

State of New Hampshire

HOUSE RECORD

Second Year of the 161st General Court Calendar and Journal of the 2010 Session

Vol. 32	Concord, N.H.	Thursday, December 31, 2009	No. 4
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Contains: Proposed Amendments to House Rules, Reports for January 6, Floor Amendments, Hearings, Meetings and Notices

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 6, 2010 at 10:00 a.m.** and will continue to meet on Wednesdays throughout the 2010 session.

We will begin the Calendar on January 6th. Any remaining bills will be taken up the following week. **Please remember to bring the House Calendar containing the amendments for the retained bills which was distributed earlier this month!**

Please note that at 10:00 a.m. on Thursday, January 7th, in Room 304 of the LOB, the Science, Technology and Energy Committee will hold an informational session on system benefits charge legislation, which is scheduled to be introduced as SB 300. In order to move quickly, the House will take up this bipartisan legislation on January 13th. Text of the bill may be found on the General Court website.

There will be a break in legislative activity the week of **February 22nd** to coincide with the New Hampshire school vacation.

Please note that the General Court webpage now has a link to the Research Division of the Office of Legislative Services.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **January 5**, at 8:30 a.m. in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **January 6 at 9:00 a.m.** in

Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **January 6** at **9:00 a.m.** in Rooms 305-307, LOB.

Rep. Sherman A. Packard, Republican Leader

AMENDMENTS TO HOUSE RULES

Proposed by the House Rules Committee

Amend House Rule 30 to read as follows:

(m) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including mileage, elections, the journal, house resolutions and screening; enrolling bills; ***creation of statutory and chapter study committees and like entities which address the legislature and its procedures***; and such other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

Amend House Rule 35 (d) to read as follows:

35 (d) First –year session:

In the first-year session, there shall be no limitation on the subject matter of legislation introduced

As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate or indefinitely postponed, those bills which created study committees ~~[with November 1 reporting deadlines]~~ and those bills retained in committee for action **in the second-year session**. The listings shall be in numerical order by bill number/title, and in committee order by bill number /title.

Add the following to House Rule 36:

(g) Any study committee, commission, task force or any other like entity created and/or authorized by chapter law shall file its report and dissolve by November 1st of the second year session. Only legislators shall be members of any such entity.

Amend House Rule 38 (d) to read as follows:

(d) An LSR may be withdrawn at any time prior to its introduction with the consent of all its sponsors **by filing a written request, signed by the sponsor and all co-sponsors, with the Clerk of the House.** Any sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

Add the following to House Rule 38:

(e) Following its introduction, a House Bill, House Concurrent Resolution, House Joint Resolution, House Resolution or House Constitutional Amendment Concurrent Resolution may be withdrawn only by a vote of the House prior to any public hearing on the measure. A request to withdraw shall be filed in writing

with the Clerk of the House and shall be signed by the prime sponsor and all co-sponsors. Such a request must be filed with the Clerk prior to noon of the second legislative day of the session, and shall be taken up by the House prior to or during the early session of the third legislative day.

Amend House Rule 64 by adding the following:

Thursday, February 4, 2010	Last day to report House Bills going to a second committee
Thursday, February 11, 2010	Last day to act on House Bills going to a second committee
Thursday, February 18, 2010	Last day to report House Bills not in a second committee
Thursday, March 18, 2010	Last day to report all remaining House Bills
Thursday, March 25, 2010	Last day to act on House Bills CROSSOVER
Thursday, April 15, 2010	Last day to report Senate Bills going to a second committee
Thursday, April 22, 2010	Last day to act on Senate Bills going to a second committee
Thursday, May 6, 2010	Last day to report all Senate Bills
Thursday, May 13, 2010	Last day to act on Senate Bills
Thursday, May 20, 2010	Last day to form Committees of Conference
Thursday, May 27, 2010	Last day to sign Committee of Conference reports
Wednesday, June 2, 2010	Last day to act on Committee of Conference reports

NOTICE

The Internal Revenue Service has set the standard mileage rate for transportation expenses for 2010 at fifty cents (\$0.50) per mile. The federal mileage reimbursement rate for members of the NH House of Representatives decreases from fifty-five cents (\$0.55) per mile to fifty cents (\$0.50) per mile for all miles incurred on or after **January 1, 2010**.

Joyce A. Phinney, Manager
Legislative Accounting

NOTICE

LEGISLATIVE ETHICS COMMITTEE

Required Disclosure Filing

Copies of the “**2010 Financial Disclosure Form**” have recently been mailed to each member of the House. All legislators and legislative officers are required to complete and file the form with the Legislative Ethics Committee. Please return your completed form to Rich Lambert in Room 112 of the State House no later than January 15, 2010.

HOUSE DEADLINES

Legislative action in the second-year session shall be subject to the following deadlines:
Wednesday, January 6, 2010 Last day to introduce House bills for 2010 Session

NOTICE

With the House in session, calendars will close on Thursdays, and be mailed on Fridays. House 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 at noon Thursdays.**

CLOSES NOON THURSDAY:

January 7
January 14
January 21
January 28

TO BE MAILED FRIDAY:

January 8
January 15
January 22
January 29

Karen O. Wadsworth, Clerk of the House

WEDNESDAY, JANUARY 6

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 409, relative to identification required for participation in youth recreation programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Deanna S Rollo for Children and Family Law: In researching this issue the committee found that the national Little League organization has contracted with a company which will provide the local organizations with official verified certificates at the parents' request. We felt this would be a stricter standard than would be permissible under this bill. A state law on this matter is not necessary. **Vote 17-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 202, relative to provisions in insurance policies limiting payment of full benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: The sponsor was hoping to allow injured parties in an auto accident to file separate claims to their health insurance and their auto insurance for the same injury. The committee was uniformly opposed to this kind of double dipping. The current law relative to "medical payments" for auto insurance was revised just two years ago, which affirmed the right of the injured to choose how their medical bills shall be paid. The committee reviewed how the current law was being used, which did generate a fair amount of discussion whether the law was being applied correctly by hospitals and other medical providers. However after working on several amendments, the committee felt the current law should be left alone. **Vote 16-0.**

HB 286-FN, relative to life insurance form disapproval. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill is at the request of the insurance department. It permits the department to disapprove certain life insurance forms within 30 days after filing of any such form if they contain provisions which are unjust, unfair or misleading or encourage misrepresentation of the policy. Subsequent disapproval is also allowed on individual life insurance policy forms after a hearing for which not less than a 20 day written notice shall have been given to the insurer. **Vote 16-0.**

HB 434-FN, relative to a health insurance access program. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce and Consumer Affairs: People without health insurance would have been able to purchase plans through the New Hampshire health access program in this bill based on a 2008 Florida law. Offered plans in Florida, however, turned out to be extremely bare bones and not price competitive, so the committee did not feel this legislation warranted further study. **Vote 16-0.**

HB 499, relative to insurance payments for ambulance services. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill would have required insurance companies pay benefits for ambulance claims directly to the ambulance companies, even if those companies didn't have a contract with the insurance company. The bill was an attempt to compensate for one large insurer's poor reimbursement rates, however when that carrier realized that their rates had not been reviewed in a number of years and were too low, that carrier brought their reimbursement in line with the rest of the industry. This development satisfied the ambulance companies and fire departments that contract for ambulance service, and thus the legislation is no longer needed. **Vote 17-0.**

HB 607-FN, relative to residential pharmaceutical waste. **REFER FOR INTERIM STUDY.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill sought to establish a pharmaceutical drug disposal program through the department of health and human services. The aim of the bill was to ensure the safe and environmentally sound disposal of unused and outdated pharmaceuticals. The committee retained the bill in order to better study current efforts going on in New Hampshire and in other states to address the environmental aspects as well as other negative issues related to the misuse or improper disposal of pharmaceuticals. The latter include, but are not limited to, poisoning from suicide attempts, accidental deaths in children six (6) years old and younger, abuse among teens that is nearing epidemic proportions, and the increasing rate at which household medicines are the source of addictions. The committee voted for interim study to allow the interested parties to continue their work and coordination with the department of environmental services (DES) and the attorney general's office, and expects to present to the General Court a coherent solution in the next session. **Vote 16-0.**

HB 668-FN, relative to a life settlements model act. **INEXPEDIENT TO LEGISLATE.**

Rep. James F Headd for Commerce and Consumer Affairs: The committee voted ITL, as the issues of concern were addressed in HB 660 therefore eliminating the need for this bill. **Vote 17-0.**

HB 678-FN, relative to establishing a minimum medical loss ratio. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: Loss ratio is the amount of premium charged versus the amount paid in claims by an insurance company. A low loss ratio means the insurance company is charging a lot more than their expenses warrant or that the administrative costs are very high. This bill aimed to establish a minimum loss ratio for group health insurance in order to establish a criteria for the insurance department to evaluate rate increase requests other than simply looking at medical cost trend. The reason to do this is to ensure that the rate increases stay in line with actual costs and are not simply inflated insurance department in the individual market, and the department has recently added a minimum loss ratio to it's rate review criteria for the group market as well. Since this is now being carried out through rules, this bill is unnecessary and redundant. **Vote 16-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 138, revising certain provisions of the sexually violent predators statute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill as amended makes certain revisions to the statute governing involuntary commitment of sexually violent predators. Recognizing that there exist certain sexually violent predators who cannot be effectively treated within the hospital setting nor by traditional modalities, HB 138, as amended, eliminates the 135-C "rule-out" in these cases. It includes in the definition of sexually violent offense, felonious sexual assault in violation of RSA 632 A:3. Furthermore, if an assessment by the multidisciplinary team is requested, the court shall appoint legal counsel to represent the person before any interview or evaluation is made. In addition, the time frame during which this process takes place has been refined. Finally, restriction on

confidential or privileged communications shall not apply to releases made under the involuntary commitment of sexually violent predators. **Vote 16-0.**

HB 348, relative to criminal penalties and alternatives to incarceration. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The section of this bill pertaining to the closing of the Lakes Region Facility has already been addressed. The remainder of the bill, relating to alternative sentencing, is being studied by the department of corrections. The committee feels this bill is not needed at this time. **Vote 15-0.**

EDUCATION

HB 327-FN-L, eliminating median family income as a factor in calculating fiscal capacity disparity aid. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education: The majority of the committee recognizes it is not possible to change the school funding formula in the middle of a budget cycle and feels that more data is needed from the present system before any changes are attempted. **Vote 15-1.**

HB 560, relative to the use of state education funds for extended learning opportunities for certain pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. James M O'Neil for Education: This bill although well intentioned was an attempt to use state education funds to allow students to engage in extended learning opportunities (ELOs) beyond the standard school curriculum. Currently, all New Hampshire school districts are required to have an adopted policy outlining the process students need to follow to avail themselves of extended learning opportunities. A local school board may adopt as part of its policy the use of state education funds to pay all or part of these opportunities. Thus, there is no need to pass legislation when the local school board can approve the use of state education funding for extended learning opportunities without being required to do so under law. **Vote 15-1.**

HB 615, relative to withdrawal from a school administrative unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill clarifies the process for withdrawal, organization and reorganization of an SAU and addresses each process individually. It identifies a planning timeline and indicates who calls the first meeting, requires a budgeting and personnel transition plan, and allows a community to bring forth a second vote the next year if the first vote failed to receive the 3/5's required vote, without forming a new committee before the two year waiting period. It calls for the state board to review all statutory requirements for the plan, report deficiencies, if any, and return the plan for revision. The state board's message to the voters changes from recommending "approval," to acknowledgement that all requirements of the statute have or have not been met. HB 615 also updates the required responsibilities of the position of superintendent and clarifies that if a district withdraws from a cooperative district, it remains in the current SAU unless it goes through the SAU withdrawal process. **Vote 16-0.**

ELECTION LAW

HB 418, relative to presidential primary ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: In response to the constitutional requirement that each candidate have the equal right to be listed first on the ballot, this bill would have repealed the requirement that the names on the presidential primary ballot be listed alphabetically. The committee considered linking the procedure for listing the names to the procedure for listing the names of candidates for state representative. However, that procedure has been ruled unconstitutional, so that recommendation could not be implemented. The committee is committed to protecting the integrity of the presidential primary ballot and the New Hampshire first-in-the-nation presidential primary, so is committed to finding a solution for this problem. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 49, relative to stop and haul charges for milk. **REFER FOR INTERIM STUDY.**

Rep. Robert H Haefner for Environment and Agriculture: We recommend holding the bill for further study. The dairy farmers of New Hampshire are split on whether or not to support the stop and hauling bill. The farm bureau gives lukewarm support and the department of agriculture, market and foods does not make a recommendation. The cooperatives are in opposition. It is clear that the bill needs to be more thoroughly vetted. We do not want ITL because two other states have bills doing the same thing and implementation of theirs is dependant on New Hampshire passing this bill. We will really study this issue before making our final recommendation. **Vote 16-0.**

HB 83, relative to ownership of milk. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara A Sad for Environment and Agriculture: The discussions concerning transfer of ownership of milk unveiled questions that might have a potential negative impact on members of dairy cooperatives. Because of this, the committee felt it unwise to proceed.

Vote 16-0.

HB 283-FN, establishing a solid waste management fund and assessing a beverage container fee. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Palmer for Environment and Agriculture: This bill has the good intention of generating income by establishing a solid waste management fund and helping to clean up the environment. However, it will impose an additional tax on the consumer and loss of income for retailers, especially in the border towns and cities. **Vote 16-1.**

SB 123, relative to agricultural restricted grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura J Gandia for Environment and Agriculture: This bill creates an agricultural restricted grant which is a grant given to a landowner by the department of agriculture, markets, and food, for a limited time set by the parties. Financial or technical assistance is provided by the department in return for guarantees of continued farm use of the property for a minimum specified time period. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 42-FN, allowing the state veterinarian to employ a meat inspection services administrator. **REFER FOR INTERIM STUDY.**

Rep. Laurie Harding for Executive Departments and Administration: This bill creates a meat inspection program in New Hampshire. Other than a single USDA approved federal meat inspection site in Goffstown, there has been no other for New Hampshire farmers to get their meat inspected since the 1970s. Consequently, farmers have been unable to sell their meat in the New Hampshire commercial market. This profoundly limits the state's opportunity for agricultural growth. The subcommittee was joined by Environment and Agriculture members, as well as representatives from the department of agriculture, markets and food, in order to deliberate on HB 42. Over the course of the summer, the meat inspection statute (RSA 437) was rewritten in order to clarify legislative intent so that rules could be written for an innovative meat inspection program funded by fees and donations. The committee deliberations were completed just as the department of agriculture, markets and food received word about decreases in staffing. It became apparent no matter how critical this program was to the agricultural fabric of our state that the legislation could not move forward at this time because of the additional burden that would be placed on remaining department staff, especially the state veterinarian. The committee reluctantly agreed to refer HB 42 to interim study in order that the farmers and the department could once again review the structure of the proposed program in hopes that federal or grant funding might become available. **Vote 16-1.**

HB 268, relative to transfers from the judicial branch to the executive or legislative branches of state government. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill rectifies inequities in the three branches of government and allows staff from the judicial branch,

without a break in service, to transfer to either of the other two branches without forgoing earned annual or sick leave. **Vote 17-0.**

HB 510, relative to the position of director of vital records administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth H Gould for Executive Departments and Administration: As amended, this bill makes clear that the director of vital records or state registrar is an unclassified employee of the state, under the supervision of the secretary of state. Further, this bill clarifies that the position is appointed by the secretary of state subject to confirmation by the governor and executive council. **Vote 18-0.**

HB 617-FN, permitting private employers and others to join the state health insurance program. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: The intent of the bill was to explore the possibility of incorporating private employers into the health insurance program offered by the state of New Hampshire. While other states have considered this approach, we believe that due to cost factors it is premature for New Hampshire, at this time, to initiate. **Vote 17-0.**

FINANCE

HB 140-FN, making charter schools eligible for grants for leased space. **REFER FOR INTERIM STUDY.**

Rep. Marjorie K Smith for Finance: The committee considers charter schools to be an important component of the state's continuing exploration of how best to meet the educational needs of our children. This bill would authorize chartered schools to receive school building aid grants for leased space. Since a study committee is currently evaluating the entire school building aid system the Finance Committee voted to hold this bill until we might benefit from the report of the building aid committee. **Vote 19-0.**

