In order to adequately support the existing companion animal neutering fund, this bill establishes a license fee for pharmaceutical companies which sell animal vaccines in the State of New Hampshire -- \$500 for a permanent license and \$200 for a temporary license -- resulting in an estimated increase in state restricted revenue of \$11,000 in FY 2007 and \$22,000 in FY 2008. In addition, the bill eliminates the subsidies currently paid to veterinarians for immunizations not vital to the animals or necessary to public health. Rabies vaccinations for dogs and cats will continue to be required. An estimated additional savings of \$30,000 per year resulting from this change in policy to no longer require non-essential vaccinations will be realized, which can then be used to fund much needed additional spay/neuter procedures. **Vote 17-0.**

HB 877-FN, relative to the state recycling program. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Burton W Williams for the **Majority** of Environment and Agriculture: As a legislature, we are keenly aware that state government should be a model for good environmental practices such as recycling. For decades, the RSA's have contained a hodge-podge of recycling statutes including a mandate for state agencies to recycle that has proven unworkable. HB 877, as amended, establishes a state policy on recycling and replaces the unworkable mandate with a collaborative committee of legislators and department heads, among others. The Intra-Agency Recycling and Purchase Committee is charged with addressing various aspects of recycling and has reporting duties. It is co-chaired by the commissioner of environmental services and the commissioner of the department of administrative services or designees. Both agencies worked with the committee to develop this amended version of the bill. This bill retains the recycled materials fund and clarifies its operations. No new positions are funded through this amended bill. This is a sound step in the right direction and long overdue. **Vote 17-1.**

Rep. Steve Vaillancourt for the **Minority** of Environment and Agriculture: While recycling by state agencies is certainly a good idea, the minority believes that this bill represents an attempt by the legislature to micromanage and meddle into areas which should be handled by the state's chief executive. Should this or any governor wish to accomplish the goals of this bill, he or she could do so without this type of legislation. In fact, any governor would be in a much better position to accomplish the goals of this bill without the restrictive language it contains. The minority invites you to read the amendment, but the minority is equally convinced that few will want to read it since its six pages of increased regulations which amounts more to a full employment manifest for bureaucrats than a laudable attempt to increase amounts recycled by state agencies. The fiscal note, while initially vague, was updated to include a price tag in the \$450,000 per annum range. New Hampshire's previous governor formed a commission to look into this matter. The present governor has not acted upon that commission's ideas or formed a new commission. The minority suggests action at the executive level would be more proper and effective to solve any problem that may exist in

this regard. The minority believes that any governor, desiring to spend \$450,000 in such a manner, should include the appropriation in a future budget request and not be forced into such expenditure.

HB 924-FN, relative to the deconstruction of buildings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leigh A Webb for the **Majority** of Environment and Agriculture: This bill seeks to put the state into a position of leading by example, mandating the diversion of recyclable and reusable material from the stream, meaning incineration and landfills, and instead encouraging their use in beneficial, constructive, and cost-saving ways. Hazardous material, such as asbestos, and unusable material such as painted wall board (gypsum), would not be included in the 75% formula as defined by the bill. Dealing only with demolition projects funded partially or wholly by the state, this bill only suggests by example that the private sector consider following the state's policy drafted out of concern for limited landfill space, to conserve resources, and to be sensitive to our fragile environment. **Vote 14-3.**

Rep. Steve Vaillancourt for the **Minority** of Environment and Agriculture: Like HB 877, this bill represents an attempt by the legislature to mandate executive department recycling efforts which are best addressed by the state's chief executive, that is to say by the governor. While the minority agrees that it would be beneficial to recycle materials created in demolitions of state property, the minority does not believe a 75 percent stipulation is wise nor does the minority believe the definitions contained in the amendment are wise. Discretion should be left up to the governor and department heads. A potential 28A issue was also raised with the amendment since the language is so broad ("structure funded in whole or in part by state funds") that cities in towns could be caught up in the stipulation. What, for example, about a town removing a school building that was funded to some part by state monies 50 years ago? While recycling 75 percent of the materials might in fact be a good policy, it might be at such a prohibitive cost that the town might decide it is unable to accomplish the goal.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 65, relative to the appointment of the director of the division of ports and harbors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill addresses structural inconsistencies between the Pease Development Authority (PDA) and the division of ports and harbors which impede optimal economic development of the Port of Portsmouth, as well as the optimal operation and management of both the port and the harbors along the NH seacoast. These differences were either not fully recognized or were left unresolved when the legislature placed the division of ports and harbors under the PDA in 2001. HB 65 removes the governor and council from their current role in the appointment and confirmation of the port director and places the hiring of the division director in the hands of the executive director of the PDA and the board of the PDA. HB 65 also requires a biennial report that addresses the financial status of the port, contracts that were executed in the previous 24 months as well as the status and scope of all ongoing port development projects, a summary of environmental reports, a summary of PDA programs and informational meetings held to encourage communication with the involved communities. Membership on the division advisory council is becomes more specific in HB 65. There continue to be 8 members on the advisory council, 6 of whom are appointed by the governor. Among these 6 appointees should be: 2 individuals from cities and towns not represented on the board, 2 members with maritime industry experience and 1 commercial fisherman. **Vote 14-2.**

HB 174-FN, relative to regulating residential building and remodeling contractors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for the **Majority** of Executive Departments and Administration: This bill as amended will require contractors to be registered in the State of New Hampshire. Over the last few years, there have been numerous instances of contractors taking advantage

of people by doing bad work or no work at all. Testimony was given by the attorney general's office that there is a problem chasing bad contractors because some of their practices (taking money and doing no work) are not covered under the consumer protection act. By registering the contractors, the attorney general will be able to prosecute using the consumer protection act. The bill also includes a number of items that would trigger the consumer protection act protection. A section was also added requiring written contracts before work begins. This is a difficult topic, but the majority of the committee supports expanded consumer protection.

Vote 8-6.

