

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.	Friday, January 29, 2010	No. 11
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Contains: Reports and Amendments for February 3, House Bills Amended by the Senate, Hearings, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will next meet in session on **Wednesday, February 3rd at 10:00 a.m.** The House will also meet on **Wednesday, February 10th at 10 a.m.**

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **February 2, at 8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **February 3 at 9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **February 3 at 8:45 a.m.** in Rooms 305-307, LOB.
Rep. Sherman A. Packard, Republican Leader

NOTICE

The Governor's Commission on Gaming will meet to receive comments from legislators on Tuesday, **February 2, 2010 from 1:00-4:00 p.m.** in State House Room 100.

Rep. James W. Craig

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

HOUSE DEADLINES

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

CLOSES (NOON) THURSDAY:

February 4
February 11

TO BE MAILED FRIDAY:

February 5
February 12

Karen O. Wadsworth, Clerk of the House

WEDNESDAY, FEBRUARY 3

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1171, repealing the prohibitions on Sunday business activities. **OUGHT TO PASS.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This measure removes the prohibitions against Sunday sales, a law referred to as the blue law. By passage we can all shop on Sunday without being in violation of the law. This leaves local control unfettered. **Vote 19-0.**

HB 1283-FN, relative to participation in the state children's health insurance program. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: With so much financial pressure on our working families due to current economic conditions, the committee believes it is an inappropriate time to dump low-income children into the ranks of the uninsured, leaving them vulnerable to illness and their families to medical bankruptcy. This bill seeks to eject children from the healthy kids program if their parents have another option available to them for health insurance. Unfortunately, there is no provision to determine if the

available option is affordable or of comparable quality. The committee learned that families pay a sliding premium up to the full cost of the coverage for healthy kids plans based on their income, and that states that have tried to implement programs to shift children away from public health insurance plans left most of those children with no insurance. **Vote 19-0.**

HB 1547-FN, relative to the use of consumer discount cards. **REFER FOR INTERIM STUDY.**

Rep. Susi Nord for Commerce and Consumer Affairs: Discount cards refer to the loyalty programs offered by retailers such as grocery stores or pharmacies whereby a customer receives discounts for presenting their card at the time a purchase is made. This bill seeks to provide disclosure to customers that their purchase information may be collected and sold by the retailer. It creates an option for a consumer to request that information not be sold and it regulates the use of social security numbers by retailers. Unfortunately there were complications that prevented the committee from ensuring that these disclosures did not impede the ability of retailers to offer the programs and so the committee would like to keep the bill to make sure that the nuances are fully vetted. **Vote 17-1.**

HB 1585-FN, allowing health insurance policies to be sold without mandates. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill, if passed as written, would require New Hampshire to allow health insurance policies written by any insurance company licensed to do business in any state, to be sold to New Hampshire residents. Such policies would not be bound to provide New Hampshire mandated coverages as long as they were providing the same coverage as they were permitted to write in their home state. At the same time, they would be requiring the New Hampshire department to approve their forms and provide consumer protections to their New Hampshire policyholders. This would be extremely expensive and, indeed, impossible for the insurance department to enforce as it only provides oversight for New Hampshire laws, approved rules and forms. It would also violate laws requiring all insurance companies operating under its jurisdiction to be duly licensed in the state of New Hampshire.

Vote 18-1.

HB 1586-FN, relative to mandated benefits review. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill as amended will allow the committee to continue to request an independent review of any proposed or existing insurance mandate from the insurance department should the proposal merit such thorough investigation. The current mandate review statute has worked well since 2004 and the committee realized that it had a sunset that this amendment repeals. The mandate review process ensures that the legislature has fact based research founded on NH claims data upon which to make recommendations for or against health insurance mandates. The amendment also repeals the 1992 law mandating coverage for autologous bone marrow transplants as a treatment for breast cancer because this treatment is no longer recommended therapy for the condition. **Vote 16-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1167, establishing a committee to study parole boards and parole board procedures. **OUGHT TO PASS.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: Parole boards now meet when they are able as all members are volunteers. Different members meet at different times and prisoners may meet one group of board members at one meeting and later might appear before a whole new panel. A committee to study parole board procedures is therefore in order. **Vote 17-0.**

HB 1183, relative to the effective date of certain provisions of the involuntary commitment of sexually violent predators statute. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill corrects the effective date for involuntary commitments to the state hospital for inmates who have committed sexual offenses and are deemed to be still dangerous to the public. The goal is to make it unlikely that an inmate would “max out” and continue to be a danger to the public. **Vote 17-0.**