HB 689-FN-A-L, directing aid to isolated small schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Finance: The sponsors of this bill filed it after they saw a discrepancy in the adequacy funding formula that may have not directed aid to isolated small schools. The committee tried to remedy this. However in studying this issue, the committee found out that some small isolated schools would receive more money and others would receive less if the formula was changed. In addition the total funding was only \$55,000 for 20 small isolated schools. Therefore it was prudent not to change the formula. **Vote 16-3.**

SB 10-FN-A-L, making an appropriation to the town of Allenstown for disaster assistance in response to the May 2006 and April 2007 floods. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Finance: This bill became moot when the committee of conference on the budget added \$600,000 for this purpose to the budget that was approved by the legislature on June 25, 2009. **Vote 19-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 380, relative to long-term care. **REFER FOR INTERIM STUDY.**

Rep. Kate W Miller for Health, Human Services and Elderly Affairs: While a commission to respond to the demand for long term care services in New Hampshire may ultimately be necessary, the state is currently evaluating numerous proposals and pilot projects on the subject of long term care. Several study committees and commissions are currently looking at various components of the long term care system, including the long term care legislative caucus which was created in response to this bill. The federal health reform package will also likely include some components regarding the delivery of long term care. The committee believes the creation of a commission now would preempt the work that is currently underway. **Vote 14-0.**

HB 493, adopting the uniform emergency volunteer health practitioners act. **INEXPEDIENT TO LEGISLATE.**

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: While supporting the concept of this bill, the committee felt that most, if not all, of the issues have already been addressed by previous legislation. Representatives from the key agencies involved in emergency response agreed that existing law is adequate and that adopting this legislation would create unnecessary duplication and bureaucracy. The prime sponsor of this bill agreed and requested that the bill be voted inexpedient to legislate. An ad hoc group of interested stakeholders will continue to meet to develop a guide for clearly outlining current law and review all applicable statutes to identify any gaps that may need to be addressed in the future. **Vote 15-0.**

HB 577-FN, relative to recovery of public assistance and third party liability. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: RSA 167:14-a, II-a deals with recovery of assistance when (a) a person is injured, (b) their medical expenses are covered by medicaid, and (c) in a settlement the responsible party compensates for the injury. In such cases, part of the settlement must reimburse medicaid. Under current New Hampshire law, medicaid may recover the full amount of medical assistance provided, leaving only 10% of the net settlement for the injured party. The supreme court found a similar percentage provision in another state unconstitutional. This bill remedies this, removing the presumptive percentage. It states that the state may recover medical expenses only from the portion of the settlement attributable to medical expenses and that the court shall have discretion to apportion the amount as justice may require. This is similar to the way such cases are handled in workers compensation. **Vote 15-0.**

HB 606-FN, relative to aid to the disabled. **REFER FOR INTERIM STUDY.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill was retained to develop more accurate estimates of costs and savings associated with the bill's provisions using recent data from the HHS files for Aid to the Permanently and Totally Disabled (APTD). This was not possible at the current time, and any such estimates might have to be modified should changes to medicaid eligibility be enacted in federal health payment reform legislation. However, interim study is justified because the policy options available for setting criteria for disability can be assessed with a combination of available current and historic data, and to what extent these findings should be modified because of federal legislation should be known well before interim study is completed. **Vote 15-0.**

HB 693, relative to emergency generators in residential care facilities. **REFER FOR INTERIM STUDY.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: This bill was retained in order to fully explore the level and complexity of need for generators in residential care facilities, balancing this need against the cost. Presently, all licensed facilities must have an evacuation plan for their residents, including not only timely evacuation but a secondary place to stay. Some facilities with high acuity populations are also required to have a backup generator. The committee believes that some additional facilities will also need generators, but more study is needed to determine which facilities and what type of generators. Study is also needed on the life safety expectations for licensed facilities. **Vote 15-0.**

SB 158, establishing a commission to study the creation of an uncompensated care fund to provide payments to certain health care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: The bill was held to ensure that the charter given to a state commission on uncompensated care was fully cognizant of impending federal health reform legislation. That legislation is still pending, but in the meantime the task of reformulating the state's uncompensated care fund was given by HB 2 to the commissioner of health and human services. Thus, it makes no sense to establish another body to do what the legislature has already assigned as a duty of the health and human services commissioner. **Vote 15-0.**

JUDICIARY

HB 53, relative to the definition of "public body" under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M Weber for Judiciary: The bill as originally filed would have removed the word "agency" from the list of public bodies subject to the open meeting provisions of the right-to-know law. The committee did not agree that agencies should be excluded. Instead, the committee amended the bill to make it explicit in this section that the open meeting provisions cover only bodies which act by vote or agreement of their members. Individual executive or administrative officers do not constitute a public body, nor do staff members of an agency or department of a political subdivision meeting as a group. This is not a change from the current interpretation of the law; the language was added solely to make the distinction clearer to a lay person consulting the statute. The change has no effect on the requirements that public records remain open to the public. **Vote 19-0.**

HB 135, relative to remedies for violation of the state right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: The subject matter of this bill has been covered in HB 425. **Vote 18-0.**

HB 266, relative to the right-to-know exemption for voter records. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill addresses the procedure for challenging a voter at the polling place. After consultation with the Election Law Committee, it was determined that this issue has been addressed in legislation already passed by the House. **Vote 18-0.**

HB 325, establishing standards for adequate service of process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for Judiciary: This bill as amended establishes and clarifies the process for adequate service of process. Current statutes are not specific. The bill as amended sets forth the procedures for making personal service on an individual, posting service at someone's abode when personal service is not available, and making service of process on a business entity, non-profit organization or an association. The amended bill also makes it clear that service may be made by certified mail as well as registered mail when such service is authorized. Finally, the amended bill establishes a commission to study authorizing service of process by laypersons. Service of process by a layperson could save costs for litigants but has financial implications for our county sheriffs and the committee felt that additional input was warranted before proposing legislation in the area. **Vote 18-0.**

HB 328, establishing a committee to study the right-to-know law relative to certain nonprofit corporations. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: The committee voted to ITL this bill at the request of the sponsor. The sponsor has introduced substantive legislation in this area, and would prefer to pursue that rather than the study committee. **Vote 18-0.**

HB 425-FN-A-L, relative to remedies under the state right-to-know law and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M Weber for Judiciary: This bill is a response to concerns that when a court finds a violation of the right-to-know law, there is often no meaningful penalty to deter future violations. The bill, as amended, provides that a court shall invalidate any action taken at a meeting in violation of the right-to-know law unless the court makes a specific finding that circumstances do not justify the invalidation. The bill also allows the court to fine an official who has been found to have acted in bad faith a penalty of up to \$1000. Because of concerns that the possibility of a fine might deter people from seeking public office or employment, a provision was added allowing the violator to avoid paying the court-ordered penalty by resigning their office. The bill provides that any fines collected under this provision shall be paid into a revolving fund held by the attorney general's office to fund remedial training programs on the right-to-know law. **Vote 19-0.**

HB 677-FN, allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for Judiciary: This bill would allow part-time district court justices as well as probate court judges to sit as senior active status judges after their retirement. The committee received compelling evidence from the New Hampshire retirement system that passage of this bill would create unintended consequences negatively impacting the retirement system's tax exempt status. Based on the information from the retirement system together with the lack of a strong reason to alter the status of retired judges, the committee voted unanimously to find this bill inexpedient to legislate. **Vote 19-0.**

SB 90, establishing a private right of action for pharmacies against health maintenance organizations. **REFER FOR INTERIM STUDY.**

Rep. Robert B Thompson for Judiciary: The committee realizes that this bill has merit, but more time is needed to effectively address the subject. Interim Study will give all parties and the public the time to continue the conversations on how to best address all the issues raised by the bill. **Vote 18-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 631-FN-L, relative to public employee collective bargaining negotiations under the public employee labor relations act. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J Gorman for Labor, Industrial and Rehabilitative Services: Testimony from lawyers representing labor, management, and the attorney general's office stated that this bill only transfers the responsibilities of who addresses disputed items from a single fact finder to a panel of three. This bill will not accomplish what it was intended to do, which is bring an end resolution to the collective bargaining process. **Vote 17-0.**

HB 663-FN, relative to working families' flexibility. **REFER FOR INTERIM STUDY.**

Rep. John Knowles for Labor, Industrial and Rehabilitative Services: This bill provides for a procedure whereby an employee and employer can consider a request by the employee for flexibility in working conditions. However, that procedure can be followed now, and since there is no enforcement mechanism in the bill, it does not seem that it would necessarily have the effect desired by the sponsors. The committee felt that this needs to be considered further. **Vote 11-2.**

LEGISLATIVE ADMINISTRATION

HB 128, relative to the enrollment of bills and their presentation by the secretary of state. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Legislative Administration: The parties involved agreed to an informal resolution in which the Speaker's office and the secretary of state's office will work to ensure that the progress of an enrolled bill is given regularly to the Clerks of the House and Senate for inclusion on the docket so the public can be informed of the status of the bill. **Vote 10-0.**

LOCAL AND REGULATED REVENUES

HB 309, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs. **INEXPEDIENT TO LEGISLATE.**

Rep. David W Hess for Local and Regulated Revenues: This bill would have allowed local communities to replace their property tax with a local alternative such as a sales, income or value added tax. A subcommittee rejected the original bill and recommended the creation of a commission to study the issue. The proposed commission would have had half their members appointed by the municipal association. The committee did not believe the proposal was a good plan and rejected both the amendment and the bill. **Vote 16-2.**

HB 421-FN, establishing an oversight committee to monitor liquor enforcement. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Beth Walz for Local and Regulated Revenues: At neither the full committee hearing nor the subcommittee hearing was there any evidence presented of widespread abuse by the enforcement division of the liquor commission. **Vote 17-0.**

SB 79, relative to the compensation of game operators. **INEXPEDIENT TO LEGISLATE.**
Rep. Liz H Merry for Local and Regulated Revenues: The bill is unnecessary. The substance of the bill was added to a Senate bill and adopted by the House through a committee of conference report in spring 2009. **Vote 18-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 262, relative to recording development restrictions. **INEXPEDIENT TO LEGISLATE.**
Rep. Margaret M Crisler for Municipal and County Government: This bill would require all municipal land use boards to record, within a specified time frame, conservation easements that are included in conditions of approval or else the easements would cease to be enforceable. The committee was interested in capturing all conditions of approval in a more permanent manner than in the land use board's minutes and therefore retained this bill to study it further. However, SB 186, Chapter 266, Laws of 2009 addressed this issue with planning board decisions, which comprise the majority of such actions, so the committee recommends ITL. **Vote 15-0.**

HB 539-L, relative to town boundaries and the laws pertaining to such boundaries. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: RSA 51:2-9 deals with the perambulation of town lines. The current procedure sets out exactly what the governing body has to do if the boundary between two towns is either agreed to or not. This bill proposed changes to deal with the noncompliance of the towns who do not perambulate. The legislative history was researched and it showed that any attempt to change RSA 51:2-9 with more requirements has not been accepted. The committee recognizes that there is another venue to address this issue – the New Hampshire Municipal Association Policy Procedure – to try to find consensus. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 124-FN-A, relative to the rate of the gas tax. **INEXPEDIENT TO LEGISLATE.**
Rep. Gene G Chandler for Public Works and Highways: While the issue of increasing the gas tax may be a topic of discussion in upcoming sessions, at the present time the commission formed in HB 2 is meeting and studying the issue and will be issuing a report by November 1, 2010. Consequently, the committee unanimously agreed that this bill should be found Inexpedient to Legislate. **Vote 18-0.**

HB 564-FN, relative to wheelchair van accessible parking spaces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways: This bill makes provision for ramp/lift handicap equipped vans parking spaces to be exclusively marked for that purpose. It increases the number of ramp/lift van parking spaces by one in lots between 76 and 200 spaces and by two in lots of 201 on more the amendment excluded small lots between 50 and 75 and provides that this law does not apply to lots that would become non-conforming with local zoning. It clarifies that this law will go into effect for all new parking lots and existing lots upon repaving, restriping or other reconstruction. Signs shall be in conformance with national standards and the state building code. **Vote 19-0.**

SB 186, relative to the establishment of a statewide transportation policy and a transportation advisory commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Dale R Sprague for Public Works and Highways: The committee unanimously agreed that a major advisory commission on transportation policy is not necessary and detracts from the current policy dynamic between the executive branch and the legislative branch. The executive branch has input from the department of transportation (DOT), the governor and council through GACIT (Governor's Advisory Commission on Intermodal Transportation) which has a multitude of hearings throughout the state. The legislative branch, both House and Senate, have standing committees to oversee and consider transportation policy. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 643-FN, extending the enhanced 911 system surcharge to voice over internet protocol providers and prepaid wireless telecommunications services. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Harvey for Science, Technology and Energy: This bill would have extended the enhanced 911 system surcharge to voice over internet protocol (VOIP) providers and prepaid wireless telecommunications services. The committee heard testimony confirming that there is no mechanism to collect the surcharge either from the myriad retail sources that sell prepaid cards or from VOIP customers. **Vote 17-0.**

TRANSPORTATION

HB 294, prohibiting writing a text message while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy A Soucy for Transportation: The committee's recommendation to ITL this bill was based on the Governor's signing of HB 34, Chapter 291, Laws of 2009, making texting while driving against the law. The committee felt that this bill was unnecessary. **Vote 17-0.**
HB 477-FN, relative to restoration of driving privileges for persons previously licensed in other states. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer M Brown for Transportation: The committee decided to ITL this bill because the department of safety is already doing this without the benefit of being in law. **Vote 17-0.**

WAYS AND MEANS

CACR 1, relating to taxes. Providing that all revenues raised by a state income tax shall be dedicated to funding public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman Shattuck for Ways and Means: The committee has voted to recommend ITL for the only current income bill to which this CACR would apply. The committee recommends ITL on this CACR since it would tie the hands of the legislature in regard to future legislation. The legislature should have full flexibility on the use of revenue and the funding of public education. **Vote 16-1.**

HB 69, relative to submission of health care data. **INEXPEDIENT TO LEGISLATE.**

Rep. William Butynski for Ways and Means: Passage of this bill would establish a new dedicated fund. Also, it would allow fees to be established through the joint legislative committee on administrative rules (JLCAR) rather than through the legislature. The committee generally opposes both new dedicated funds and fees that bypass the legislature. The committee could not agree with the agency on a reasonable alternative. **Vote 19-0.**

HB 168, relative to disposition of electricians' fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W Almy for Ways and Means: Currently electricians' board fees go into a dedicated fund that lapses into the general fund, the fund is nested inside the non-lapsing fire safety fund. To clarify the money flow, the fees were recommended by the original policy committee to go to the general fund directly. However, this would leave the electricians' board with no budget, since their expenditures are made from the dedicated fund. The fees are already higher than expenses. The finance committee has agreed to address this by amending onto a budget bill in 2010, and this bill is being killed to enable that. **Vote 19-0.**

HB 205-FN-A, relative to certain boating fees. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 19-0.**

HB 232, permitting the pesticide control board to establish pesticide fees. **REFER FOR INTERIM STUDY.**

Rep. Dennis P Vachon for Ways and Means: The bill would allow the pesticide control board to establish pesticide fees through the administrative rulemaking process rather than through legislation. The committee desired to see the bill amended to provide the joint legislative committee on administrative rules with guidance on these fees in making any

future increases or decreases to current levels. Unfortunately, the committee was unable to satisfy itself as to the amount raised by the various fees involved or the purposes to which these fees are currently expended. Interim study will enable the committee to work with the department of agriculture, markets and foods to resolve these outstanding issues and recommend appropriate legislation. **Vote 19-0.**

HB 355-FN-A, relative to oil fund disbursement board authority and fees for oil discharge cleanup. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan G Price for Ways and Means: The committee recommends ITL pending results of a performance audit conducted by the legislative budget office regarding administration of the four dedicated funds utilized for cleanup of petroleum releases of which the subject fund in HB 355 is one. The bill also created a potential legal ambiguity with respect to duplicating fees dues to a definition change. The committee intends to introduce a bill through the committee to address issues identified in the performance audit and to clarify the ambiguity in a proposed definition change. **Vote 18-1.**

HB 490-FN-A-L, relative to the maintenance of state-owned dams. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: The purpose of this bill was to replace the declining revenue source that is no longer adequate to provide enough funds to maintain and repair the 269 state owned dams. The bill establishes a fee for each lineal foot of frontage each property owner has along the shore of bodies of water whose levels are controlled by state owned dams. This method did not have the necessary support to move forward, thus the committee voted to ITL the bill. It is important to note that a careful review of the fund and expenditures was done by the committee and it was determined that the dam maintenance fund will be exhausted of all funds by April of 2011. Thus an alternative method must be established prior to the end of the fiscal year, and further ideas are being explored. **Vote 19-0.**