Rep. John Reagan for the **Minority** of Executive Departments and Administration: In an effort to provide stronger consumer protection, this bill creates another bureaucracy instead of just strengthening the existing consumer protection law. The attorney general's office had asked for a stronger consumer protection provision, but HB 174 generates a new department at great public expense and a burden that falls hardest on the start up and small contractor.

HB 544, relative to exemptions from auctioneering for Internet sales. **OUGHT TO PASS.**

Rep. Alida I Millham for Executive Departments and Administration: This bill exempts e-bay, electronic type sellers from being required to have an auctioneer's license. The relationship a person has with someone who acts as person to bring something to the internet for sale is not that of an auctioneer, but more of a consignment seller. While people need to be protected from unscrupulous people, the committee determined that an auctioneer's license is not the right approach. **Vote 13-2.**

HB 818, establishing a committee to study reestablishing the port authority as an independent agency. **INEXPEDIENT TO LEGISLATE.**

Rep. James F Headd for Executive Departments and Administration: The issues considered under HB 818 were addressed in HB 65 making the bill moot. **Vote 13-1.**

SB 94, relative to the office of information technology. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: Currently, there exists a bureau of information technology within the office of the governor. This bureau was established in the 2003 session of the general court. In response to a request by the governor to remove this bureau from the governor's office and replace it with a department of information technology, this bill was introduced in the Senate. The amendment adopted by the committee makes the process consistent with the requirements of RSA 21-G:6 on the proper set up of a department with the appropriate chain of command, scope of responsibilities, and methodology for ensuring the satisfactory delivery of information technology services. The bill further establishes a legislative oversight committee tasked with constantly reviewing the status of state information technology plans, organizational structure of employees among state agencies and tracking the financial budget as it relates to information technology. **Vote 13-0.**

FINANCE

CACR 6, relating to education funding. Providing that the state may meet its funding obligations under Article 83 by providing aid only to those communities that, in the reasonable judgment of the general court, are in need of such aid. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K Smith for Finance: Since this CACR was introduced, certain components of the proposed amendment have been enacted into law and the committee concluded that the remaining components did not help to resolve any outstanding issues. **Vote 14-9.**

HB 577-FN, establishing the number of associate justices of the superior court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter E Franklin for Finance: As the family courts are being established in New Hampshire the number of superior court justices needed has declined. The reduction has been accomplished by attrition. The superior court backlog has been growing, however, so that there is a need for 2 additional justices. This bill, as amended, provides for one new

justice in FY '09, to be paid for from money from judge vacancies in this year's budget. A second justice may be appointed in FY '10. **Vote 14-9.**

HB 752-FN, relative to per pupil funding for charter school pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel A Eaton for Finance: While well intended, this bill would establish an arbitrary funding figure for students attending public charter schools that would increase expenditures in excess of two million dollars. The committee felt that while there are currently two commissions operating, one studying charter schools overall and the other costing education for all public education, HB 752 would be premature at this time. **Vote 17-6.**

SB 117-FN, relative to fireworks display permits and the position of permissible fireworks inspector. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen B Stepanek for Finance: Testimony indicated that few inspections are currently being done. The committee agreed with the fire marshall's office and the industry that a full time inspector is needed. The industry was concerned without a full time inspector and regular inspections that some people might not follow the state rules and regulations which could result in a potentially serious accident involving injury or death. We reviewed the various fees being charged for fireworks related inspectors. These fees were adjusted with full support of the industry. We estimate that revenue would total approximately \$72,000.00 to \$75,000.00 per year; against a cost for the full time inspector of \$84,000.00. **Vote 21-1.**

FISH AND GAME

HB 527-FN-A, establishing a recreational saltwater license for fishing of marine species in coastal and estuarine waters. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis F Abbott for Fish and Game: The committee felt that this bill was not adequately supported in our neighboring states or by the sportsperson's of our state. Maine and Massachusetts are having problems in advancing a licensing system in their states because fishermen have never had to pay for the privilege. Without our neighboring states enacting similar legislation at the same time we place at risk some businesses here in our state because of our short coastline. There are only seven coastal states that have not enacted some form of a licensing system for saltwater anglers. In 2009, the federal government, as part of the Magnuson-Steven Reauthorization Act, will require a registry system for all anglers in federal waters and in 2011 will charge for that registry system. The principal reason for a registry system for saltwater anglers is because of the dramatic increase in recreational anglers making it necessary to have an accurate database of anglers in order to capture the necessary information regarding catch and effort that is critical to managers, scientists and biologists in fisheries management. Without good data we further place our fisheries at risk and it is clear to most people that overexploitation of our fisheries has been harmful to the resource and also to those make a living from it. States not having their own licensing system by 2011 will instead be required, and will be charged a fee, for this registration system. That registration fee is anticipated to be greater than that suggested in this legislation. Without the adoption of a licensing system prior to that required by federal requirements, our state will not receive the benefit of that revenue and the Fish and Game Department sorely is in need of revenue. The committee felt that legislation adopting a saltwater fishing license will be introduced and passed when the federal agency adopts its final rule and it becomes clear that we should have our own system and not allow a needed revenue source to go south. The committee voted overwhelming in a non partisan vote to reject this legislation despite its understanding of the reasons why at some point a saltwater fishing license will be necessary. **Vote 12-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 265-FN-A, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: The majority of the committee felt that with the enactment of Senate Bill 138, Chapter 363, 2007, the legislature has put the funding and policies into place to offer high quality services to individuals with developmental disabilities and acquired brain disorders. The area agencies are reporting a high level of satisfaction within the communities with the funding already received and the services they are able to extend. Also in place now are commissions on work force development and quality assurance that have not yet reported back. The legislature strongly supported the funding and infrastructure improvements contained in SB 138 with a vote of 300-5. While the majority believes that no additional changes to the law are needed now, referring HB 265 for Interim Study will insure that the issue of the waitlist is kept before the legislature through the end of this term. **Vote 11-8.**