HB 1436, requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System. **OUGHT TO PASS.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: The National Violent Death Reporting System (NVDRS), coordinated by the Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, is a state generated system to record a complete census of all violent deaths of residents, as well as violent deaths occurring in that state. Information is collected and entered into the

NVDRS data base. Data regarding basic information about the nature and circumstances of New Hampshire homicides and suicides would be entered into the NVDRS. This information could then be compared when designing prevention programs and developing policy. This legislation requires the attorney general, commissioner of safety and the commissioner of health and human services to report to the Speaker of the House, the President of the Senate and the Governor as to the administrative, fiscal and technical cost of participating in the NVDRS. The committee wholly supports this measure. **Vote 17-0.**

HB 1468-FN, relative to official oppression. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill would have amended RSA 643:1, official oppression. The language of the bill is copied from federal government civil remedies and the committee has a second bill that will be used to amend this statute. **Vote 16-0.**

ELECTION LAW

CACR 25, relating to referendums. Providing that the voters can veto laws by referendum. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law: The sponsor requested this bill be voted inexpedient to legislate. The sponsor will bring forth a new bill next session. **Vote 17-1.**

HB 1189, relative to the affidavit of qualifications for candidates. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Perry for Election Law: The sponsor's intent is not clearly addressed in this bill. Current law is that candidates be of a certain age as of the day of "said" election, being the election in which the candidate is competing. Adding the words "general or special" is unnecessary. **Vote 18-0.**

HB 1477, relative to checklist information. **OUGHT TO PASS.**

Rep. David Bates for Election Law: This legislation was filed at the request of the secretary of state to clarify the indefinite references to "address" found in RSA 654 and RSA 664 relative to the voter registration checklist. The committee agreed unanimously that making the distinction between "mailing address" and "domicile address" should be adopted to remove any question about what address is referenced. **Vote 19-0.**

HB 1513-FN, relative to fees collected by the secretary of state for checklist information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Melanie A Levesque for Election Law: This bill ensures that proceeds from the purchase of checklists be returned to the election fund. The secretary of state requested this change to make New Hampshire compliant with the Help America Vote Act (HAVA). **Vote 19-0.**

HB 1538, relative to the date of the state primary election. **INEXPEDIENT TO LEGISLATE.**

Rep. June M Caron for Election Law: This bill would move the date of the state primary from the second Tuesday in September to the last Tuesday in August. In August many voters are still on summer vacation. For this reason, the secretary of state testified an August date would likely depress voter turnout. The law should encourage, not discourage voter turnout. **Vote 19-0.**

HB 1671-FN, relative to election day registrants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B Drisko for Election Law: This bill closes the loop on voters who do not provide photo identification when he or she is a first time election day registrant. The voter will be advised by the election official that the secretary of state will be sending a letter to the address given by the voter requesting verification of the address as his or her domicile. The letter must be returned with the verification stated in the prepaid return mailer within 30 days. If the recipient of the letter did not vote from this address, he or she must contact the office of the attorney general to that effect. This provides a follow up action on the authenticity of each "same day" voter registrant lacking proper identification. **Vote 18-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1149, relative to incorporation by reference in state agency rulemaking. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: Specific rulemaking authorized by the legislature allows agencies and boards to fill in the details of how provisions of the law are to be applied. Agencies are allowed to incorporate into rules documents prepared by an entity outside the agency. Incorporation by reference may include standards and codes prepared and adhered to by national associations, e.g. engineering and electrical. Agencies are proscribed from incorporating by reference any documents prepared by the agency itself. Section 1 of this bill would allow agencies to adopt manuals of best management practices prepared by the agency itself or in conjunction with another agency or private entity.