HB 540-FN-A, relative to fees for motor vehicle records. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 17-0.**

HB 546-FN, relative to authorizing temporary registrations of off-highway recreational vehicles and snowmobiles for nonresidents and increasing the agent fee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank W Davis for Ways and Means: Out-of-staters arriving with off-highway recreation vehicles are faced with paying for a full year's registration or not riding. The new Berlin ATV park and various other North Country attractions have suffered from the lack of a cheaper, temporary license as an alternative. Fish and Game, DRED's Trail Bureau, and the bill's sponsor collaborated on an amendment that answers all their enforcement and fiscal concerns. It allows a single-month license for non-residents only. Snowmobiles and the increased agent fee were removed from the amended bill. The program sunsets in 2013 to allow a review of its effectiveness. **Vote 19-0.**

HB 568-FN-A, relative to the taxation of tobacco products other than cigarettes. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 19-0.**

HB 609-FN-A, establishing a judicial branch information technology fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 19-0.**

HB 627-FN, relative to the insurance premium tax. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 18-1.**

HB 629-FN-A, revising certain motor vehicle laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Butynski for Ways and Means: Decals on plates were requested by farmers to assist them in moving their implements of husbandry (i.e., a self-propelled custom harvester, sprayer, soil amendment spreader, or forage mower) on public roads without receiving traffic citations or tickets from local law enforcement authorities. The committee amended the bill to reduce the proposed fees for a decal on plate from \$25 for vehicles of 15,000 pounds or less and \$50 for vehicles over 15,000 pounds down to \$15 and \$25 respectively. **Vote 18-1.**

HB 638-FN-A, increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund. **INEXPEDIENT TO LEGISLATE.**

Rep. William Butynski for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 18-0.**

HB 644-FN-A-L, increasing the rate of the road toll, establishing the New Hampshire road and bridge account, limiting the uses of road toll revenues, and establishing a commission to study revenue sources for funding improvements to highways and bridges. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 18-0.**

HB 664-FN-A, relative to taxation of capital gains under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 18-0.**

HB 691-FN-A, relative to the New Hampshire estate tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore this bill was retained so the budget process could be completed. **Vote 18-0.**

WEDNESDAY, JANUARY 6

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 139, relative to the determination of parental rights and responsibilities. **REFER FOR INTERIM STUDY.**

Rep. Daniel C Itse for Children and Family Law: This bill would confirm comparable parenting responsibilities as the presumption for parenting plans and require the marital master or judge to provide detailed justification for deviations in the parenting plans. The committee recognizes that the lack of justification for deviations has proved to be a problem when changes in parenting plans are required, but is unable to agree on the use of “comparable” in the bill. Furthermore, there is a desire to ensure that the bill is written so that it is clear that the best interests of the children remains the focal point in the development of parenting plans. Therefore, the committee recommends that this bill be the subject of further study. **Vote 18-0.**

HB 180, creating an exception from the registration requirement for certain nonviolent offenders. **REFER FOR INTERIM STUDY.**

Rep. Julie M Brown for Children and Family Law: This bill attempts to address the issue of sexual contact for the purposes of sexual offender registry. The committee believes that the bill requires further study to consider the issue of youthful offenders between the ages of 18-21 who are still in secondary school. For these reasons, the committee unanimously recommends further study. **Vote 17-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 299, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rip Holden for Commerce and Consumer Affairs: The majority of the committee felt that the stigma of being fingerprinted connotes criminality. Although the committee applauds the industry's efforts to protect against fraud, the majority feels to require people to be fingerprinted in order to cash a check, for services rendered, is too intrusive. **Vote 10-7.**

HB 366, relative to retail vehicle dealers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for the **Majority** of Commerce and Consumer Affairs: This consumer protection bill seeks to eliminate the dual categories of plated and unplated dealers in order to ensure that cars sold by licensed dealers be done out of an established place of business. Under current law, unplated dealers need not sell cars from an established place of business. The committee heard from the NH department of safety's enforcement officer that too often people are buying cars they see on the side of the road by calling a cell phone number and making the deal at that site. When undisclosed problems are discovered, the buyer has no recourse from the seller who has essentially disappeared. This bill ensures that if the buyer has an issue, she or he can return to a legitimate place of business from which the car was purchased. The concern that we are forcing someone who works out of a trailer to make a bigger investment in their business by having to comply with the 1,000 contiguous square feet requirement for an established place of business is far outweighed by the protections this bill gives. The committee heard that the consumers needing cheap transportation are the buyers most often victimized by unscrupulous dealers; this bill will reduce fraud. This bill does not prohibit dealers from displaying cars off-site, or people selling up to 5 cars a year, or individuals selling their own cars from their yard. The enforcement officer also testified that this will not have an impact on hobbyists or large families who may sell a number of their cars each year. Currently licensed unplated dealers will have up to 5 years to comply with this new statute. **Vote 14-4.**

Rep. John B Hunt for the **Minority** of Commerce and Consumer Affairs: The minority is concerned that the solution the amendment provides does not address the problem. The issue is 'fly-by-night' car dealers that may not be found after a car is sold. The solution is to require that to sell more than five cars a year, a seller must have a business location of at least 1,000 square feet. Given that anyone who sells more than five cars a year must register with the department of safety, how does adding the cost of ownership/rental insure the integrity of the used auto dealer? Even though this bill is supposed to be pro-consumer the minority is concerned that this bill will have the opposite effect and hurt consumers who are looking for an affordable car from a dealer who is trying to hold down overhead cost.

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matt J Quandt for Commerce and Consumer Affairs: Each year hundreds of unwitting animals both domestic and wild are killed from licking antifreeze from the ground, and each year children are injured or die from tasting the sweet lure of antifreeze. There is now a bittering agent available to end the unnecessary harm done. In our research we found 3 other neighboring states looking to include a bittering agent in any antifreeze sold in their state after January 2011. We looked at the reasons why a company would want to include a bittering agent and determined such an action went beyond simple good corporate citizenship but is also being responsible to its shareholders. The committee felt that it would be a responsible action for the legislature to agree to give antifreeze manufacturers until

2011 to use what product it still has. After January, 2011, all antifreeze sold in NH will need to include a bittering agent. No immunity for the manufacturer is granted in this legislation. **Vote 16-1.**

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David J Palfrey for the **Majority** of Commerce and Consumer Affairs: This bill, with the proposed majority amendment, prohibits the human implantation of a radio frequency device without the individual's informed written consent and prohibits the implantation of such a device onto or into a minor child. The bill also amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes. This bill, as introduced, deals with radio frequency identification (RFID) technology, and has several sections, including restrictions on human implantation, unauthorized reading of credit and debit cards (skimming), labeling of consumer products and identification cards, and bans on state use. A study commission on this technology that finished its work one year ago recommended legislation regarding the first two issues, but could not reach conclusions on the others. This committee heard testimony that in the five years this issue has been under consideration the small number of consumer products with an RFID device has not grown. Including sections that are controversial, as the minority requests, and where there seems to be no practical answer, will continue to hold up passage of these two important policy measures. The proposed amendment would prevent unauthorized human implantation and updates the New Hampshire statute on credit card skimming to include RFID technology. We are uncomfortable with mandating labeling at this time on just New Hampshire businesses. The potential costs and unforeseen consequences need more study before we move in that direction. **Vote 14-3.**

Rep. Joel F Winters for the **Minority** of Commerce and Consumer Affairs: RFID can be a beneficial technology for tracking inventory. People, however, are not inventory, and should not be treated as such by the state government. Only the minority amendment contains the language, passed by the House the last two terms, that restricts how the state can use RFID when issuing identity documents like driver's licenses.

HB 507-FN, relative to taxes, fees, and credits under the insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A Dowling for Commerce and Consumer Affairs: This bill was at the request of the New Hampshire insurance department and increases the application fee for insurance companies from \$300 to \$500, reimburses members of the respective continuing education advisory councils mileage for travel and increases the premium tax on foreign insurers writing surplus lines from 2% to 3%. **Vote 16-2.**

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for the **Majority** of Commerce and Consumer Affairs: This bill establishes a mandate that state-regulated health insurance policies cover hearing aids to the amount of \$1500 per 3 years. Hearing loss can result in less effective communication on the job, jeopardize on-the-job safety, isolate one socially from friends, family, and co-workers, and lead to anxiety and depression. Earning capacity for the hearing-impaired can be lower by \$2,000 to \$12,000 per year. Most children and roughly half the adult population age 19 to 64 are currently covered for hearing aids through insurance coverage of durable medical equipment. This limited mandate adds \$1.64 per member per month to the cost of insurance, but will put the cost of a hearing aid, ranging in price from \$2,000 to \$5,000, within the reach of many more suffering this silent, invisible handicap. **Vote 9-7.**

Rep. John B Hunt for the **Minority** of Commerce and Consumer Affairs: This bill represents a health-insurance coverage mandate that will add significant cost exposure to the business community, which is already struggling to pay healthcare costs, and may jeopardize existing coverage for those with health insurance today. If they choose to continue

offering health insurance, employers will either be required to pay higher premiums or be forced to make the very difficult decision to require more or all of the premium to be paid by their workers and our constituents. The minority believes that HB 569 represents the most generous hearing-aid benefit in the nation, and will add a significant cost burden to our business community, which is presently weathering the worst economy since the great depression. Most states that mandate coverage for hearing aids limit that coverage to children (up to age 19), or exempt small employers, or only require that insurers offer the benefit but leave the decision to employers as to whether they will make the benefit available to their employees.

HB 569-FN, requiring insurance coverage for diagnosis and treatment of autism spectrum disorders. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for the **Majority** of Commerce and Consumer Affairs: This bill is a clarification of our existing mental health parity statute with regard to insurance coverage for children with autism. The current statute includes autism as a covered condition; however medical bills for important aspects of the therapy are still not being paid by insurance companies. The committee retained this bill and requested that the insurance department conduct a review of the status of coverage for treatment and found that certain types of treatment are being denied as “habilitative” (promoting a new behavior rather than repairing an already existing behavior). The majority of the committee concluded, instead, that such treatments and therapies are in fact often necessary and vital aspects of treatment. The amendment does not change the scope of the current statute or the ability of insurance companies to determine medical necessity nor does it shift the responsibility for the educational aspects of the therapy from the schools to the insurance companies or give children with autism greater coverage than those with other conditions. The amendment states that behavioral therapy, speech and occupational therapy are to be covered along with the already-covered medications, health related services and psychiatric services when they are part of a written plan ordered by a doctor who is prescribing these therapies using a nationally recognized standard of care such as the standard of the American Academy of Pediatrics. Requiring a written plan actually creates a higher level of scrutiny for coverage than currently exists. There will be a minimal cost increase to the insurance industry (less than ½ of 1%) however the cost savings to the state and the local school districts over the life of the children who receive proper treatment averages just over \$1.9 million per child. This bill will ensure that children will receive proper care for their condition and will, as a result, use dramatically less assistance from the state. For the entire covered population this translates to a savings of about \$597 million to our school districts and DHHS. At a time when we as legislators are under pressure to reduce costs in these areas, this bill is one way to do exactly that. **Vote 13-3.**

Rep. James F Headd for the **Minority** of Commerce and Consumer Affairs: The minority of the committee believes that this bill blurs the line between educational interventions and medical treatments and will exacerbate the problem of health insurance becoming increasingly unaffordable, especially for small businesses and individuals. We believe that HB 569 is not ready to pass for the following reasons: 1. The research literature is ambivalent regarding whether expensive behavioral interventions such as applied behavioral analysis or ABA are helpful in all cases of autism spectrum disorder. Which children benefit, at what ages, and for how many hours of daily therapy are still open questions. To mandate insurers to pay for these therapies when their benefits are still the subject of some controversy is not good public policy. 2. It isn't clear that ABA is primarily a medical treatment rather than an educational therapy. While we in the minority understand that school districts are under a lot of financial stress, it doesn't make sense that costs should be shifted from the schools to insurers without any regard to the financial struggles businesses and their employees are facing to keep basic health coverage. 3. HB 569 sets a disturbing precedent that insurers will not be able to define whether a treatment is medically

necessary, even though the state has set very explicit guidelines that insurers must follow to find a treatment medically necessary. Moreover, ABA has always been viewed as educational, not medical, in nature. How are insurers supposed to develop clinical guidelines around its use if it's not a medical treatment? 4. Many larger businesses are self-insured and will not have to bear the costs of this mandate. Those of us with health insurance will be paying through higher premiums as costs are passed on. Small businesses in particular are struggling to pay for coverage and many have dropped it altogether. The health first program, created to provide an affordable product for small businesses, will have another expensive mandate added to the benefits it must cover and the program has barely gotten off the ground. HB 569 is well-intentioned but it sets some dangerous precedents and we should not be rushing to a solution that will exacerbate the economic distress that small businesses and their employees are facing.

HB 660-FN, relative to the life settlements act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F Headd for Commerce and Consumer Affairs: This legislation is intended to provide the insurance department with the regulatory tools necessary to provide and implement consumer protections on the currently unregulated industry of life settlements. Life settlements, also known as viatical settlements, involve the sale of a person's life insurance policy to an investor (the life settlement company), in exchange for a lump sum payment. The bill seeks to protect the target market of life settlement companies, typically the elderly and the terminally ill, by requiring that life settlement companies are licensed, are subject to examination, provide adequate disclosures, operate under uniform standards of practice, and are accountable to the consumer. Today there are thirty-three known life settlement companies operating in the state with no oversight. HB 660 preserves the individual consumer's right to sell a life insurance policy while ensuring the consumer is protected from unfair and fraudulent sales practices. Stranger originated life insurance (STOLI) involving the purchase of life insurance through misrepresentation is currently a violation of public policy and under HB 660, will also be prohibited as a violation of insurance law, subject to fine and license revocation. **Vote 10-7.**

HB 661-FN, relative to family leave insurance. **REFER FOR INTERIM STUDY.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill sought to establish the framework for family and medical leave insurance, contingent on passage of federal funding that would pay for start-up, administrative, and benefits for the first 6 months of such a program. The original bill clearly outlined the eligibility and structure for benefits (approximately \$250 per week for 6 weeks of family or medical leave) under the program, which would be administered by the department of employment security. Many questions remained, however, with regard to future funding at the state level: What size businesses would be affected? Would payments be mandatory? Would premiums be paid through a payroll deduction, or other source? Obviously further study is necessary to put this program on sound financial footing and enlist support from stakeholders. **Vote 16-0.**

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. John B Hunt for the **Majority** of Commerce and Consumer Affairs: The bipartisan majority believes this bill is overkill. In 2008, the Legislature passed a law that eliminated the high interest payday loan industry from New Hampshire. This bill seeks to further limit credit availability by unnecessarily eliminating the few remaining companies providing short-term loans as small lenders. Why? The fact remains that national banks and credit card companies can charge NH consumers whatever fees and interest rates they want to borrow money. NH has no control. To eliminate the last remaining NH licensed and regulated small loan companies in our state will further limit credit and leave our citizens no other option but to borrow from national banks or internet lenders. This makes no sense. The true effect of SB 193 will be to close a few more small businesses that will lay off employees and increase the unemployment numbers in our state. **Vote 9-7.**

Rep. Susi Nord for the **Minority** of Commerce and Consumer Affairs: The minority knows that the Legislature already weighed in on the issue of predatory lending when we set a 36% APR cap on payday and title lending. This bill would simply apply that rate cap to all loans under \$10,000. There are still a few companies trying to find ways to charge large fees to loan money to people when they are most desperate. It is the strong opinion of the minority that predatory lending practices that continue to raise the cost of borrowing small loans to up to 100 to 500%, through charges noted as "membership fees" or "loan consultation fees", are unethical and should be subject to the cap already passed. This bill simply tightens up our existing small loan rate caps and gives the banking commissioner the support and the tools needed to stop these unfair and deceptive practices and to prosecute those businesses engaged in breaking our laws.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 47-FN, establishing a board to evaluate a sexual offender's likelihood of reoffending. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: On reviewing this bill it was determined that there was some merit to individual classification of sex offenders. However, the fiscal impact, given the current economy, makes the bill not feasible at this time. **Vote 15-1.**