HB 630-FN, relative to an electronic controlled drug prescription monitoring program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R MacKay for the **Majority** of Health, Human Services and Elderly Affairs: Nationally and in New Hampshire there has been a significant increase in deaths from the use of controlled drugs. Testimony indicated that over the past eight years, there has been a 150% increase in deaths due to use of drugs, specifically methadone. Prescription drug abuse is one of the fastest increasing forms of substance abuse. One of the important purposes of the controlled drug prescription monitoring program is to identify individuals who are misusing prescription drugs or prescribers who are impaired and refer them for treatment. As amended, the program monitors only those drugs with the highest potential for abuse. Many states have initiated this type of program. Data on prescriptions are maintained in a database with a very high level of security, accessible only by appropriate licensed health care providers. The program does not encumber general funds but is supported through federal grants. In addition, it provides for a performance audit to assess outcome measures. There is also a sunset provision after several years of operation. The committee added this provision to ensure quantitative positive results for the long term operation of the program. The goal of this program is to improve public health. Individuals who exhibit drug-seeking behavior will be referred to their health care provider for intervention. Providers who may be impaired will be referred to their licensing board. In extreme situations, the advisory council may make a referral to law enforcement for investigation. After much research and discussion, the majority of the committee was convinced of the public health benefit of this program. **Vote 15-3.**

Rep. Frank G Case for the **Minority** of Health, Human Services and Elderly Affairs: Law abiding citizens will be included in the data collection, merely because they have some health problems related to pain such as “back pain” or “cancer pain” and thus are using large amounts of pain medication for relief. There is also an assumption that all “prescription drugs” are obtained at a local pharmacy only. This fact has not been established during testimony on this legislation. This fact makes one wonder why hospitals, nursing homes, home health care agencies, and hospices have been excluded from the program.

SB 102-FN, relative to the powers of state government in the event of an incident or outbreak of communicable disease. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan H Schulze for Health, Human Services and Elderly Affairs: This bill was requested by the department of health and human services after a public health emergency drill. This is an important bill for the safety of the citizens of this state. During the drill it became evident that no one had authority to take charge of certain necessary actions in dealing with the disaster. These actions included building closures, event cancellation, medication and equipment rationing / securing. This bill as amended is the collaborative effort of DHHS, the attorney general’s office and this committee. It permits a plan of action

by the commissioner, with written approval of the governor to carry out necessary measures in an incident or outbreak of communicable disease. The bill also establishes an ethics committee to offer advice to the commissioner relative to ethical issues that may be identified in the course of planning for and responding to outbreaks of communicable diseases that threaten to become epidemic or pandemic. The effective date of the act and establishment of the ethics committee shall be upon passage of this bill. **Vote 20-0.**

JUDICIARY

CACR 2, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R Lasky for the **Majority** of Judiciary: The majority of the committee found this proposed constitutional amendment inexpedient to legislate in the belief that such an amendment would upset the balance of power between the legislature and the judiciary. The protection of the rights of the minority and the give and take of these two branches of government, which has worked for hundreds of years, need not be changed **Vote 15-5.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: CACR 2 would bring the Supreme Court back to constitutional legitimacy by writing into the Constitution the distinction between adjudicatory and legislative acts drawn by Justice Levi Woodbury in the 1818 Supreme Court case *Merrill v. Sherburne*, the first case to come before the court under the separation of powers provision, Article 37 of Part I. By so doing, it would restore the original understanding of the boundaries of the separation of powers, reflected in that case, whereby the judiciary was constituted the final authority of the constitutionality of adjudicatory acts and the legislature was constituted the final authority on the constitutionality of legislative acts. It has only been in recent times, since its 1983 decision in *State v. LaFrance*, that the court – bolstered by the recent insertion of Article 72-a into the Constitution, which removed the only effective check upon its ambitions - has laid claim to final, unreviewable authority, binding on the legislature, to refuse to enforce on constitutional grounds acts of a purely legislative character. By reason that the court has an inherent institutional bias in favor of resolution of separation of powers issues that enhance judicial power at the expense of legislative, this sweeping, anti-historical assertion of authority has resulted in judicial intrusions into the legislature's exclusively granted constitutional authority to establish state policy to such an extent that the court acts today as a virtual third chamber of the legislature, with veto power over the other two, exercisable by whichever three persons happen to comprise a majority of the court at any given time. One can only hope that the legislative branch will eventually tire of having its hard fought-for policy choices repeatedly subordinated to those illegitimately imposed by the judicial, and take action to restore the separation of powers and checks and balances between them.

HB 40, relative to living wills and durable powers of attorney for health care. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy McV Weber for the **Majority** of Judiciary: Currently, a health care provider may accept and act on either an original or a copy of an advance health care directive. This bill would require the health care provider to wait for the production of the original document before following the wishes contained in an advance directive. The majority is concerned that this would cause delay in acting on the wishes of the principal. It would cause particular difficulty for seniors who move between New Hampshire and warmer weather states. Requiring the production of the original document would also cause unnecessary extra stress to family members during a difficult time. Finally, the committee heard no testimony that would cause concern that copies of these documents are being used improperly. **Vote 15-5.**

Rep. Robert H Rowe for the **Minority** of Judiciary: Under our law, there is only one original copy of a person's will. This is also the law as to a New Hampshire advanced directive (durable power of attorney/living will). Only a single original document has legal validity.

This is not the case as to other legal documents, such as contracts where there can be multiple originals; all valid and enforceable. The minority believe it is bad policy to allow a copy, fax or e-mail to be enforceable without further proof that the copy is, in fact, a copy of an existing and enforceable advanced directive and not a copy of a document that has been revoked or amended. The advanced directive form states that the one original executed directive cannot be changed or modified; this revokes the document as does the destruction of the original. It can happen that copies of an obsolete, revoked or changed advanced directive will be copied, faxed or e-mailed and then used as proof of the individual's intent. Since the issue is a person's life, we should err on the side of caution; a mistake in utilizing a copy of an obsolete or revoked cannot be corrected.

HB 57, relative to advance directives for durable powers of attorney and living wills.