HB 111, exempting tier I offenders from inclusion in the department of safety's public list of registered offenders. **REFER FOR INTERIM STUDY.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: The committee recognizes that there are issues with the current classification system of sexual offenders. However, current law has only been in effect for less than a year. Interim study will allow the committee to monitor and study the current law. **Vote 16-0.**

HB 160, relative to physical force in defense of a person. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill would have amended the self defense statute, RSA 627:4, to extend the same rights a person has in his or her home and surrounding property to "any place the actor has a right to be." HB 160 was retained by the committee because its language was identical to a similar bill which was introduced and passed to the governor in 2006. That bill was vetoed, and rather than repeat the scenario, the bill was retained and a subcommittee formed to determine if there is a problem to be solved. A representative from a national firearm rights organization and members from a local firearm rights organization met unsuccessfully with the department of justice and members from law enforcement to find language that would be more acceptable. The problem that was identified was an issue that involved defending yourself by showing the attacker that you are armed and prepared to defend yourself in order to stop a pending attack before it becomes violent. The amended bill clarifies that if you show that you are armed with the intent to warn the attacker away you shall not be considered as having committed a criminal act. The amendment adds that language to the self defense statutes and also amends the criminal threatening statute. **Vote 11-5.**

HB 523-FN, requiring DNA testing of all persons convicted of a felony. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P Charron for Criminal Justice and Public Safety: The science of DNA testing for convicted felony offenses is being used by all states except New Hampshire, Nebraska, and Idaho. The passage of this bill will provide the law enforcement community, including the recently approved "cold case unit," with another tool to help solve crimes. Additionally, persons who were found guilty have been released because of this technology. **Vote 15-0.**

HB 665-FN, relative to driving under the influence of drugs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for the **Majority** of Criminal Justice and Public Safety: This bill changes driving "under the influence of a controlled drug" to driving "under the influence of a

chemical substance, natural or synthetic, or its metabolites.” The subcommittee heard considerable testimony from drug recognition experts and police officers concerning the extent of the problem caused by persons operating under the influence of substances that are not controlled but are nevertheless capable of rendering a person incapacitated to operate a motor vehicle. In order to prosecute cases under this statute, the state must prove that the substance was the cause of impairment. They do this through established procedures as applied by drug recognition experts. When an officer makes an arrest for operating under the influence of a chemical substance the accused are brought to a drug recognition expert to perform additional tests to establish levels of intoxication. **Vote 9-7.**

Rep. Beth Rodd for the **Minority** of Criminal Justice and Public Safety: This bill changes the prohibition on driving “under the influence of a controlled drug” to driving “under the influence of a chemical substance natural or synthetic, or its metabolites.” This bill fails to assert specific measurements for the metabolites as determined, for example, in alcohol consumption (.08 for adults, .02 for people under 21 years of age). There is no legal standard of measurement based on scientific or other criteria, to determine limits on the amounts of metabolites that could lead to impaired or reckless driving behavior. Without such specific standards, even a trace amount of metabolites could be construed to be a contributing factor, whether valid or not, in assessing impaired or reckless driving events.

SB 205-FN, making various changes to the criminal statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: The dollar values at which a crime of theft becomes a felony (rather than a misdemeanor) were established in 1972, more than 30 years ago. The Senate, in an effort to bring the felony standards up-to-date, set new values in this bill, increasing those amounts 3 ½ times. Many in the banking industry and retail merchants believed that these amounts would be unduly burdensome and may, in fact, increase the incidence of fraud and theft. The amendment, as passed by the committee, is a sufficient compromise, one which addresses the concerns of the various stakeholders while also bringing the dollar values into line with today’s costs. In addition, the amended language makes the theft a felony if more than one person is involved in a scheme of theft for profit or items are in quantities that prove that they were stolen with intent to resell or stolen merchandise is received with intent to resell. SB 205 as amended also makes the theft a felony if the perpetrator has two prior convictions in a 36-month period. **Vote 16-0.**

EDUCATION

HB 368, relative to annual goals in a home education program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara E Shaw for the **Majority** of Education: After much debate, numerous subcommittees and committee discussion the committee has agreed that no changes in current law should be made at this time. **Vote 14-6.**

Rep. Judith E Day for the **Minority** of Education: Current law requires certain subjects to be taught in a home education program, but there is no specification for how often even core subjects are studied. 2) Current law does not require written notification of the intent to home educate, creating ambiguous situations about truancy. 3) Current law requires the parent to provide yearly results of either the results of one standardized test OR an evaluation of the child's portfolio, for which there are no standards. (Evaluations are brief; the evaluator need not meet with the child, parents pay the evaluator and can shop for positive evaluations, and parents who are certified or private school teachers can write their own evaluations). There is no way to know whether students who choose the test option are keeping portfolios. Administrators do not have sufficient information to determine whether a home education program needs remediation or should continue. The minority amendment addresses each of these problems. Half of the committee does not believe greater accountability is excessively burdensome to parents who have chosen to take on this type of

education and concurrent great responsibility. Half does believe each and every child is of precious value and deserving of education and meaningful oversight of that education.

SB 59, relative to the renovation and replacement of school buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith E Day for Education: This bill as amended clarifies that state school building aid can be applied to “major renovation” as well as new construction, which is already the case in current law. It also states that school boards, in the process of applying for state aid, must hold a minimum of one public hearing, review the town's master plan and zoning ordinance and obtain feasible input from boards and committees in town. It allows schools to exist on less acreage than currently required, without a waiver, unless the limited amount of land will compromise the safety of the traffic flow. This will allow for greater local control and decision-making regarding the amount of land necessary. Based on testimony heard from the department of education and the public, the committee believes this bill allows for enhanced clarity of the law, an improved process that allows greater input from the community, and greater local control regarding land use related to school building construction and renovation. **Vote 10-5.**

ELECTION LAW

HB 341, relative to the date selected for the presidential primary election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R Splaine for Election Law: It is the New Hampshire First-in-the-Nation Presidential Primary Law that appears in our statutes that protects our lead-off status. That law, first adopted in 1975 with numerous small changes since then as we've needed to further protect our primary, has required our secretary of state to move our date "...7 days or more..." before any other "...similar election..." and since we pay for our primary we can hold it whenever we wish. No other state nor the political parties can dictate our schedule. To make it even clearer to those who may challenge our primary in future years, the committee is unanimously supporting this bill which will add the sentence "The purpose of this section is to protect the tradition of the New Hampshire First-in-the-Nation Presidential Primary." The word "tradition" is especially important at giving clear and specific direction to the secretary of state that we expect that in the setting of our primary date, the tradition of the past four decades will be followed. **Vote 15-0.**

HB 626-FN, requiring valid photo identification to vote in person. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Election Law: Despite the fact that many, many charges have been lodged of rampant voter fraud in New Hampshire elections, the secretary of state and attorney general have investigated and found these charges to be without merit.

Nonetheless, there remains a lingering suspicion in some parts of the electorate that these charges are true. The committee decided to respond to this feeling of unease by passing an amended version of HB 626. The amendment would require challenged voters to prove their identity. The bill gives the challenged voter eight equally-available options to prove their identity. These eight options include presenting a valid photo identification, as well as signing a challenged voter affidavit or presenting a vote identification card established by this bill. In all cases, no challenged voter would be asked or required to leave the polling place to retrieve proof of identity. The bill has wide bi-partisan support on the committee because it strikes a fair balance between concerns over voter fraud and the commitment to ensuring that every person qualified to vote is permitted to vote. **Vote 14-2.**

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Election Law: Part I Article 11 of the New Hampshire Constitution requires that every citizen “has an equal right to be elected to office.” The equal right to be elected means that the order of names and columns on the ballot must be randomized. The current name order and column rotation statutes do not provide for this and, therefore, do

not guarantee the equal right to be elected. SB 157 randomizes name order and column rotation for the 2010 ballot in order to satisfy the constitutional mandate. **Vote 12-0.**

ENVIRONMENT AND AGRICULTURE

HB 652-FN, relative to the impact of demolition and construction projects on the environment. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Warren J Groen for the **Majority** of Environment and Agriculture: Whereas the issue of the effects on ground water and subsurface water during construction is not fully understood; questions of enforcement were unanswered and unclear; the department of environmental services (DES) is currently studying these issues and the language of the bill is unclear about its interpretation and consequence, we think this bill needs more study.

Vote 10-7.

Rep. Susan E Wiley for the **Minority** of Environment and Agriculture: This bill as amended would have added well water to the list the department of environmental services (DES) oversees when alteration of terrain is contemplated. The minority felt this is an enforcement issue; and believes there is adequate manpower to enforce the new restrictions.

HB 675-FN, requiring a refundable deposit on beverage containers. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Derek Owen for the **Majority** of Environment and Agriculture: Several issues contained in the bill were confusing to members of the committee and some felt more time was needed to adequately address them. **Vote 9-8.**

Rep. Pamela Z Tucker for the **Minority** of Environment and Agriculture: A container deposit bill has come before the committee 27 times. This particular version imposes hidden taxes in the form of disposal fees, that ultimately increase the cost to consumers and costs associated with the retention, transporting and redemption of containers. City and community revenues would be reduced by the removal of valuable recyclables from local revenues, thus increasing solid wastes costs. This bill is a 1971 solution to the issue. New technology, including single stream, can and will help increase recycling in New Hampshire.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 401-FN, relative to the membership of the retirement system board of trustees.

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

Rep. John M Reagan for the **Majority** of Executive Departments and Administration: The current New Hampshire retirement system board of trustees has been entrusted with the stewardship of a fund with liabilities near ten billion dollars but only contains about six billion dollars. Opponents of this bill ask that we continue the current management of this greatest liability of the state of New Hampshire. The NHRS financial performance ranks historically near the bottom of all public pension funds. The current board consists of 14 members, 8 of whom are beneficiaries, and it is possible that other appointed members could be beneficiaries of the plan. There is an over-representation of members and an under-representation of employer contributors. We can demonstrate to the taxpayers and the employer towns and cities a legislative effort to change the management of the fund. Failure to pass this bill shows we expect the taxpayers to continue to fund this expensive employee benefit with continual employer rate increases in the future. The majority of the committee believes this bill moves us toward sound management and an increased fund balance. **Vote 11-6.**

Rep. Patricia M McMahon for the **Minority** of Executive Departments and Administration: The New Hampshire retirement system, other state retirement systems across the country, and individual investment accounts experienced financial losses on their investments in the past 12 - 15 months. The New Hampshire legislature wisely created and constituted an investment committee whose members must have credentials and investment expertise that serves to provide independent professional advice to the board of trustees. The membership on the investment committee is now complete and works diligently with the fund manager to

enhance returns on investments. The board selected a fund manager to improve the fund ratio and also selected an actuarial firm that has proven to provide more realistic projections of the fund and the liabilities. The board has created a position of director of investment, filled that position and hired a new executive director. All of these steps indicate the commitment to the beneficiaries, both active members and retirees, as well as to all of the employers including the State of New Hampshire, the plan sponsor. The size of the board of trustees has less impact on return on investment and rate of employer contributions than the skills and expertise of those who provide the investment advice and counsel and the abilities of the professionals who provide accurate actuarial assessments to the board of trustees. It is important to allow the changes made by the legislature in the last three years to yield results. If actions taken by the board of trustees are unsatisfactory then other measures or changes should be considered and enacted.

HB 410, relative to the licensing of alcohol and drug counselors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill, as amended, improves access to quality treatment for individuals struggling with substance use and co-occurring mental disorders. Current research conducted on substance use disorder treatment programs indicates that between 50%-75% of clients have co-occurring mental health problems. The scientific understanding of mental illness and substance use disorders and the relationship between them has grown exponentially in the last 10 years. Integrated treatment, which addresses both disorders and the connection between them, is recognized as the most effective and efficient way to treat these disorders. This bill addresses the scope of practice for Masters prepared licensed alcohol and drug counselors (MLADACS) and permits these practitioners to provide integrated care in the context of delivering substance use treatment. The bill ensures the quality of co-occurring treatment services by strengthening the educational and experiential requirements for MLADAC license. It removes barriers to access and reduces the likelihood that individuals will have to see two different providers to obtain treatment for co-occurring disorders. HB 410 does not restrict, limit, or otherwise affect the ability of any individual licensed by the boards of medicine, nursing, or mental health practice to provide co-occurring disorder treatment and makes no changes to any other professional licensing statutes. As the result of improvements to the regulatory structure of RSA 330-C made in 2008 and the support from the bureau of drug and alcohol services for training on co-occurring disorder, the infrastructure presently exists to ensure effective oversight and regulation of MLADCS who provide this treatment. **Vote 17-0.**

HB 673-FN, relative to withdrawal of political subdivisions from the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill would have allowed some employers to withdraw from the New Hampshire retirement system, but the effect of the withdrawal (as per the actuary) would create additional financial burdens on the remaining employers. It would not address the medical subsidy funds and could violate the requirements of the internal revenue code that the system be a qualified pension trust and prohibits any part of the corpus or income of the trust to be diverted. **Vote 11-6.**

FINANCE

HB 682-FN, relative to court security and court security officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Sandra B Keans for Finance: The bill requires the state to provide and maintain court security through the county sheriffs. Currently, sheriffs provide security in the superior courts and are reimbursed at \$65 per day by the court system. In all other courts bailiffs are funded in the judicial branch budget. The bill replaces the term "bailiff" with "court security officer" and establishes their duties, authority, and training requirements. Under the bill, the state will reimburse each county sheriff up to \$150 per day for each court security officer and the counties for all costs associated with employing them. County sheriffs are required

to submit their requests for reimbursement for court security prior to each biennial budget to the department of administrative services. The fiscal note describes various methods of evaluating the costs of the proposed bill. The range of the state's increased costs are from \$1.12 million to \$2.79 million in 2010 and \$2.64 million to \$6.89 million in 2011. In addition, the training costs are about \$195,000 each year. Although most committee members think court security needs improvement, not all agree that this bill is the best approach. However, all agree that it is not fiscally possible at this time. **Vote 14-4.**

JUDICIARY

HB 50, repealing the law relative to screening panels for medical injury claims. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip Preston for Judiciary: Medical malpractice screening panels have been criticized because they subject the litigants to an additional proceeding with the accompanying costs usually associated with court proceedings. This makes it virtually impossible to pursue minor malpractice claims because of the high costs associated with first bringing such a case before a screening panel. As originally written, HB 50 would have repealed the statute which created medical malpractice screening panels. The committee approved an amendment to substitute the wording of HB 572, which passed the House on March 25, 2009 on a division vote of 299-69 but was defeated in the Senate. As amended, HB 50 requires claimants or their representatives to present offers of proof in the form of documentary evidence rather than live witnesses. The majority of the committee believes this is a reasonable change in the law that will serve the interest of both parties in settling a malpractice claim, and it recommends passage of the bill as amended. **Vote 18-1.**

HB 191, relative to liability of a landowner giving permission to ride bicycles on his or her property. **OUGHT TO PASS.**

Rep. Lucy M Weber for Judiciary: This bill adds bicycling as a specific activity to the list of those already included in RSA 212:34, the statute which limits the liability of landowners who open their premises for recreational use. A representative of the attorney general's office argued that the change was unnecessary because bicycling is an activity already covered by the broad provisions of the statute. Moreover, each explicit addition to the list runs a greater risk of excluding other similar activities that are not specifically listed. Proponents of the bill countered that landowners were having difficulty with insurance policies covering bicycling. Efforts were made to redraft the statutes using only broad categories of activity, but each effort was rejected as having unintended consequences. A majority of the committee eventually concluded that the best course of action was to include bicycling as a specific activity but to reiterate that by so doing, we do not mean to exclude the many unspecified recreational activities covered by the statute. **Vote 13-6.**

HB 219, relative to hearings for incapacitated persons admitted to state institutions by their guardians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill as amended establishes certain time frames and procedures for hearings on incapacitated persons admitted to state institutions by their guardians. Personal liberties are among the most important fundamental rights contained in our Constitution. The bill as amended ensures that procedural safeguards will be met within a reasonable timeframe to protect anyone being improperly held at a state institution. In addition, the amendment provides that all hearings shall be held in the Merrimack County Probate Court which is appropriate given the location of the New Hampshire Hospital. **Vote 13-6.**

Rep. Robert D Mead for the **Minority** of Judiciary: There is no need for this legislation. It is designed to strengthen the rights of the incapacitated persons (under guardianship) to assure a timely commitment hearing at the state hospital. This is "feel good" legislation to correct a nonexistent problem. It was filed in response to a case in which a patient did not receive a prompt hearing, due to the fact that the patient fired three court appointed

attorneys in a row, thus causing the delay in receiving a prompt hearing through his own actions. While the legislation does add additional safeguards to help assure a speedy hearing, they are cosmetic only as there are no penalties imposed for failure to meet them.

HB 304, relative to death with dignity for certain persons suffering from a terminal condition. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Lucy M Weber for the **Majority** of Judiciary: The members of the committee who voted with the majority did so for a variety of different reasons. Some members supported the concept of an individual's right to self-determination, but believed that the bill as presented was too flawed to lend itself to appropriate revision. Other members of the committee rejected the premise of the bill entirely. **Vote 14-3.**

Rep. Rick H Watrous for the **Minority** of Judiciary: This bill is modeled on the Oregon death with dignity law. It would provide terminally ill patients with the option to choose a less painful and more humane way to end their suffering by self-administering prescribed lethal medication. As a matter of personal liberty and compassion, terminally ill New Hampshire citizens should be allowed this choice. The minority believes that an interim study would address concerns regarding this bill.

HB 379, exempting certain meetings concerning collective bargaining from the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for the **Majority** of Judiciary: This bill addresses a situation which occurred in Nashua, and which has the potential of occurring in other municipalities. The school board would negotiate a new contract with the teachers. The contract would then have to go to the board of alderman to approve the actual funding. The problem occurred when the board of aldermen refused to approve funding. After several failed attempts to achieve a contract, the mayor met with school board negotiators and members of the board of aldermen to request guidance as to what level of funding the board of aldermen would approve. This meeting was subsequently held to have violated the public meeting requirement of the right-to-know law. Strategy or negotiations with respect to collective bargaining have long been an exception to the definition of a meeting. These sessions may be held with no notice at all to the public. It was the combination of the employer board with the legislative body which was not directly engaged in collective bargaining which violated the current law. The current bill would allow non-public consultation with the officials of the legislative body at any time prior to the submission of the cost items. By designating this type of meeting as a non-public session, the bill would require that the public has notice that this meeting is occurring, but allows the two boards to meet together to discuss strategy without revealing their bargaining position. The majority of the committee was persuaded that this struck an appropriate balance between the public's right to know and the need for confidentiality during the conduct of negotiations. The amendment simply changes the effective date. **Vote 11-8.**

Rep. William L O'Brien for the **Minority** of Judiciary: Within the first several passages of the New Hampshire Constitution and prominently placed in its Bill of Rights is the fundamental right of New Hampshire citizens to have a "[g]overnment ... [that] should be open, accessible, accountable and responsive." NH CONST. Part 1, Art. 8. "To that end," this Constitutional passage continues, "the public's right of access to governmental proceedings and records shall not be unreasonably restricted." By responding to an episode unique to a single municipality, extending the confidentiality of collective bargaining negotiations beyond the negotiating public body, and allowing, without a compelling record, for additional government operations to be made secret and government records to become classified documents, HB 379 unreasonably restricts this essential right. Representative government withers when conducted behind closed doors, outside of public scrutiny, and insulated from community comment. It no longer is a government of the people, by the

people, for the people; instead it is a government by the select few over their subjects. HB 379 unnecessarily moves us in that direction and should be rejected.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 108, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. **REFER FOR INTERIM STUDY.**

Rep. Sally H Kelly for Labor, Industrial and Rehabilitative Services: This bill would create an employers' private right of action to enforce payment of workers' compensation coverage premiums. It would have allowed employers to file civil action in court against other employers who are misclassifying employees. While the committee believes it is the state department's job to enforce our law, it also believes the idea of private sector enforcement deserves further study. **Vote 14-3.**

HB 133, requiring employers to report certain information regarding outsourcing to the department of labor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Chip L Rice for **Majority** of Labor, Industrial and Rehabilitative Services: This bill requires any employer with a net loss of more than 50 employees during the prior calendar year to report information to the department of employment security, such as procurement contracts the company has with the state or local government, any grants or loans the company received from the state, the number of employees lost and added in the calendar year and the number of employees lost to outsourcing the jobs to employers outside of the United States. **Vote 10-7.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority does not have issue with the sponsors request for information regarding the possible outsourcing of New Hampshire jobs. The minority believes the bill should have included a sunset provision and limited the employers required to provide this information to those with 75 or more employees consistent with the W.A.R.N. act legislation that takes effect 1/1/10. The bill has no penalty provision so there is little likelihood that employees will provide this information.

HB 271, relative to relevant information in a workers' compensation claim. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Knowles for Labor, Industrial and Rehabilitative Services: This bill simply attempts to raise awareness about proper care of private medical information of a person who files for workers' compensation. Although any relevant medical information must be considered in adjudicating a claim, certain very personal knowledge does not need to be made public. Although infractions of the existing statute are rare, the committee heard testimony that they do happen. The very minimal rules in this bill are intended to help prevent future occurrences of serious harm to individual's private lives, while not imposing any undue burdens on business. **Vote 11-6.**

HB 662-FN, relative to paid sick leave for employees. **REFER FOR INTERIM STUDY.**

Rep. John Knowles for Labor, Industrial and Rehabilitative Services: This bill has several important goals. It would advance public health by enabling sick employees to stay out of the workplace, which would reduce the spread of disease to fellow employees and to customers. It would be financially advantageous to employers, since it would limit unproductive workers from coming in and then spreading disease to others, which then makes them unproductive as well. And of course it enables employees to treat their illnesses without also suffering a financial loss, which many can ill afford. However, while the purposes of the bill are valid, the timing is not right. The majority of the committee felt that in these dire economic times it would be better to put off even these valuable goals and study further the possible impact on various areas of our economy. **Vote 9-8.**

LOCAL AND REGULATED REVENUES

HB 484, relative to the definition of charitable organizations for raffles and games of chance. **REFER FOR INTERIM STUDY.**

Rep. Andrew R Peterson for Local and Regulated Revenues: The committee, following on work by two subcommittees over the course of the first year of the biennium, still had concerns about the potential unintended consequences of this “housekeeping” bill. After failed attempts to gain majority votes for either “ought to pass” or “inexpedient to legislate” motions, the majority agreed there was need for additional study on the matter. **Vote 12-6. HB 487**, allowing municipalities to adopt a property tax exemption for compliance with green building standards. **REFER FOR INTERIM STUDY.**

Rep. William A Stetson for Local and Regulated Revenues: This bill was retained by the committee for further study. A subcommittee was appointed and met four times. At each subcommittee meeting new amendments were brought forward to define various provisions of the bill. In the final analysis the committee felt that although the premise of the bill is an excellent idea, there are several issues of technical language that still need to be addressed. **Vote 10-8.**

HB 630-FN-A, relative to live racing in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L Theberge for Local and Regulated Revenues: This bill repeals the statutory authority for live dog racing in New Hampshire. Both dog tracks have already stopped conducting live dog races. This bill will prevent them from resuming live dog racing. It has no effect on live horse racing. In making this decision, the committee recognized that it costs the state more to regulate live racing than the revenues it collects from racing. **Vote 15-2.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 646-FN-L, relative to county and state obligations for costs for nursing care and services, and for court orders for children services. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L Osborne for Municipal and County Government: As a result of the agreement reached between the counties and the state to extend the medicaid caps in HB 2 through 2012, the committee felt that this bill was not needed at this time. The committee voiced concern that the state should not down shift costs to the counties in the future. **Vote 13-3.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 218-FN, relative to the state park fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: This bill corrects a problem that emerged from the audit of the state parks. When established it was assumed the state park fund would contain revenues in excess of budget expenses and could only be used with approval of the governor and council. In reality, the funds never exceeded expenses and the fund functioned as a “checking” account. HB 218 provides the statutory authority to allow the department to deposit and withdraw funds as needed and without governor and council approval. **Vote 15-5.**

HB 222, relative to fill and dredge permits in wetlands. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank A Tupper for the **Majority** of Resources, Recreation and Development: This bill gives the department of environmental services (DES) statutory authority to evaluate construction activities in upland areas that may have an effect on wetlands. The New Hampshire supreme court ruled that DES does not have this authority, although it is clearly necessary to carry out the purpose of the wetlands statute under RSA 482:A:1. The land use commission established under HB 1579, Chapter 294, Laws of 2008 will develop and recommend legislation to clarify how this authority will be implemented. **Vote 11-9.**

Rep. Andrew Renzullo for the **Minority** of Resources, Recreation and Development: This bill, HB 222, is at best premature and at worst a litigation nightmare. It usurps the charge of the commission established by Chapter 294, Laws of 2008 (commission to study land development regulations and the effects of land development within upland areas that may affect wetlands and surface water of the state) established to carefully create comprehensive, well-thought-out legislation that would provide fair and equitable regulations concerning the impacts on wetlands of work in non-wetland areas. At both a joint meeting and a public

hearing, most members of that commission have asked the committee to delay any legislative action until they could finish their work. These members represented the New Hampshire farm bureau, the New Hampshire natural resource scientists, the New Hampshire timberland owners association, and the New Hampshire realtors association, among others. The assistant director of water at the department of environmental services, the agency which would “benefit” from the bill, referred to the amended version of the bill as “an attorney’s dream.” Also, concerns were expressed by the department of transportation and the New Hampshire municipal association about the danger in premature action. With all the entreaties from these impeccable sources one would ask why would the committee proceed with the bill? Why the big rush? The most frequent answer provided by the proponents of the bill is an assertion, based on a flawed interpretation of a 3-year old court case, that the department of environmental services does not have the regulatory power they have been exercising. The assertion by the DES, supported by an opinion from the attorney general’s office, that they have, and continue to have, such authority, could not persuade the majority of the committee. The additional fact that there have been no challenges to DES authority since the court case supports the attorney general’s assertion. The New Hampshire House owes the citizens of New Hampshire their best efforts. HB 222 is certainly not that. In law, as in medicine, the oath should be “First, Do No Harm.” With the wide array of testimony to the contrary, can this be truly said of HB 222?

HB 558-FN, establishing procedures for leasing state parks for use by private entities.

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

Rep. Susan R Kepner for the **Majority** of Resources, Recreation and Development: This bill responds to the issues surrounding the leasing of state owned park properties, an issue elevated by the release of the 10-year parks plan that recommend leasing as a way of funding the parks system. It creates a leasing evaluation committee for each lease and provides criteria and guidelines for this committee and the commissioner of DRED and director of parks when considering any lease proposal or agreement. HB 558 also creates a local community assistance fund to aid in covering the costs to communities caused by the activities that are the subject of the lease. **Vote 11-7.**

Rep. David H Russell for the **Minority** of Resources, Recreation and Development: The minority believes that this bill is not necessary. The director of parks and the commissioner of DRED presently have total authority to decide which parks or ski areas should be leased, and, if so, may dictate the terms and conditions of said lease. Additionally, the bill has some serious flaws. The bill provides money for local communities to pay for fire, school, ambulance or other capital items. Abutting towns would reap the benefit of increased property tax, as well as the economic impact of an increased number of visitors to the area, and shouldn’t also be recipients of new cash. We are of the opinion that some problems arose from the Sunapee lease, and that DES, governor and legislature have learned valuable lessons from this experience, and will be prepared to structure a lease, should one arise, in a much more efficient manner.

HB 681-FN, relative to aquatic resource compensatory mitigation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jim U McClammer for the **Majority** of Resources, Recreation and Development: This bill enables developers and applicants to have an option to deposit funds into the aquatic resource mitigation (ARM) fund. The intent of the ARM program is to lower costs for applicants by expediting the permit process. Through HB 681, the administrative assessment is increased for two years from five percent to twenty percent, to cover the cost of DES personnel in administering the ARM program. After two years, the legislature will evaluate whether this assessment should be changed based on its two year history. **Vote 14-6.**

Rep. Christopher J Ahlgren for the **Minority** of Resources, Recreation and Development: Although the minority agrees with the merits of the aquatic resource compensatory fund

program and believes the program should continue, we do not believe that now is the time to increase the administrative fee paid to the state of New Hampshire by 300%. The current shortfall was precipitated by federal funds for this program being eliminated. Without this “one time money” we are now again passing along the burden to our citizens. More importantly, we are placing this burden on one of our most depressed economic sectors, private construction. An alternative method of funding this program must be available and should be considered.

SCIENCE, TECHNOLOGY AND ENERGY

HB 213-FN, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Naida L Kaen for Science, Technology and Energy: This bill was filed with the support of the bureau of emergency management. Its purpose is to create, using the bureau’s existing database, a state-wide emergency notification system (“ENS”) to notify residents in a particular area in the event of emergency. As amended it provides that persons already in the database will be permitted to opt out of the system, and for those not already included, e.g., cell phone users, provision will be made to opt-in. This data shall be kept confidential and used solely for the intended purpose. Concerns were raised during the hearings by industry providers relative to technical capabilities to properly interface and deliver messages in a timely manner. The amended version of the bill requires the bureau to work directly with technical members from all of the communications providers to adopt a system for delivery of messages in the most efficient manner. The bureau’s director has pledged to do so. The committee was assured that the proposed ENS can be achieved using already existing E-911 funds. **Vote 17-0.**

TRANSPORTATION

HB 571-FN, relative to limited driving privileges for certain persons whose licenses have been revoked or suspended and relative to DWI convictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Roland H LaPlante for Transportation: The majority of the committee felt that this bill was inappropriate to merit any consideration because of the almost impossible task that law enforcement people would have in specific areas to enforce this statute. Much negativity along these lines was expressed at the hearing. **Vote 13-3.**

HB 579-FN, establishing motor vehicle learners' permits and relative to youth operators' licenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for the **Majority** of Transportation: The purpose of this bill is to maximize the experience of novice drivers while minimizing risks by instituting a learner’s permit, requiring a road test of all first-time drivers and limiting passengers during the first year of a youth operator’s license. This graduated driver’s license approach has proven itself according to all studies. **Vote 8-7.**

Rep. Jennifer R Coffey for the **Minority** of Transportation: The minority of the committee has a number of concerns. Last session we increased the requirements on young driver’s from 20 hours of driving time with a parent or guardian to 40 hours including 10 hours of night driving. The minority agrees the best way to maximize experience is to drive; a written test does not accomplish this. At a time when budgets are tight this will increase operating costs to the department of safety for test administration including but not limited to the test itself, staff to administer and correct the test, as well as if the exam is administered as a computer based or paper exam and oversight. This increases the size and scope of a government agency and increases the burdens on citizens with a new fee. This bill also increases the restriction on 18 to 21 year olds that forbids them from car pooling for a full year rather than the current six months. The bill will not increase safety but it will increase the cost and size of government and the fees on citizens.

WAYS AND MEANS

HB 597-FN-A-L, revising the property tax relief program in order to cap education tax payments at one percent of adjusted gross income. **REFER FOR INTERIM STUDY.**

Rep. William A Hatch for Ways and Means: This bill turns the current low and moderate income property tax relief program into a rebate program for any state-level education property tax that exceeds 1% of the taxpayer's income. The sponsor brought in several last-minute amendments and the committee would like the opportunity to include his work with the interim study of HB 656. **Vote 11-8.**

HB 642-FN-A-L, establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W Almy for Ways and Means: Although this bill offers major property tax relief and greater equity in our tax system, it is impossible to predict its effect on our precariously balanced general fund accurately enough. The risks both of that and of a negative effect on business growth, and therefore jobs, are too high for some of the committee to contemplate passage in these economic times. Other committee members believe that the risks of negative effects on business growth will always be too high. **Vote 16-1.**

HB 656-FN-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for the **Majority** of Ways and Means: This bill takes the money now used for the low and moderate income property tax relief program and redistributes it by a new formula to those whose state and local education portions of the property tax on the first one hundred thousand dollars of the value of their home exceeds 10% of their income. It also partially moves the collection of the statewide property tax from the towns to the department of revenue administration, and replaces the float the towns now receive to administer this program with a flat fifty cent payment. Start-up costs of the change are likely to be considerable, and these and operating costs are not provided to the department, although the float will later become available for appropriation. After several iterations, the bill still has fatal technical defects. In the view of the majority, it will not provide meaningful tax relief to any more low-income citizens than the current system does, and in fact, because of the difficulty of publicizing it to the right people, may provide less. We want the chance to remedy these defects in interim study. **Vote 11-8.**

Rep. Frank V Sapareto for the **Minority** of Ways and Means: The minority finds that the current hardship relief program is outdated and inadequate. A similar bill was passed by the ways and means committee years ago. The current version has been scrutinized for years and has been vetted for nearly a decade. The department of revenue administration (DRA) has an urgent need to upgrade its systems whether this bill passes or not. The minority of the committee feels that no resident should lose their homes due to excessive property taxes.