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

Rep. Lucy McV Weber for the **Majority** of Judiciary: Currently, the statute requires that health care directives be "substantially in the form set forth in RSA 137-J:20." This bill would add the words "or other form desired by the principal." The purpose of the underlying statute was to create a degree of uniformity in the form of these documents. The majority believes that the word "substantially" is sufficient to allow enough latitude to customize the documents to accurately reflect the wishes of the principal, without returning to the confusion created by a complete departure from the current form. **Vote 12-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: The bill allows for the individual to have a choice in the wording of their advance directive (end of life document). The ONLY form currently allowed by law has only two very restrictive choices. 1) Life sustaining treatment is not to be started... and 2) Life sustaining treatment is to be given... There is no in between. In NH it is all or nothing. If you want to be kept hydrated in some instances and not in others, it is not allowed on our advanced directive form. Also hydration and nutrition are linked. Some may want to be kept hydrated so they would not suffer an excruciating death but would not want to be fed by a tube. They must check off both or nothing. Consequently, many citizens are hesitant to sign this document. As our law accepts out of state documents, citizens coming from other states have more rights than NH residents. We should give everyone the right to make personal choices for the end of their life.

HB 443, relative to requirements for admission to the New Hampshire bar upon motion.

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

Rep. Gail C Morrison for the **Majority** of Judiciary: The intent of this bill is to extend to graduates of the Massachusetts School of Law, admitted and practicing law in other states, the option to file a motion and be admitted to the New Hampshire Bar without being required to take the New Hampshire Bar examination. This bill is no longer necessary as the New Hampshire Supreme Court has corrected the situation so that graduates of Massachusetts School of Law may be admitted to practice in this state on motion. This resolution satisfied our colleague on the committee, the late Donald Buxton, who had sponsored the bill at the request of a constituent. **Vote 15-4.**

Rep. David J Bettencourt for the **Minority** of Judiciary: The minority of the committee believes that what lies at the heart of this issue is fairness and equality. The recent history of this issue is as follows: Prior to the introduction of this legislation, the New Hampshire Supreme Court exercised a strict interpretation of its rule regarding admission to the New Hampshire bar on motion (admitted to the New Hampshire bar without having to take the New Hampshire bar exam). This reading discriminated against attorneys who graduated from law schools (specifically the Massachusetts School of Law and Southern New England School of Law) not approved by the American Bar Association (ABA) from having the opportunity to be "waived in" on motion. This despite that the New Hampshire Supreme Court allows attorneys who graduated from law schools not approved by the ABA in foreign countries to be admitted on motion. The minority asserted that this was improper and believed that the standards set by the ABA for accreditation (size of library, number of part time versus full time professors, facility size, etc.) were arbitrary and not an accurate

reflection of an individual's ability to practice law. Additionally, the minority believed that the supreme court interpretation discriminated against individuals from low-income backgrounds who attend non-ABA accredited law schools because they are generally more affordable. However, as this legislation progressed through the legislative process, the Supreme Court decided to "re-interpret" its rule and decided to allow non-ABA law school graduates to "waive in" as long as they met the criteria that every attorney seeking admission on motion must satisfy (practicing attorney for five years, passed a bar exam in another state, and in good ethical standing). While this new interpretation by the supreme court would appear to make the issue moot, in actuality the substance of the issues remains. Because the supreme court simply "re-interpreted" its rule rather than undertaking a substantive rule change, the matter is still open to re-interpretation by future courts. The minority asserts that court rule interpretation is significantly different from a law or rule change. This legislation would address the issue permanently and ensure that this discrimination never again takes place. Where an individual attends law school should not serve as a discriminant to practice law in New Hampshire, particularly if they have already demonstrated ethical conduct and competency. Finally, the minority believes that this legislation will decrease the number of pro se litigants in our courts.

HB 455, repealing the law relative to screening panels for medical injury claims.

MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Bette R Lasky for the **Majority** of Judiciary: Testimony was received that the screening panels have been difficult to convene, expensive for the parties and may delay the resolution of cases. In addition, testimony indicated there has been no reduction in medical malpractice insurance costs. The majority of the committee thinks because only a year has passed to see the law's (RSA 519-B) results, we should give the statute additional time to work to see if it reduces rates and accomplishes its other goals. **Vote 13-7.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: The minority of the committee feels this bill should be Inexpedient to legislate. While this issue should be watched, interim study is unnecessary as we already have a commission with a committee member participating which is studying this issue. Setting up an additional committee just adds cost to the state and duplicates our effort.

SB 32-FN, increasing the maximum amount of debt or damages for small claims actions.

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

Rep. Robert H Rowe for the **Majority** of Judiciary: This bill increases the small claims limit in district court from \$5,000 to \$10,000. The committee was concerned that a blanket increase to \$10,000 had the possibility of causing harm to the elderly and lower income families, allowing our citizens to, possibly, be taken advantage of by less than honorable plaintiffs. A compromise amendment was offered, allowing for the increase in limits but with conditions. The amendment provides that small claims actions above \$5,000 first be mediated in district court and then if mediation was not successful, the case would be presented to the court under oath. It was believed that if the parties and witnesses were subject to the penalties of perjury, any harm would be limited. Still the defendants are protected in that they have the option in cases above \$1,500 to have the matter tried before a jury and this in a formal setting and allowing for detailed witness and evidence discovery.

Vote 14-6.

Rep. Anthony R DiFruscia for the **Minority** of Judiciary: The present \$5,000 limit in small claims actions has worked well. The facts are that only two states have limits of \$10,000 in small claim actions, while 38 states have \$5,000 limits or less. Small claims courts have no rules of discovery. The danger is that a person may be denied the right to fair trial. "If it ain't broke, don't fix it."