SB 44, establishing a commission to review all fees charged by the department of environmental services. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for the **Majority** of Ways and Means: The department of environmental services has received a grant to fund an internal study of its current permitting process and explore procedures to consolidate and streamline its permit reviews and approval process. The majority of the committee felt that this well intended legislation should be implemented after the DES study is completed. The committee will monitor the DES study to ensure that it is completed expeditiously. **Vote 11-7.**

Rep. David R Boutin for the **Minority** of Ways and Means: Small businesses and home owners have waited far too long for promised regulatory relief through the streamlining of the morass of complex, burdensome, costly and often duplicative permits and regulations at the department of environmental services that discourages new business development and

job growth. An amendment was offered in committee that would prompt the department to expedite its permit streamlining review process so that permit and regulatory relief can be finally offered to small business and home owners.

COMMITTEE MEETINGS

MONDAY, JANUARY 4

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

9:00 a.m. Regular meeting.

COMMISSION TO STUDY THE ISSUE OF STORMWATER MANAGEMENT(HB 1295, Chapter 71:1, Laws of 2008), Room 305, LOB

1:00 p.m. Regular meeting.

TUESDAY, JANUARY 5

CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 103, State House

2:00 p.m. Regular meeting.

THURSDAY, JANUARY 7

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Organizational meeting.

1:15 p.m. **CACR 29**, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:00 a.m. **HB 1547-FN**, relative to the use of consumer discount cards.

10:00 a.m. **HB 1558**, prohibiting the sale of certain energy drinks to minors.

11:00 a.m. **HB 1281-FN**, relative to certain securities laws.

1:00 p.m. **HB 1207**, relative to Delta Dental data submission.

1:30 p.m. **HB 1470**, establishing a committee to study laws relating to condominium and homeowners' associations.

2:00 p.m. **HB 1340**, relative to condominium liens for assessments.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1441**, relative to claimant eligibility for victim's compensation.

10:45 a.m. **HB 1183**, relative to the effective date of certain provisions of the involuntary commitment of sexually violent predators statute.

11:00 a.m. **HB 1372**, establishing a commission to study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, and to study permitting a person to record a law enforcement officer in the course of such officer's official duties.

11:30 a.m. **HB 1373**, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

1:00 p.m. **HB 1135**, requiring the fire standards and training commission to perform self-reviews of its membership.

1:30 p.m. **HB 1131**, relative to requirements for firefighter certification.

2:00 p.m. **HB 1436**, requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System.

ELECTION LAW, Room 308, LOB

9:30 a.m. Educational session re: ballot design, name order and column rotation.

ELECTION LAW JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 308, LOB

11:00 a.m. Joint subcommittee work session re: Department of State audit report.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Committee welcome back and overview of session and bills for 2010.

10:15 a.m. **HB 1350-FN**, establishing the salary for the position of director of security and training in the department of corrections.

10:30 a.m. **HB 1351-FN**, establishing the salary for the position of professional standards director in the department of corrections.

10:45 a.m. **HB 1482-FN**, upgrading the chief executive officer of the New Hampshire hospital, department of health and human services.

11:00 a.m. **HB 1569-FN**, establishing the salary for the position of director of community corrections in the department of corrections.

12:45 p.m. **HB 1404**, relative to the regulation of real estate brokers and salespersons.

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

9:30 a.m. **HB 1158**, changing the name of the institutional review board to the vital records privacy board for health-related research.

10:00 a.m. **HB 1184**, relative to the administration of the unused prescription drug program.

11:00 a.m. **HB 1398**, allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration.

1:00 p.m. **HB 1599-FN**, establishing an emergency mental health and developmental disabilities database within the division of state police.

2:30 p.m. **HB 1562-L**, relative to assistance dogs.

JUDICIARY

10:00 a.m. **HB 1219**, repealing the wartime registration of aliens laws.

10:30 a.m. **HB 1500**, relative to excuse from jury service.

11:00 a.m. **HB 1347**, relative to the right of jury nullification.

1:00 p.m. **HB 1154**, relative to the period for which claims may be presented against a trust.

1:30 p.m. **HB 1127**, relative to service of process on commercial tenants.

2:00 p.m. **HB 1413**, relative to the deposit of weekly rental payments by a tenant during an eviction proceeding

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:00 a.m. **HB 1137**, relative to withholding of wages.

10:30 a.m. **HB 1163**, relative to the definition of employee with respect to private employment under the workers' compensation law.

11:00 a.m. **HB 1187**, relative to residential elevators and accessibility lifts.

1:00 p.m. **HB 1271**, extending the task force on work and family and amending its membership and duties.

2:00 p.m. **HB 1368**, relative to the definition of "employee" for workers' compensation purposes.

2:30 p.m. **HB 1614-FN**, relative to state employee whistleblower protection to be administered by the secretary of state.

3:00 p.m. **HB 1403**, relative to wrongful termination.

LOCAL AND REGULATED REVENUES, Room 303, LOB

10:00 a.m. **HB 1427**, relative to the conversion period for quarterly billing for property taxes.

- 10:30 a.m. **HB 1345**, relative to information for property tax assessments of commercial and industrial properties.
- 11:00 a.m. **HB 1276-FN-L**, relative to investment of capital reserve funds.
- 1:15 p.m. **HB 1147**, excluding value attributed to unexercised approvals in determining the market value of land for property tax purposes.
- 1:45 p.m. **HB 1617-FN-L**, exempting owners of timber cut on storm-damaged land from timber taxes.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1375**, establishing a committee to study regional planning commissions.
- 10:30 a.m. **HB 1483**, relative to appropriations in the county budget and expenditures of state and federal grants by counties.
- 11:00 a.m. **HB 1151-L**, relative to the lapse of county appropriations.
- 11:30 a.m. **HB 1126**, relative to the Hooksett police commission.
- 1:00 p.m. **HB 1485**, granting zoning and planning powers to Hampton Beach village district.
- 1:30 p.m. **HB 1155**, relative to water district contracts.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 306, LOB

- 2:00 p.m. Regular business.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **HB 1292**, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.
- 10:30 a.m. **HB 1293-FN**, relative to the oil discharge cleanup fund.
- 11:00 a.m. **HB 1294**, relative to underground storage facility operator training.
- 1:00 p.m. **HB 1399**, relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities.
- 1:45 p.m. **HB 1434**, relative to exemptions from sewage disposal systems approval.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Informational session on system benefits charge legislation, scheduled for introduction in the Senate as SB 300 on 1/6/10.

WAYS AND MEANS, Room 202, LOB

- 9:30 a.m. **HB 1460-FN-A**, establishing a credit for gambling losses against the tax on gambling winnings.
- 10:00 a.m. **HB 1615**, relative to the determination of value and taxability for purposes of the utility property tax.
- 10:15 a.m. **HB 1581**, relative to the taxation of railroads.
- 10:45 a.m. **HB 1629-FN**, repealing the dedicated enhanced 911 system fund.
- 11:00 a.m. **HB 1490**, establishing a commission to analyze revenues and expenditures in the state budget.
- 1:00 p.m. **HB 1416**, making technical corrections to certain department of revenue administration laws.
- 1:15 p.m. **HB 1506-FN-A-L**, establishing a state aeronautical fund.
- 1:30 p.m. **HB 1518-FN**, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile.
- 2:00 p.m. **HB 1464-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax.
- 2:15 p.m. **HB 1603-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.
- 2:30 p.m. **HB 1616-FN-A**, creating an exemption from the business enterprise tax for new businesses in New Hampshire.

FRIDAY, JANUARY 8

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 206-208, LOB (Please note room change.)

9:00 a.m. Continued regular meeting.

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 203, LOB.

1:00 p.m. Programs subcommittee meeting.

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

9:00 a.m. Regular business.

9:30 a.m. Audits: State of New Hampshire, Department of Transportation Turnpike System Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009
New Hampshire Lottery Commission, Department of the State of New Hampshire Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009
The Unique College Investing Plan Annual Report September 30, 2009
The Fidelity Advisor 529 Plan Annual Report September 30, 2009

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

10:00 a.m. Non-public session of the Complaint Review Committee.

1:00 p.m. Regular meeting.

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

1:30 p.m. Regular meeting.

SUNDAY, JANUARY 10

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), Crocker Sweeney Building, NH Technical Institute, Concord

1:00 p.m. Regular meeting.

MONDAY, JANUARY 11

COMMISSION TO STUDY FUTURE SUSTAINABLE REVENUE SOURCES FOR FUNDING IMPROVEMENTS TO STATE AND MUNICIPAL HIGHWAYS AND BRIDGES (HB 2, Chapter 144:291, Laws of 2009), Room 201, LOB

2:00 p.m. Regular meeting.

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB.

11:00 a.m. Definitions subcommittee meeting.

1:00 p.m. Regular meeting.

COMMITTEE TO STUDY THE CERTIFICATE OF NEED PROCESS (HB 234, Chapter 77:1, Laws of 2009), Room 205, LOB

10:00 a.m. Regular meeting.

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND

THE ENVIRONMENT (RSA 125-P), Room 207, LOB

9:30 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 210-211, LOB

2:00 p.m. **HB 1635-FN**, prohibiting the open carrying of a firearm in a public building.

CRIMINAL JUSTICE AND PUBLIC SAFETY JOINT WITH LEGISLATIVE ADMINISTRATION, Rooms 210-211, LOB

1:00 p.m. **HB 1654-FN**, relative to state house security.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB.

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

10:00 a.m. **HB 1302-FN**, relative to mileage for members of the general court.

10:30 a.m. **HB 1675-FN**, relative to eliminating payment of certain travel expenses for members of the general court, and imposing a 2-year moratorium on reimbursement of executive branch state employee travel.

11:00 a.m. **HB 1210**, relative to the availability of proposed amendments to bills and resolutions.

11:30 a.m. **HB 1308-FN**, relative to health screenings for members of the general court.

LEGISLATIVE ADMINISTRATION JOINT WITH CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 210-211, LOB

1:00 p.m. **HB 1654-FN**, relative to state house security.

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

9:00 a.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), Room 102, LOB.

10:00 a.m. Regular meeting

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

1:15 p.m. Regular meeting.

TUESDAY, JANUARY 12

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **HB 1165**, relative to access to records for child support enforcement.

11:00 a.m. **HB 1156**, relative to the determination of parental rights and responsibilities.

1:15 p.m. **HB 1178**, establishing a commission to study issues related to children and families.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. **HB 1316**, requiring new construction and renovations of commercial buildings over 4,000 square feet to follow the Leadership in Energy and Environmental Design (LEED) guidelines relative to volatile organic compounds.

11:00 a.m. **HB 1191**, relative to fire sprinkler systems.

1:15 p.m. **HB 1486**, prohibiting the mandating of fire sprinkler systems in certain

- 1:45 p.m. dwellings.
HB 1429, establishing a committee to study the inclusion of universal design requirements in the state building code.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1402**, repealing the crime of adultery.
10:30 a.m. **HB 1389**, relative to the annulment of a criminal record.
11:00 a.m. **HB 1533**, establishing a commission to study the statute governing annulment of criminal records.
1:00 p.m. **HB 1442-FN**, relative to residency restrictions on offenders against children.
1:30 p.m. **HB 1484**, relative to residency restrictions for sex offenders.
2:00 p.m. **HB 1508-FN**, prohibiting offenders convicted of certain sexual assaults from contacting the victim of the crime.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. **HB 1150**, removing certain references to nomination for the office of vice-president.
10:30 a.m. **HB 1205**, relative to the membership of the ballot law commission.
11:00 a.m. **HB 1225-FN-L**, requiring a security escort for the delivery of ballots to the clerk.
11:30 a.m. **HB 1513-FN**, relative to fees collected by the secretary of state for checklist information.
1:00 p.m. **HB 1188**, relative to nominating a political organization by nomination papers.
1:30 p.m. **HB 1367-FN**, relative to permissible campaign contributions by business organizations and labor unions.
2:00 p.m. **HB 1341**, relative to election day procedures.
2:30 p.m. **HB 1264**, relative to the definition of "party" for election purposes.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:30 a.m. Executive session on **HB 1350-FN**, establishing the salary for the position of director of security and training in the department of corrections, **HB 1351-FN**, establishing the salary for the position of professional standards director in the department of corrections, **HB 1482-FN**, upgrading the chief executive officer of the New Hampshire hospital, department of health and human services, **HB 1569-FN**, establishing the salary for the position of director of community corrections in the department of corrections, **HB 1404**, relative to the regulation of real estate brokers and salespersons.
11:30 a.m. **HB 1579-FN**, relative to electioneering by public employees.
1:15 p.m. **HB 1149**, relative to incorporation by reference in state agency rulemaking.
2:00 p.m. **HB 1237**, relative to a certain insurance rulemaking exemption.
2:30 p.m. **HB 1539**, relative to rulemaking authority of the state treasurer regarding the New Hampshire excellence in higher education endowment trust fund and the college tuition savings plan.

FINANCE JOINT WITH PUBLIC WORKS AND HIGHWAYS, Rooms 210-211, LOB

- 10:00 a.m. Discussion on spending with Steven Norton, NH Public Policy Center and Charles Arlinghaus, Josiah Bartlett Center.

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

- 10:00 a.m. **HB 1467**, establishing a committee to study extending Medicaid and similar sources of private and public aid to provide health care insurance through age 20 to individuals who were foster children and are attending postsecondary school.
11:00 a.m. **HB 1537**, allowing primary care providers to provide preventive oral health services to children under the state Medicaid program.

- 1:00 p.m. **HB 1612-FN**, relative to restriction of the use and sale of carisoprodol, tramadol hydrochloride, and temazepam.
- 1:30 p.m. **HB 1532**, relative to the compilation of data on criminal substance abuse in New Hampshire.
- 2:30 p.m. Executive session on **HB 1158**, changing the name of the institutional review board to the vital records privacy board for health-related research, **HB 1184**, relative to the administration of the unused prescription drug program, **HB 1398**, allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration, **HB 1562-L**, relative to assistance dogs and **HB 1599-FN**, establishing an emergency mental health and developmental disabilities database within the division of state police.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1179**, relative to municipal access to the enhanced 911 data base.
- 10:30 a.m. **HB 1284**, relative to posting of minutes under the right-to-know law.
- 11:00 a.m. **HB 1356**, relative to certain nonprofit corporations subject to the right-to-know law.
- 11:30 a.m. **HB 1362**, extending the right-to-know oversight commission.
- 1:00 p.m. **HB 1130**, relative to statements of consideration in deeds of real property.
- 1:30 p.m. **HB 1132**, relative to the creation and severance of joint tenancy in real property.
- 2:00 p.m. **HB 1213**, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians.
- 2:30 p.m. **HB 1577-FN**, relative to court records research fees.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 3:00 p.m. **HB 1621-FN**, prohibiting a lobbyist from serving on a public agency or public body where the lobbyist gains from the activity of the public agency or body.
- 3:30 p.m. **HB 1473**, relative to requiring lobbyists to file an annual statement.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1174**, relative to terms for appointed town officials.
- 10:30 a.m. **HB 1288**, relative to the term of office of an appointed member of a local land use board member.
- 11:00 a.m. **HB 1332**, relative to planning board members.
- 11:30 a.m. **HB 1394-L**, relative to town clerks.
- 1:00 p.m. **HB 1287**, relative to setback requirements on private rights-of-way.
- 1:30 p.m. **HB 1200**, relative to the definition of "abutter" for notice of land use board hearings

PUBLIC WORKS AND HIGHWAYS JOINT WITH FINANCE, Room 210-211, LOB

- 10:00 a.m. Discussion on spending with Steven Norton, NH Public Policy Center and Charles Arlinghaus, Josiah Bartlett Center.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 1:15 p.m. **HB 1314**, relative to approval of changes to a capital budget project.
- 1:30 p.m. **HB 1481**, relative to the use of turnpike tolls.
- 2:00 p.m. **HB 1166**, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects.
- 2:30 p.m. **HB 1406**, relative to police details on public ways.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:30 a.m. **HB 1573**, relative to the greenhouse gas emissions reduction fund and the renewable energy fund.