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 399, relative to variable rates of overtime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen A Johnson for Labor, Industrial and Rehabilitative Services: The committee agrees this bill will solve the outdated issue of variable overtime rates. The bill strengthens already existing law. In addition to conforming to the fair labor standard act, HB 399 has the support of not only state department of labor, but also the US department of labor. **Vote 9-3.**

HB 436, expanding employee freedom of expression to all public employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John K Knowles for Labor, Industrial and Rehabilitative Services: This bill provides a stronger remedy when a public employer punishes or restricts an employee's free-speech rights. It replaces a weak, ineffective, and impractical criminal penalty with civil remedies: either court injunction or possibly civil suit. It applies only to public employees who speak as private individuals about matters of public policy or performance; it does not allow personal attacks. The bill also applies existing state law to other political entities in the state. **Vote 9-3.**

HB 690, relative to job skill training in volunteer work by unemployed individuals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen A Johnson for Labor, Industrial and Rehabilitative Services: The committee overwhelmingly supported this bill. The intent is to provide unemployed individuals with new skills, to aid them in finding gainful employment. It is a pilot project that is approved by the Department of Employment Security. **Vote 10-3.**

MUNICIPAL AND COUNTY GOVERNMENT

CACR 9, relating to: registers of probate. Providing that: the requirement that registers of probate be elected be removed. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Earle Goodwin for Municipal and County Government: The office of the register of probate was established in 1694. In 1877 the registers of probate were added as elected officials which was motivated by the perception of "inappropriate partisan politics" at the time whereby judges were being removed by both parties of the legislature. This is no longer the case. The testimony in committee indicated that the majority of the registers in the state approve of being appointed by the probate judge, instead of being elected by the voters. In addition testimony was given showing abuses of the system by elected registers. The committee strongly believes that the clerks of probate be an appointed position. The latter would ensure accountability for the public. In addition, standards would be set for the hiring and dismissal of the appointed clerk of probate. This constitutional amendment will be a ballot question in November 2008. A companion bill will ensure that registers of probate elected in November 2008 can fulfill their term. If however, they can no longer continue their duties, the constitutional amendment will allow for a clerk of probate to be appointed. By 2011, all clerks of probate will have been appointed. **Vote 13-1.**

HB 208, relative to the definition of swine as a nuisance. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: The bill as originally submitted would have removed oversight of swine farms by municipal health officers. An amendment passed by the committee met with opposition from the New Hampshire Farm Bureau and the bill was retained to determine if a compromise could be reached to solve both farm and public health concerns. A compromise was not forthcoming and accordingly the committee feels that no change to current law should be made at this time. **Vote 14-1.**

HB 310, allowing municipalities to regulate small wind energy systems. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jessie L Osborne for the **Majority** of Municipal and County Government The bill as amended is designed to encourage development of wind power for single residential use. The bill amends the planning and zoning statutes declaration of purpose to include reference to

renewable energy systems and to not limit the facilitation of collection of renewable energy unreasonably by the use of municipal ordinances. **Vote 10-3.**

Rep. Larry Brown for the **Minority** of Municipal and County Government: It was the view of the minority that this is not an enabling bill. It is a disabling bill. It strips every municipality of the power to set standards for aural and visual pollution on the community's own terms. No commercial wind farm will accept restrictions that a small energy system need not meet. The argument is made that there is no silver bullet for alternate energy – we must depend on silver buckshot. But this gun ain't loaded. Where is the harm this bill corrects? How many systems are being built or contemplated? Finally, this is in a certain sense of self deceptive or self deceptive or self congratulatory bill. We have run away from a gas tax. We shop in the bright glow of big box mall and few remember the thermostat setting of 1978. Why then such enthusiasm for such a trivial mole hill of energy when major practical steps can be taken to conserve energy at no cost to the integrity of local zoning control?

HB 445-FN-L, relative to the assessment of open space land. **REFER FOR INTERIM STUDY.**

Rep. Betsey L Patten for Municipal and County Government: There is a need for Municipal and County Government (M&CG) Committee members to understand better the process of Current Use and how Current Use Land is assessed. M&CG is one of two standing committees in the House, the other being Environment and Agriculture, which deal with both issues, i.e., Current Use and Assessing. The members felt that an informative educational meeting for both committees, regarding the above, would be beneficial. **Vote 12-0.**

HB 717, allowing municipalities to establish local community services and care planning boards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary R Cooney for the **Majority** of Municipal and County Government. The shift from nursing facility care to home and community based care has exposed the need for a more comprehensive community based care infrastructure. This bill would provide willing communities with a template for creating a community services and care planning board. The advantage of having a municipal-sanctioned board is to give it authority to inventory all services and make recommendations to the municipality. The inventory could be used to coordinate with other communities for mutually needed services or to learn about successful programs in other towns. This bill is enabling and would be very useful to many communities as our aging population grows. **Vote 7-6.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: This bill sets up the mechanism to create a community service and care planning board to allow the community to assess the community service needs of all its residents that would enhance the public health, prosperity, quality of life, safety and general welfare of all its citizens. The minority of the community stated that the local communities already have the authorization and process to create a board such as the care planning board. The land use boards look at the quality of life, safety and general welfare of the community by their regulations. The visiting nurse boards and the health officer look at the public health and prosperity of the citizens in a community. If there was a need to inventory surrounding municipalities as to what services are available, all one community has to do is to communicate with its neighbor. The minority of the committee strongly believes that this bill is unnecessary and duplicative.

SB 85, relative to eligibility for the property tax exemption for the disabled. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L Osborne for Municipal and County Government: This bill allows municipalities to expand eligibility for the disability exemption to a small number of people who previously were qualified under the federal social security requirements, but who lost that eligibility and thus their exemption due to a change of circumstances. These disabled people could not meet the work requirement on their own but had had benefits through a

parent or guardian's work credit, which they could have lost through marriage. The person still would have to meet the medical disability standard of the Social Security Administration and the means testing of their local municipality. The amendment would require that the local municipalities approve this change even if they have existing disability exemptions. This is enabling legislation. **Vote 11-1.**

PUBLIC WORKS AND HIGHWAYS

HB 592-FN, relative to tolls on the Everett Turnpike. **INEXPEDIENT TO LEGISLATE.** Reps. David Campbell and Alfred C Lerandau for Public Works and Highways: This bill was one of six filed in the last session proposing to remove tolls or offer other toll relief at exits 10, 11 and 12 off the F.E. Everett Turnpike in the Town of Merrimack. The committee retained this bill as a vehicle to study this issue in its entirety. The subcommittee met seven times from July to November. A reconstruction of the history of the tolls in Merrimack revealed the following: That in the early 1980's the Merrimack legislative delegation and the Merrimack town council were unified in their support of these three exits being tolled as the way to pay for the considerable turnpike improvements that were requested in Merrimack. The NH turnpike system spent 48 million dollars in the construction of Exits 10, 11 and 12, as well as portions of Industrial Drive and Camp Sergeant Road (from the intersection of Old Camp Sergeant Road south of Exit 10 all the way to Route 101A) which greatly improved east/west travel throughout Merrimack without a toll. These turnpike improvements were instrumental in attracting commercial users (such as Fidelity), industries and residential developments to locate in Merrimack. The NH turnpike system continues to own, operate and maintain (pave, stripe, plow and salt) these sections of roadways at turnpike expense. The bonds to build these roads are far from paid off, yet the Town of Merrimack has received millions of dollars in property taxes as a direct result of these turnpike system improvements. In light of these facts, and because of concerns of precedence and fairness throughout the turnpike system, the committee unanimously voted this bill as inexpedient and agrees with the recent actions of governor and council in rejecting the removal of any toll booths in Merrimack. The executive council voted to keep the tolls the same in Merrimack, when it recently raised the tolls on the turnpike. Additionally, the governor, the committee and the department of transportation are working to investigate the possibility of a scaled toll structure (through EZ-Pass) to offer some relief to all turnpike non-commercial commuters, provided its effect on turnpike revenues is not significant. **Vote 14-0.**

SB 84, establishing procedural requirements to improve implementation of the 10-year highway plan **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: The bill as amended by the committee establishes a 6-year planning window for transportation infrastructure versus the current "ten-year" plan. This shortening of the planning horizon will provide some measure of certainty that the projects listed in the biennial transportation plan will actually be done. It also requires the department of transportation (DOT) to submit a plan that takes into account inflation in both revenue and cost, something that has been lacking in our transportation planning to date. Additionally, the bill contains a requirement that the DOT evaluate previously listed projects every two years and submit a list of those projects to be deleted based on one of several factors as outlined in the amendment. The bill, as amended, also changes the composition of the GACIT by adding members of the House and Senate to this body. This will allow early legislative input into planning process. The intent is to ensure that what is in the plan is financially and environmentally achievable. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 441-FN-A, establishing a non-motorized trails grant program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris Christensen for Resources, Recreation and Development: Over the study period the trails bureau and the division of parks developed plans to carry forward the goals of this bill. The parks department has committed to ensuring that non-motorized trails will be an

integral part of the strategic plan for parks being developed under SB 74, Chapter 359, 2007. This plan is due in September 2008. A program has been developed that will establish personnel to help manage volunteers under an “adopt-a-trail” effort. Funding to assist the volunteers may come from trail-head fees that the department already has authority to establish if needed. **Vote 9-5.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 295, relative to the definition of biomass and biomass fuel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M Garrity for Science, Technology and Energy: This bill as amended tightens the existing definition of what is (and is not) a biomass fuel. This action is important for the following reasons: a) New Hampshire is in the early stages of implementing the requirements of the electric renewable portfolio standard, b) this legislature has gone on record that we, as a state, want to encourage the development, deployment, and use of renewable energy sources (in all sectors of our energy economy: electricity, heating and transportation), and c) In the rush to this renewable energy future, we need to protect against so-called “renewable “ fuels that could do more harm than good, especially harm to our air quality. **Vote 11-0.**

HB 855, relative to renewable energy generation incentive payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Kaelin for Science, Technology and Energy: This bill would have created an expedited process for incentive payments for small renewable generation facilities of 5KW or less. As amended, it would have used the alternative compliance payment fund created by the renewable portfolio standard legislation. Because the RPS stakeholders had not had an opportunity to comment on this use of the ACP fund, it was decided to resubmit this legislation as a new bill in order to give the public an opportunity for input. **Vote 10-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 856, relative to the definition of veteran. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F Garrity for State-Federal Relations and Veterans Affairs: This bill attempted to redefine the New Hampshire definition of veterans to mirror the federal definition. The unintended consequences of passing this bill would expand the number of veterans receiving the tax credit, a Constitutional 28-A issue. Secondly the federal status defines service members with bad conduct discharges as veterans eligible for limited federal benefits. Combining New Hampshire veterans who have received honorable discharges with service members who have received a bad conduct discharge, often the result of conviction at a court martial and an extend period of imprisonment, received very limited support at the committee level. **Vote 11-1.**

TRANSPORTATION

HB 847, relative to general rules for vessels operating on water. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard N Cunningham for the **Majority** of Transportation: Over 100 people attended and testified at the public hearing on this bill. Because the issue was so protracted and difficult, the committee decided to retain the bill for further study. During the summer of 2007, marine patrol monitored several test areas on Lake Winnepesaukee and a number of committee members took an excursion on the big lake for a first hand experience. The marine patrol results were heard by the committee in October. This information, along with ongoing constituent correspondence, led to a compromise amendment which focuses only on Lake Winnepesaukee instead of every body of water in New Hampshire. This amendment sets a 45/25 (day/night) speed limit and is designed to sunset on January 1, 2011. This interval will provide an adequate period of time to make pre/post speed limit comparisons. **Vote 7-6.**

Rep. Sherman A Packard for the **Minority** of Transportation: When passing new laws it should be done for a reason. What is the reason for passing a boat speed limit bill? During July, August and September, the marine patrol conducted speed sampling on 55 days and nights. A total of 3,852 vessels were clocked, 62 of these were after 8 p.m. Of the 3,852, eighty-three (83) were traveling between 41-50 mph, 8 were traveling between 51-60 mph and 3 were traveling between 61-70 mph, with the maximum speed at 62 mph. Of those boats traveling over 40 mph, only 36 were traveling over 45 mph or 0.9%. A far greater percentage of people disobey our speed limits on our roads. Is this just another law that will punish all responsible boat owners because of the irresponsible actions of a very small percentage of boat owners? Do we really believe that by passing this law that this small percentage of inconsiderate and irresponsible people will change their habits?