- 1:00 p.m. **HB 1542-FN**, repealing nitrogen oxide emitting generation source requirements.
- 1:45 p.m. **HB 1534**, relative to the issuance of air permits and certain fees relative to air permits.
- 2:45 p.m. **HB 1251**, relative to the sale and transfer procedures for shutdown emissions credits.

STATE CAPITOL COMPLEX MASTER PLAN COMMISSION (HB 25, Chapter 145:13, Laws of 2009), Room 201, LOB

3:00 p.m. Regular meeting.

TRANSPORTATION, Room 203, LOB

- 10:15 a.m. **HB 1262**, relative to disabled parking signs.
- 10:30 a.m. **HB 1559-FN**, relative to gold star number plates.
- 11:00 a.m. **HB 1498**, relative to obscured figures or letters on number plates attached to motor vehicles.
- 11:30 a.m. **HB 1588-FN**, changing the effective date of the expiration of the motor vehicle registration surcharge.
- 1:00 p.m. **HB 1141**, relative to expiration of drivers' licenses.
- 1:30 p.m. **HB 1190**, authorizing transfer on death of motor vehicles.

WEDNESDAY, JANUARY 13

TRANSPORTATION, Room 203, LOB

During the lunch break from session, full committee informational meeting.

THURSDAY, JANUARY 14

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 1177**, establishing a committee to study education and career development programs for youths and young adults in the juvenile and adult criminal justice systems.
- 11:00 a.m. **HB 1420**, relative to the calculation of child support.
- 1:30 p.m. **HB 1193**, relative to the definition of allowable child care expenses for purposes of determining child support and establishing a legislative oversight committee relative to implementation of the 2009 New Hampshire Support Guidelines Review and Recommendations.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:00 a.m. **HR 22**, encouraging Bank of America to change its business practices.
- 9:30 a.m. **HB 1248**, prohibiting the state from doing business with any banking institution that requires fingerprints or bodily fluids from any person in order to complete a banking transaction.
- 10:30 a.m. **HB 1502**, relative to costs associated with cashing payroll checks.
- 1:00 p.m. **HB 1352**, relative to direct shippers.
- 1:30 p.m. **HB 1503-FN**, establishing a liquor license review board.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1468-FN**, relative to official oppression.
- 10:30 a.m. **HB 1515-FN**, relative to the crime of official oppression.
- 11:00 a.m. **HB 1361**, relative to notification of parole hearings.
- 11:30 a.m. **HB 1167**, establishing a committee to study parole boards and parole board procedures.
- 1:00 p.m. **HB 1146**, eliminating requirements for additional breath tests for blood alcohol content.

- 1:30 p.m. **HB 1173**, relative to the requirement for certification as a habitual offender.
 2:00 p.m. **HB 1134**, authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:30 a.m. Performance Audit on Plumbers Board.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

- 10:00 a.m. **HB 1331**, relative to extending the days for recreational taking of clams following an emergency closing.
 10:30 a.m. **HB 1129**, relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department.
 11:00 a.m. **HB 1425**, relative to the regulation of the processing of lobster tails.
 1:00 p.m. **HB 1201**, including loaded muzzle-loading firearms in the prohibition of hunting from a vehicle.
 1:15 p.m. **HB 1507-FN**, relative to hunting and fishing licenses for disabled veterans, active duty members of the armed forces, and residents returning from active duty.
 1:45 p.m. **HB 1144**, relative to the definition of a set line used for taking fish.

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

- 10:00 a.m. **HB 1170**, relative to licensure of home health care providers.
 11:00 a.m. **HB 1226**, relative to caregiver support services for the elderly.
 1:15 p.m. **HB 1553**, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire.
 2:00 p.m. **HB 1437**, requiring the department of health and human services to provide a legislative report on Katie Beckett, the Medicaid program for home care for children with severe disabilities.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1185**, relative to retired judges over 70 years of age.
 10:30 a.m. **CACR 21**, relating to judges and sheriffs. Providing that judges and sheriffs may serve after the age of 70 years.
 11:00 a.m. **HB 1306**, relative to approval of recommendations of marital masters and judicial referees.
 11:30 a.m. **HB 1307**, relative to appointments and reappointments of marital masters.
 1:00 p.m. **HB 1423**, requiring a performance audit of the judicial branch family division.
 1:30 p.m. **HB 1449**, relative to complaints against judicially appointed guardians ad litem and psychotherapists.
 2:30 p.m. **HB 1290**, relative to unincorporated religious societies.

LOCAL AND REGULATED REVENUES, Room 303, LOB

- 10:00 a.m. **HB 1595-FN-L**, relative to tax collection procedures for manufactured housing in a manufactured housing park.
 10:30 a.m. **HB 1246**, allowing the towns of Salem and Windham to adopt a certain property tax exemption.
 11:00 a.m. **HB 1272**, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.
 11:30 a.m. Rescheduled public hearing on **HB 1571**, relative to the penalty for failure to file an annual inventory of taxable property.
 1:00 p.m. **HB 1439-L**, relative to tax exemptions for water and air pollution control installations.
 1:30 p.m. **HB 1380-FN**, relative to assessing fees by zoning boards of adjustment.
 2:00 p.m. **HB 1592-FN**, relative to the exemption from the charge for a municipal

permit to register a motor vehicle for amputee and other disabled veterans.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1267-L**, relative to applications for hawkers and peddlers licenses.
10:30 a.m. **HB 1369-L**, relative to pool safety.
11:00 a.m. **HB 1461**, relative to the municipal regulation of the sale of martial arts weapons.
11:30 a.m. **HB 1338**, relative to scholarships for higher education for early graduating high school students.
11:45 a.m. **HB 1199**, relative to the boundaries of the North Conway water district.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:30 a.m. Presentation by the NH Sustainable Energy Association. Funding energy efficiency and renewable energy projects.
11:00 a.m. **HB 1227-L**, relative to laying pipes for pressurized hot water transmission and distribution.

WAYS AND MEANS, Rooms 201-203, LOB

- 9:00 a.m. **HB 1607-FN-A**, relative to the reasonable compensation deduction under the business profits tax.

Room 202, LOB

- 1:00 p.m. **HB 1611-FN-A-L**, establishing a sales and use tax.
2:00 p.m. **CACR 22**, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated.
2:15 p.m. **HB 1604-FN-A**, establishing a credit against the interest and dividends tax for taxes paid to other states on certain distributions.
2:30 p.m. **HB 1618-FN-A**, exempting certain federally tax-exempt transactions from the business profits tax.

FRIDAY, JANUARY 15

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

- 9:00 a.m. Regular meeting.

COMMISSION TO STUDY APPOINTING OR CONTRACTING WITH A FLEET MANAGER FOR STATE-OWNED VEHICLES (HB 1412, Chapter 218:1, Laws of 2008), Rooms 210-211, LOB

- 1:00 p.m. Regular meeting.

OBD II TESTING ADVISORY COMMITTEE (RSA 266:59-b, VII (a)), Room 301, LOB

- 10:00 a.m. Rescheduled regular meeting.

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

- 9:30 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

- 9:00 a.m. Regular meeting.

TUESDAY, JANUARY 19

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

- 3:30 p.m. Regular business.

THURSDAY, JANUARY 21

**COMMISSION TO EVALUATE LONG-TERM USES OF LAKES REGION FACILITY
LOCATED IN LACONIA (HB 2, Chapter 144:282, Laws of 2009), Room 201,LOB.**

3:00 p.m. Regular meeting.

**COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY
FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House.**

2:00 p.m. Regular meeting.

FRIDAY, JANUARY 22

**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of
Revenue Administration, 109 Pleasant Street, Concord.**

9:30 a.m. Regular meeting

**COMMISSION TO DEVELOP A PLAN FOR THE EXPANSION OF TRANSMISSION
CAPACITY IN THE NORTH COUNTRY (SB 383, Chapter 348:2, Laws of 2008),
Public Utilities Commission, Room A, 21 South Fruit Street, Concord**

1:00 p.m. Regular meeting.

**COMMISSION TO STUDY CREATING A VETERANS' LEGAL AID ADVOCACY
PROJECT IN NEW HAMPSHIRE (SB 35, Chapter 90:2, Laws of 2009), Room 100,
State House**

10:00 a.m. Regular meeting.

**CURRENT USE BOARD (RSA 79-A:3), New Hampshire Department of Revenue
Administration, 109 Pleasant Street, Concord.**

1:30 p.m. Rulemaking meeting

MONDAY, JANUARY 25

**AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-
I:2), Room 303, LOB**

1:00 p.m. Regular meeting.

TUESDAY, JANUARY 26

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

3:30 p.m. Regular business.

THURSDAY, JANUARY 28

**ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-
E:21), Department of Education, Walker Building, Room 330, 21 South Fruit Street,
Concord**

3:00 p.m. Regular meeting.

THURSDAY, FEBRUARY 4

**COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY
FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House.**

2:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 5

COMMISSION TO STUDY THE DEATH PENALTY IN NEW HAMPSHIRE (HB 520, Chapter 284:1, Laws of 2009, LOB 305-307
10:00 a.m. Public hearing.

MONDAY, FEBRUARY 8

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB

11:00 a.m. Definitions subcommittee.
1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

FRIDAY, FEBRUARY 12

COMMISSION TO EXAMINE DRIVING WHILE IMPAIRED EDUCATION AND INTERVENTION PROGRAMS (HB 1311, Chapter 256:10, Laws of 2008), Room 202, LOB.

1:00 p.m. Regular meeting.

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

10:00 a.m. Non-public session of the Complaint Review Committee.
1:00 p.m. Regular meeting.

VOLUNTEER NH (RSA 19-H), Greater Manchester Chapter of the Red Cross, 1800 Elm Street, Manchester.

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 16

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

3:30 p.m. Regular business.

THURSDAY, FEBRUARY 18

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House.

2:00 p.m. Regular meeting.

MONDAY, FEBRUARY 22

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 662, 1128, 1611, 1649
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.

Sheehan Phinney Capitol Group will be hosting their annual Welcome Back Reception for all House, Senate members and staff on Wednesday, **January 6** at the Holiday Inn. It will be held at the conclusion of session (or 3:00 p.m. should the session end early).

Reps Mary Jane Wallner and Sherman A. Packard

The Legislative Youth Advisory Council (RSA 19-J) will hold its regular meeting Sunday, **January 10**, 1:00 to 4:00 p.m., in the Crocker Sweeney Building at the NH Technical Institute. They will be discussing proposed action on issues they have identified: teen driving, teen homelessness, D.A.R.E.-alcohol/drug education, and the environment. If any legislator would like to meet with the council to discuss an issue or bill, please contact Rep. Carolyn Gargasz, cgargasz@cs.com, 465-7463. The meetings are open to the public.

Rep. Carolyn Gargasz

Tuesday, **January 12th**, from noon to 1:30 p.m., all legislators are invited to attend a luncheon at St. Paul's Church between Park and Center Street, Concord, hosted by New Futures in coordination with the Legislative Caucus on Alcohol and Other Drug Problems, and the Governor's Commission on Alcohol and Drug Abuse, Prevention, Intervention, and Treatment. There will be a briefing on current research and NH polling data on the efficacy and value of substance use disorder treatment. Please RSVP to April Couture at 658-2770 or acouture@new-futures.org.

Reps. Joy K. Tilton, Suzanne Harvey, and Peter Batula

The Barnstead-Alton Republican Committee (BARC) will hold its next monthly meeting on Tuesday, **January 12** at J.J. Goodwin's Restaurant (upstairs), 769 Suncook Valley Rd (Route 28), Center Barnstead - (603) 364-9780. Following our normal format, dinner (at your option) is at 5:30 p.m., the meeting will begin at 6:30 p.m. BARC is pleased to announce that former NH Attorney General and now candidate for the US Senate, Kelly Ayotte, will be the featured guest speaker.

Rep Elaine Swinford

All legislators and staff are cordially invited to attend a "Welcome Back Legislators" reception hosted by the Business and Industry Association, New Hampshire's statewide chamber of commerce. The reception will take place at the Holiday Inn, 172 North Main Street, Concord from 4:00 to 6:00 p.m. on Wednesday, **January 13**. Please RSVP to BIA at 224-5388, ext. 116.

Reps Mary Jane Wallner and Sherman A. Packard

The New Hampshire Child Advocacy Network (NH CAN), in coordination with the Legislative Caucus for Young Children and Every Child Matters, invites all legislators to a lunchtime briefing on the 2010 Priorities for New Hampshire's Children on Thursday, **January 14th** at noon in Rooms 210-211 of the LOB. The Priorities create opportunities to strengthen New Hampshire families and communities and are the result of collaboration among nearly one hundred organizational members and advisors of NH CAN. To reserve your lunch please RSVP by Monday, January 11 to Ashton Dasey at 225-2264 or adasey@childrennh.org.

Reps. Mary Jane Wallner and Sharon Nordgren

The first 2010 Mental Health Caucus meeting will be held **Tuesday, January 26** at noon at the Upham Walker House. Please hold the date! Brown bag lunch unless a future notice indicates that lunch is provided. Legislators who wish to provide an overview of their 2010 bills (which relate to or impact state mental health services) to the caucus, please contact Rep. Liz Merry who is coordinating the agenda at (estikemerry@metrocast.net) or call: 286-4897.

Rep. Liz Merry

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet every Tuesday at 8:30 a.m. at the Upham Walker House, Park Street, Concord.

Reps. Nancy Elliott, Robert Mead and William O'Brien

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 **January 2010**. 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 school year and subject to changes.

Please contact the Visitors' Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
Jan. 12	9:30	East Rochester School	46/4
Jan. 12	1:00	KA Brett School – Tamworth	17/4
Jan. 20	10:00/11:30 SH/HM	Charlotte Ave. School – Nashua	100/4
Jan. 21	9:45	Sandwich Central School	21/4
Jan. 26	10:00	Walter F. High School – Salem	30/4
Jan. 29	10:30	Hanover St. School – Lebanon	55/4

FLOOR AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2010-0038h

Floor Amendment to HB 213-FN
Proposed by Rep. Kaen

Amend RSA 106-H:16, I as inserted by section 1 of the bill by replacing it with the following:

I. For the purposes of alerting members of the public about emergencies in a particular area and delivering rapid emergency notification and information, the bureau shall develop and maintain a statewide emergency notification system (ENS). The bureau shall work with technical members from the wireline, wireless, voice over Internet Protocol, and cable industries to ensure the delivery of emergency messages in the most efficient manner and may utilize existing communications systems and networks for emergency state and local governmental purposes.

Amend RSA 106-H:9, II as inserted by section 2 of the bill by replacing it with the following:

II. Imposition of the enhanced 911 services surcharge shall ~~[begin not later than 4 months from the approval of the budget, in order to]~~ provide adequate funding for the development of the enhanced 911 database, **the statewide emergency notification system database**, and other operations ~~[necessary to the development]~~ of the enhanced 911 system **and the statewide emergency notification system**.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Limitation of Liability. Amend RSA 508:12-a, III to read as follows:

III. No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence receives, develops, collects, or processes information for the enhanced 911 database **or the statewide emergency notification system (ENS) database**, relays or transfers enhanced 911 services, **transmits ENS messages and notifications to the public**, or provides emergency telephone and radio communications for ambulance, police and fire departments.

2010-0030h

Floor Amendment to HB 484
Proposed by Rep. Vaillancourt

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

1 Charitable Organization; Games of Chance; Definition. Amend the introductory paragraph of RSA 287-D:1, III(a) to read as follows:

(a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations which shall have been registered with the secretary of state for at least 2 years and in existence for at least 2 years in a town or city in this state, provided that the primary activities conducted by the organization were for the purpose for which the organization was established and have not included charitable gambling operations; which is organized under the laws of this state; and ~~[to which contributions are exempt from federal income tax]~~ **which possesses a tax exempt status pursuant to section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code or is covered under a group ruling issued by the Internal Revenue Service under the authority of those sections**. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

2 License Applications. Amend RSA 287-D:1, III (a)(2) to read as follows:

(2) Establish that the purposes for which it was organized, other than charitable gambling, are furthered through **charitable** activities conducted ~~[in the town or city in which the games of chance are conducted]~~ **in the community or communities which the charitable organization serves**.

3 License Applications. Amend RSA 287-D:2-a, VII(b) to read as follows:

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered ~~[through activities conducted in the town or city in which the charitable organization is organized]~~ **in the community or communities which the charitable organization serves by conducting games of chance as authorized under this chapter.**

4 Licensed Game Operator. Amend RSA 287-D:2-a, VIII(b) to read as follows:

(b) A licensed game operator pursuant to RSA ~~[287-D:1]~~ **287-D:2-c.**

5 Games That Post a Loss; Gaming Operator Liable. Amend RSA 287-D:3, VIII to read as follows:

VIII. The charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity. ***If the total revenue from all games of chance held on a single game date results in negative net revenue the loss shall be borne solely by the game operator.*** Such revenues shall be used by the organization to advance its charitable purpose.