WAYS AND MEANS

HB 185-FN, extending the duration of the CROP zone tax credits program and expanding the state jobs grant fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael G Marsh for Ways and Means: The original version of the bill sought to extend the sunset provision for the community reinvestment and opportunity zones program (CROP) and added the lakes region to the area covered by the jobs grant program. The committee reviewed this and a similar senate bill, SB 137, as well as two R&D tax credit bills, HB 618 and SB 134, seeking to provide the broadest stimulus possible with the limited money available. The committee amended SB 134, Chapter 271, 2007 which subsequently passed; amended provisions of SB 137 passed as part of HB 2, Chapter 263, 2007 and retained HB 185. At the request of DRED, HB 185 as amended now makes three minor changes to the bill passed last year: it clarifies that companies may enter into multi-year agreements with DRED where the total credit exceeds the single year credit cap; it states that the tax credit is taken first against the business profits tax rather than the business enterprise tax; and it makes clear that prior agreements made under the CROP program remain in effect. **Vote 15-3.**

HB 886-FN-A-L, relative to funding an adequate education. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for the **Majority** of Ways and Means: It is apparent to the majority that a comprehensive examination of the costs versus the benefits surrounding the gaming industry, particularly the introduction of video lottery terminals, is an essential step towards legislative consensus on this complex issue. Several retained gambling and casino bills were studied throughout the summer which produced considerable information. However, emerging developments made it impossible to reach a conclusion without further analysis and research. While the designation of Interim Study in the second year of a session effectively kills this initiative, the committee voted to hold one bill as a vehicle for the purposes of continuing to keep abreast of the subject with the intent of issuing a report by November 1, 2008. **Vote 13-5.**

Rep. Peyton B Hinkle for the **Minority** of Ways and Means: This bill would allow slot machines at race tracks in Coos County. However, there are no race tracks in Coos County. But, it would allow Coos County to have up to three casinos with slot machines, video poker machines, and other lottery machines. Studies have shown that these are the most addictive forms of gambling. With casinos come numerous social problems, including crime, lost productivity on the job as people spend time in the casinos, bankruptcy, suicide, social service costs for therapy treatment and welfare, and divorce and separation with the impact these have on children. The state will incur a regulatory cost with the commensurate staff and overhead. Social benefits have been claimed in the form of increased employment and business taxes. This is offset by the loss of jobs from existing forms of entertainment and tourist businesses. Discretionary dollars will be siphoned off from New Hampshire residents and taken out of the local economy. Locating casinos in tourist areas will impact the character of the state as a family vacation destination. No professional economic analysis has been presented showing the impact of casinos on the state. However, one preliminary

analysis using data provided by the proponents of casinos was presented to the committee showing that casinos located in the most populated area of the state would not generate enough income to cover all the cost, let alone leave revenue left over for education. Other states with casinos continue to expand gambling as they find that the revenue generated is somehow never enough. The committee studied volumes of information and heard hours of testimony. No amount of additional study will change the fundamental problems with casino gambling.

COMMITTEE MEETINGS

FRIDAY, DECEMBER 14

COMMISSION TO MAKE RECOMMENDATIONS TO ENSURE THE LONG-TERM VIABILITY OF THE NEW HAMPSHIRE RETIREMENT SYSTEM (HB 876, Chapter 355:1, Laws of 2007), Rooms 210-211, LOB

8:30 a.m. Regular meeting.

COMMISSION TO STUDY AUTISM SPECTRUM DISORDERS IN NEW HAMPSHIRE (HB 396, Chapter 171:1, Laws of 2007), Bureau of Developmental Services, 105 Pleasant Street, Main Building, Concord

10:00 a.m. Regular meeting.

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.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Division of Homeland Security and Emergency Management, 110 Smokey Bear Boulevard, Concord

10:00 a.m. Special meeting with a forum of first responders.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Room 103, State House (Please note room change.)

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

MONDAY, DECEMBER 17

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

9:00 a.m. Regular meeting.

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COSTING AN ADEQUATE EDUCATION (RSA 193-E:2-d), Room 100 State House

1:00 p.m. Regular meeting.

TUESDAY, DECEMBER 18

COMMISSION TO STUDY AND MAKE RECOMMENDATIONS ON THE EXPANSION OF THE NEW HAMPSHIRE AGRICULTURAL INNOVATION PROGRAM (HB 207, Chapter 162:1, Laws of 2007), Room 303, LOB

10:00 a.m. Regular meeting.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:00 a.m. Informational meeting.

TASK FORCE TO DEVELOP LEGISLATION FOR EXPANDING ACCESS TO AFFORDABLE HEALTH INSURANCE FOR THE 2008 AND 2009 LEGISLATIVE SESSION (HB 305, Chapter 248:1, Laws of 2007), Room 302, LOB

11:00 a.m. Regular meeting.

WEDNESDAY, DECEMBER 19

COMMISSION ON THE USE OF RADIO FREQUENCY TECHNOLOGY (HB 203-FN, Chapter 165:1, Laws of 2006), Room 303, LOB

1:00 p.m. Regular meeting.

THURSDAY, DECEMBER 20

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

9:00 a.m. Regular meeting.

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

3:00 p.m. Regular meeting.

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.

THURSDAY, JANUARY 3, 2008

FINANCE, Rooms 210-211, LOB

10:00 a.m. Briefing by the commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system.

11:00 a.m. Briefing by the Office of Legislative Budget Assistant on the 2007 comprehensive annual financial report, 2008-2009 surplus situation and bills with appropriations.