6 Bank Account Information Required. Amend RSA 287-D:5, VI-VII to read as follows:

VI. All financial records, ***including all bank account information for the accounts specified in RSA 287-D:2-a, VII(e) and RSA 287-D:2-c, VI,*** pertaining to the games of chance shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer, or official of the charitable organization ***and the game operator employer as applicable.*** ~~and~~ ***The financial records*** shall be made available to the racing and charitable gaming commission, the attorney general or the chief of police of any city or town where games of chance are held upon request. The racing and charitable gaming commission may audit such financial records.

VII. A charitable organization ***and the game operator employer used by that charitable organization*** shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

7 Licensing of Game Operators. Amend RSA 287-D:2-c, VI to read as follows:

VI. To be eligible for licensure under this chapter, a licensed game operator ***employer*** shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed game operator ***employer*** in which the money from games of chance shall be deposited and withdrawn.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Adds certain tax exempt organizations to the definition of charitable organizations for raffles and game of chance.

II. Requires gaming operators to bear the loss of games of chance that result in negative net revenue.

III. Requires charitable organizations to include bank information in their financial records.

2010-0042h

Floor Amendment to HB 571-FN

Proposed by Rep. Holden

Amend the bill by replacing section 2 with the following:

2 New Section; Limited Privilege License After Revocation or Suspension. Amend RSA 263 by inserting after section 57-a the following new section:

263:57-b Limited Privilege License After Revocation or Suspension.

I. Notwithstanding any provision of law to the contrary, if a person commits an offense which results in the suspension or revocation of such person's driver's license, he or she may petition the court, or the director if the suspension was authorized under RSA

263:56, for a limited privilege license. To qualify for consideration, the person shall submit an application that demonstrates the need for the license. Satisfactory evidence of one of the following must be presented:

- (a) That the person must operate a motor vehicle as a requisite of the person's occupation or employment.
- (b) That the person must operate a motor vehicle to seek employment or to get to and from a place of employment.
- (c) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment or rehabilitation program.
- (d) That the person or a member of the person's immediate family requires medical treatment on a regular basis and the person must operate a motor vehicle in order that the treatment may be obtained.

II. A person whose suspension or revocation was the result of the following offenses shall not be eligible for a limited privilege license:

- (a) RSA 264:25, conduct after accident.
- (b) RSA 265:79-a, vehicular assault.
- (c) RSA 265-A:2, I, driving or operating under influence of drugs or liquor, second or subsequent offense.
- (d) RSA 265-A:3, aggravated driving while intoxicated.
- (e) RSA 630:3, negligent homicide.

III. Neither the court nor the director may issue a limited privilege license to a person whose license was revoked or suspended pursuant to RSA 265-A:18 or RSA 265-A:30 until the following minimum periods of suspension or revocation are satisfied:

- (a) For a period of 30 days after the beginning of the suspension or revocation if the suspension or revocation is for refusal to take an alcohol concentration test under RSA 265-A:30.
- (b) For a period of 30 days after the beginning of the suspension or revocation after successful completion of the impaired driver intervention program, whichever occurs first, if the suspension or revocation is the result of a conviction of a first offense under RSA 265-A:18.

IV. A limited privilege license shall limit the person's driving privileges:

- (a) To the times, places, days, and routes determined to be necessary for the person to retain employment, to attend any alcohol or drug treatment or rehabilitation program, or to obtain required medical treatment for the person or a member of the person's immediate family, as determined by the court or the director.
- (b) To times, places, days, and routes that are specifically stated.

V.(a) The limited privilege license may be in any form deemed appropriate by the director. Notwithstanding RSA 263:40, the limited privilege license shall not bear the licensee's photograph.

- (b) The limited privilege license issued to the person shall indicate thereon the limitations on the person's driving privileges under paragraph IV.

VI. Limited privilege licenses shall expire on the date specified by the court or the director.

VII. No person issued a limited privilege license under this section shall drive a motor vehicle without having the license and a government-issued photo identification in his or her possession. Notwithstanding RSA 263:2, a violation of this paragraph shall result in the immediate revocation of the limited privilege license.

VIII. A violation of this section or the terms of the limited privilege license shall be considered a violation of RSA 263:64 and the limited privilege license shall be revoked.

IX. No person who has previously violated the terms of a limited privilege license or any provision of this section may be issued a limited privilege license.

Amend the bill by replacing all after section 3 with the following:

4 License Restored Upon Proof of Financial Responsibility. Amend RSA 265-A:28 to read as follows:

265-A:28 License Restored Upon Proof of Financial Responsibility. Notwithstanding the provisions of RSA 263:71, the director shall not ***issue a limited privilege license under RSA 263:57-b*** or restore a license or driving privilege to a person whose license or driving privileges have been revoked pursuant to RSA 265-A:18 until such person has furnished proof of financial responsibility as required by other provisions of the law.

5 Effective Date. This act shall take effect January 1, 2011.

2009-0047h

**Floor Amendment to HB 579-FN
Proposed by Reps. E. Merrick and M. O'Brien**

Amend RSA 263:25-a as inserted by section 2 of the bill by replacing it with the following:

263:25-a Learner's Permit. Upon application and payment of the fee provided in RSA 263:42, the department shall issue a learner's permit to a person who is at least 15-1/2 years of age and under 18 years of age, provided that the person has already obtained a passing score on the written examination established in RSA 263:6. The permit shall be valid until the holder's 18th birthday or until the holder of the permit obtains a youth operator's license, whichever is sooner. A person who has passed the written examination as a prerequisite to obtaining a learner's permit shall not be required to take another written examination as a prerequisite to obtaining a youth operator's license.

Amend the bill by replacing sections 7 and 8 with the following:

7 Youth Operators' Licenses; Restrictions. Amend RSA 263:14, II(c) to read as follows:

(c) During the first ~~[6 months]~~ **year** after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle with more than one passenger ~~[less than 25 years of age]~~ who is not a member of the holder's family ~~[unless accompanied by a]~~ **or is not the holder's legal guardian. If there is more than one passenger, such additional passengers shall at all times include one** licensed responsible adult **who is a member of the holder's family or the holder's legal guardian and** who is at least 25 years of age **and there shall be a passenger restraint worn by every person in the vehicle who is required to wear a passenger restraint under RSA 265:107-a.**

8 Effective Date. This act shall take effect January 1, 2011.

2010-0024h

**Floor Amendment to SB 205-FN
Proposed by the Rep. Shurtleff**

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

1 Criminal Mischief. Amend RSA 634:2, II and II-a to read as follows:

II. Criminal mischief is a class B felony if the actor purposely causes or attempts to cause:

- (a) Pecuniary loss in excess of ~~[\$1,000]~~ **\$1,500**; or
 - (b) A substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public service; or
 - (c) Discharge of a firearm at an occupied structure, as defined in RSA 635:1, III;
- or

(d) Damage to private or public property, real or personal, when the actor knows that the property has historical, cultural, or sentimental value that cannot be restored by repair or replacement.

II-a. Criminal mischief is a class A misdemeanor if the actor purposely causes or attempts to cause pecuniary loss in excess of \$100 and not more than ~~[\$1,000]~~ **\$1,500.**

2 Unauthorized Entries; Criminal Trespass. Amend RSA 635:2, II to read as follows:

II. Criminal trespass is a misdemeanor for the first offense and a class B felony for any subsequent offense if the person knowingly or recklessly causes damage in excess of ~~[\$1,000]~~ **\$1,500** to the value of the property of another.

3 Theft; Penalties. Amend RSA 637:11 to read as follows:

637:11 Penalties.

I. Theft constitutes a class A felony if:

(a) The value of the property or services exceeds ~~[\$1,000]~~ **\$1,500**, or

(b) The property stolen is a firearm, or

(c) The actor is armed with a deadly weapon at the time of the theft, except that if the deadly weapon is a firearm, he shall be sentenced in accordance with RSA 651:2, II-g.

II. Theft constitutes a class B felony if:

(a) The value of the property or services is more than ~~[\$500]~~ **\$1,000** but not more than ~~[\$1,000]~~ **\$1,500**, or

(b) The actor has been twice before convicted of theft of property or services, as a felony or class A misdemeanor, or

(c) The theft constitutes a violation of RSA 637:5, II(a) or (b), or

(d) The property or services stolen are from 3 separate business establishments within a 72-hour period~~[-]~~, **or**

(e) The property is stolen with intent to resell or distribute. It would be prima facie evidence that that the offense constitutes theft with intent to resell or distribute when the theft consists of goods or merchandise in quantities that would not normally be purchased for personal use or consumption, or

(f) The property received in violation of RSA 637:7 consists of goods or merchandise in quantities that would not normally be purchased for personal use or consumption, or

(g) The actor has twice before been convicted of offenses under RSA 637:3-a, II and the present and prior convictions were based on offenses committed within a 36-month period.

III. Theft constitutes a misdemeanor if the value of the property or services does not exceed ~~[\$500]~~ **\$1,000**.

4 Fraud; Issuing Bad Checks. Amend RSA 638:4, IV(a) to read as follows:

IV.(a) Issuing a bad check is:

(1) A class A felony if:

(A) The face amount of the check exceeds ~~[\$1,000]~~ \$1,500; or

(B) The defendant has 2 or more prior convictions under this section, the present and prior convictions were based on offenses committed within a 12-month period, and the aggregate face amount of the checks underlying the present and prior convictions exceeds \$1,500;

(2) A class B felony if:

(A) The face amount of the check exceeds ~~[\$500]~~ \$1,000 but is not more than ~~[\$1,000]~~ \$1,500; or

(B) The defendant has 2 or more prior convictions under this section, the present and prior convictions were based on offenses committed within a 12-month period, and the aggregate face amount of the checks underlying the present and prior convictions exceeds \$1,000 but does not exceed \$1,500;

(3) A class A misdemeanor if the face amount of the check does not exceed ~~[\$500]~~ **\$1,000** and the actor has been convicted of an offense under this section within the previous 12 months; **and**

(4) A class B misdemeanor in all other cases.

5 Fraud; Fraudulent Use of Credit Card. Amend RSA 638:5, III to read as follows:

III.(a) Fraudulent use of a credit card is:

(1) A class A felony if:

(A) Property or services are obtained which exceed the value of [~~\$1,000~~]
\$1,500; or

(B) The defendant has 2 or more prior convictions under this section, the present and prior convictions were based on offenses committed within a 12-month period, and the aggregate amount of the property or services obtained by the defendant as part of those offenses exceeds \$1,500;

(2) A class B felony if:

(A) Property or services are obtained which exceed the value of [~~\$500~~]
\$1,000 but are not more than the value of [~~\$1,000~~] \$1,500; or

(B) The defendant has 2 or more prior convictions under this section, the present and prior convictions were based on offenses committed within a 12-month period, and the aggregate amount of the property or services obtained by the defendant as part of those offenses exceeds \$1,000 but does not exceed \$1,500; and

(3) A misdemeanor in all other cases.

(b) The value ~~may~~ **shall** be determined according to the provisions of RSA 637:2, V.

6 Fraud; Commercial Bribery. Amend RSA 638:7, III to read as follows:

III.(a) Commercial bribery is:

(1) A class A felony if the value of the benefit referred to in paragraphs I and II is more than [~~\$1,000~~] **\$1,500;**

(2) A class B felony if the value of the benefit referred to in paragraphs I and II is more than [~~\$500~~] **\$1,000**, but is not more than [~~\$1,000~~] **\$1,500; and**

(3) A misdemeanor in all other cases.

(b) The value shall be determined according to the provisions of RSA 637:2, V.

7 Fraud; Sports Bribery. Amend RSA 638:8, II to read as follows:

II.(a) Sports bribery is:

(1) A class A felony if the benefit referred to in subparagraphs I(a), (b) or (d), or the value of the benefit gained or to be gained from influencing the outcome of a contest as referred to in subparagraph I(c), exceeds [~~\$1,000~~] **\$1,500** or if the injury threatened in subparagraphs I(a) or (b) is a serious bodily injury;

(2) A class B felony in all other cases.

(b) The value shall be determined according to the provisions of RSA 637:2, V.

8 Fraud; Fraud on the Women, Infants, and Children (WIC) Program. Amend RSA 638:15, II to read as follows:

II. Fraud on the women, infants, and children program is:

(a) A class A felony where the value of the funds, assets, or property exceeds [~~\$1,000~~] **\$1,500;**

(b) A class B felony where the value of the funds, assets, or property exceeds [~~\$100~~] **\$500**, but is not more than [~~\$1,000~~] **\$1,500;**

(c) A misdemeanor in all other cases.

9 Fraud; Computer Crime Penalties. Amend RSA 638:18, I-III to read as follows:

I. Computer crime constitutes a class A felony if the damage to or the value of the property or computer services exceeds [~~\$1,000~~] **\$1,500**, or if the person has previously been convicted of violating RSA 638:17, II, IV, or VI, or any other statute prohibiting the same conduct in another state, territory, or possession of the United States.

II. Computer crime constitutes a class B felony if:

(a) The damage to or the value of the property or computer services exceeds [~~\$500~~] **\$1,000 but is not more than \$1,500;**

(b) The person recklessly engages in conduct which creates a risk of serious physical injury to another person; or

(c) The person is guilty of violating RSA 638:17, II, IV, or VI.

III. Computer crime is a misdemeanor if the damage to or the value of the property or computer services, if any, is [~~\$500~~] **\$1,000** or less.

10 Fraud; Computer Crime Penalties. Amend RSA 638:18, V(c) to read as follows:

(c) When the value of the property or computer services or damage thereto cannot be satisfactorily ascertained, the value shall be deemed to be [~~\$250~~] **\$500**.

11 Fraud; Insurance Fraud. Amend RSA 638:20, IV(a) to read as follows:

IV.(a) Insurance fraud is:

(1) A class A felony if the value of the fraudulent portion of the claim for payment or other benefit pursuant to an insurance policy is more than [~~\$1,000~~] **\$1,500**.

(2) A class B felony if the value of the fraudulent portion of the claim for payment or other benefit pursuant to an insurance policy is more than [~~\$500~~] **\$1,000**, but not more than [~~\$1,000~~] **\$1,500**.

(3) A misdemeanor in all other cases.

12 Presentence Investigation. Amend RSA 651:4 to read as follows:

651:4 Presentence Investigation.

I. ~~[No person convicted of a felony shall be sentenced before a written report of a presentence investigation has been presented to and considered by the court, unless waived by defendant and the state, or by the court.]~~ The court may, in its discretion, order a presentence investigation for a defendant convicted of a **felony or a** misdemeanor; provided that, upon the recommendation of the prosecution, the court shall order a presentence investigation report where the **felony or** misdemeanor was violent and the court has reason to believe that the defendant committed a similar act within the past year. The report shall include a recommendation as to disposition, together with reference to such material disclosed by the investigation as supports such recommendation.

II. Before imposing sentence, the court shall take such steps as may be necessary so that the defendant is advised, by [~~his~~] counsel or otherwise, as the situation warrants, of the factual contents of any presentence investigation, and afforded a fair opportunity to [~~controvert~~] **contest** them. The sources of confidential information need not, however, be disclosed.

13 New Section; Theft; Organized Retail Crime Enterprise. Amend RSA 637 by inserting after section 10-b the following new section:

637:10-c Organized Retail Crime Enterprise. A person is guilty of a class B felony, and a class A felony for a second or subsequent offense, if he or she conspires with one or more persons to engage for profit in a scheme or course of conduct of theft as defined in RSA 637:3-a, II or RSA 637:10-b. A conviction under this section shall not merge with the conviction for any offense that is the object of the conspiracy.

14 Effective Date.

I. RSA 637:11, II(g) as inserted by section 3 of this act shall take effect July 1, 2010.

II. Section 13 of this act shall take effect July 1, 2010.

III. The remainder of this act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill:

I. Increases the statutory damage amounts for theft, criminal trespass, criminal mischief, willful concealment, and shoplifting, and for certain crimes involving fraud.

II. Allows the court the discretion to order a presentence investigations in felony cases.

III. Amends the theft statute and inserts a new section on organized retail crime enterprise.