1:00 p.m. Briefing by the Joint Legislative oversight Committee on Costing an Adequate Education.

2:00 p.m. Continuation of the Office of Legislative Budget Assistant briefing on the 2007 comprehensive annual financial report, 2008-2009 surplus situation and bills with appropriations.

SCIENCE, TECHNOLOGY AND ENERGY, Representatives Hall

10:00 a.m. General information regarding Regional Greenhouse Gas Initiative (RGGI).

FRIDAY, JANUARY 4

COMMISSION TO STUDY AUTISM SPECTRUM DISORDERS IN NEW HAMPSHIRE (HB 396, Chapter 171:1, Laws of 2007), Bureau of Developmental Services, 105 Pleasant Street, Main Building, Concord

10:00 a.m. Regular meeting.

MONDAY, JANUARY 7

COMMISSION TO DEVELOP A COMPREHENSIVE STATE MENTAL HEALTH PLAN (HB 691-FN-L, Chapter 175:15, Laws of 2005), Room 205, LOB

10:00 a.m. Subcommittee work session on corrections.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 100, State House

10:00 a.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room 206, LOB

1:30 p.m. Regular meeting.

THURSDAY, JANUARY 10

FINANCE, Rooms 210-211, LOB

10:00 a.m. Briefing by the Department of Transportation I-93 project and the impact of toll increases.

11:00 a.m. Briefing by the Department of Corrections on department cost drivers including inmate medical, dental and psychiatric services.

1:15 p.m. Briefing on Medicaid – New Hampshire Center for Public Policy Studies.

3:00 p.m. Briefing on Medicaid – Department of Health and Human Services.

FRIDAY, JANUARY 11

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

10:30 a.m. Regular meeting.

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

1:30 p.m. Regular meeting.

MONDAY, JANUARY 14

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

1:00 p.m. Complaint hearing.

COMMISSION TO STUDY THE TRAFFICKING OF PERSONS ACROSS BORDERS FOR SEXUAL AND LABOR EXPLOITATION (SB 194, Chapter 122:1, Laws of 2007), Room 304, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, JANUARY 15

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

2:00 p.m. Regular business

THURSDAY, JANUARY 17

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, JANUARY 25

**WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 305,
LOB**

9:00 a.m. Regular meeting.

TUESDAY, JANUARY 29

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

3:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Rockingham County Delegation will meet to authorize Rockingham County to pay 2008 expenses on Wednesday, **January 2** following the House Session in Section 5 of the House of Representatives.

Rep. David A. Welch, Clerk
Rockingham County Delegation

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

MEMBERS' NOTICES

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

The Legislative Youth Advisory Council members are researching bills on topics of interest to them. Right now they are concentrating on some of the retained bills to find out if they have been amended and what the committee recommendations are. You may be receiving an e-mail or call from one of the members if you are a sponsor of a bill or if you are a committee chairman that has worked on a bill. They are an enthusiastic and serious group of young people who are a pleasure to work with.

Rep. Carolyn Gargas

The Northern New Hampshire Electricity Transmission Upgrades Ad Hoc Working Group

will meet on Wednesday, **December 19** at 10:30 a.m. in Room 304, LOB.
Rep. Naida L. Kaen

On Thursday, **December 20**, the Task Force on Work and Family (HB 306, Chapter 373:2, laws of 2007) in cooperation with the NH Women's Lobby will sponsor a brief presentation by former United States Senator Harris Wofford of Pennsylvania, and spokesman for Experience WAVE, a national campaign to widen opportunities for older Americans to stay engaged in work and volunteering. The event will be held in Room 206, LOB from 11:00 a.m. – 12:30 p.m. Members of the House and Senate are invited to attend. A buffet luncheon will be served. Please RSVP via email to mary.gile@leg.state.nh.us if you plan to attend.
Rep. Mary Stuart Gile

Thanksgiving has come and gone. The holiday season is around the corner. Shelves at the New Hampshire Food Bank will be seriously depleted. The NH Food Bank provides assistance to three hundred and fifty agencies in all ten counties. On **January 2nd**, our first day back from recess, please consider bringing canned goods and non-perishables to the bins in the Hall of Flags and Room 122, State House. If you prefer to make a monetary contribution, envelopes are available in Room 122, State House (reminder, every \$1 you donate helps provide 4 meals to folks in need). Please mail them directly to the Food Bank.
Rep. Maurice L. Pilotte

All Representatives, Senators and staff are invited to a Welcome Back Reception on Wednesday, **January 2, 2008**. It will be hosted by Sheehan Phinney Capitol Group at The Capitol Grille on North Main Street across from the State House following the close of session (or 3:00 p.m. should the session end early).
Reps. Linda T. Foster and Michael D. Whalley

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

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 **December 2007**. 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. **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>
Dec 14	9:00/10:30 SH/SC	Riddle Brook School – Bedford	4/70

Dec 14	10:30/12:00 SH/HM	Heron Pond Elementary School – Milford	4/100
Dec 17	9:00/10:30 SH/SC	Riddle Brook School – Bedford	4/70
Dec 18	10:00/11:30 SH/HM	Sandown Central School	4/82
Dec 19	10:30/12:00 SH/HM	Heron Pond Elementary School – Milford	4/100
Dec 21	10:00/11:30 SH/HM	East Derry Memorial School	4/100

NOTICE

The House Clerk's Office is now accepting orders for the 2007 hardcover Permanent House Journals. Work on the journal is awaiting final adjournment from the 2007 session.

Anyone who was a **member of the Legislature in 2007**, and all state agencies are entitled to one Journal at no charge, **upon request**. All others interested in obtaining a Journal, as well as any Legislator or state agency requesting additional copies, will be charged for that copy. We estimate this cost to be approximately \$50 each, plus any applicable mailing expenses. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

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

Please clip this form and return it in person or via mail to:

**Office of the House Clerk
Room 317, State House
107 North Main Street
Concord, NH 03301**

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