Because these manuals are often developed in conjunction with the average user, they can be written in a style that is often more understandable to the practitioners. Sections 2-4 address issues that have surfaced in the implementation of the electronic filing of administrative rules including (1) an extension of the word “file” to all related communications, (2) allowing electronic signatures and electronic submissions by agencies. **Vote 19-0.**

HB 1237, relative to a certain insurance rulemaking exemption. **OUGHT TO PASS.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The administrative procedures act requires that a specific format be used to assure the standardization of language or expressions. Regulations relative to insurance have been granted an exception to the agreed upon format to allow the insurance department to adopt model rules by the national association of insurance commissioners (NAIC). This bill recognizes that, in addition to certain expressions that are understood as term of the art, the following should also be exempt from the requirements of 541-A: (1) technical instruction concerning the implementation of electronic or computerized programs of systems, and (2) rules relative to the implementation of federal benefit and programs which require adoption of uniform language by all states. **Vote 19-0.**

HB 1275-FN, requiring state employees to participate in a government-run health insurance option as enacted by Congress. **INEXPEDIENT TO LEGISLATE.**

Rep. Joan S Flurey for Executive Departments and Administration: This bill requires that state employees participate in a government run health insurance plan as enacted by Congress. Since the congressional legislation has not been adopted, HB 1275 is premature. **Vote 18-1.**

HB 1525, relative to physical therapists practicing on animals. **OUGHT TO PASS.**

Rep. Don Petterson for Executive Departments and Administration: This bill corrects a deficiency in legislation enacted last year by providing that physical therapists practicing on animals will be subject to oversight by the New Hampshire board of veterinary medicine as well as in current practice by the New Hampshire board of physical therapy. This bill is supported by both boards. **Vote 18-0.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H Gould for Executive Departments and Administration: This bill would give rulemaking authority to the state treasurer for the college tuition savings plan and for the excellence in higher education endowment trust fund. The state treasurer and the sponsor agreed that the commissions involved could do rules with or without guidance from the treasurer. **Vote 18-1.**

FISH AND GAME AND MARINE RESOURCES

HB 1175-FN, relative to duplicate registrations for snowmobiles. **OUGHT TO PASS.**

Rep. Seth C Marshall for Fish and Game and Marine Resources: At the request of the fish and game department, this bill authorizes the department to issue duplicate registrations for lost snowmobile registrations. This is a housekeeping bill with minimal fiscal impact. **Vote 13-0.**

HB 1317-FN, establishing an exotic game license for hunting in a game preserve. **INEXPEDIENT TO LEGISLATE.**

Rep. Rose Marie Rogers for Fish and Game and Marine Resources: This bill targeted one large game preserve. The legislation would require the creation of another hunting license for individuals hunting on private property. This bill was not supported by the fish and game department and would generate minimal income. **Vote 12-1.**

HB 1660-FN, repealing the authority for the assessment of an administrative penalty for various OHRV and snowmobile violations. **OUGHT TO PASS.**

Rep. Betsy McKinney for Fish and Game and Marine Resources: Current law requires the fish and game department to assess an administrative penalty of \$200 in addition to court penalties for safety violations. This fine is difficult to collect and requires motions for civil contempt that could lead to consultation with the attorney general’s office. The additional steps would cause the department to incur more expense. This bill repeals that \$200 administrative penalty. **Vote 12-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1499-FN, reducing the number of area agencies in the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Kate W Miller for Health, Human Services and Elderly Affairs: The intent of this bill is to reduce the number of area agencies in the state from ten to four. The committee heard extensive testimony, including that from the administrator of the bureau of developmental services, that the area agency system as configured is working well on behalf of its clients. In 2006, when this legislature reconfigured the agencies from twelve to ten, the resulting hardships for those in need of services vastly outweighed the savings in expenses. We are for the first time in many years witnessing an end to the DD waitlist because of adequate funding combined with the professionalism with the area agencies; there is simply no justification for the proposed consolidation. The health and human services oversight committee will monitor the agencies to insure ongoing professionalism and efficiencies on behalf of the individuals they serve. **Vote 18-0.**

HB 1683-FN, requiring random drug testing of public assistance recipients. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill would require random drug testing for individuals applying for or receiving public assistance. The department of health and human services testified that it is against federal regulations to do such testing for applicants or recipients of medical assistance, cash assistance programs such as old age assistance, aid to the needy blind, aid to the permanently and totally disabled, or food stamps. One state did try to implement urine testing for applicants for temporary assistance to needy families, but it was ruled unconstitutional by both the federal district and appeals courts as unreasonable search and seizure. The committee was in agreement that this bill would stigmatize poor people and children, and that its nearly one million dollar projected cost could be better used to provide needed services to struggling families in New Hampshire. **Vote 18-0.**

LEGISLATIVE ADMINISTRATION

HB 1302-FN, relative to mileage for members of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred C Lerandeau for Legislative Administration: The bill as presented would change the method of mileage payment to the members of the general court. Currently, members on the federal plan are paid at the federal mileage reimbursement rate for mileage actually driven to and from the state house. The bill proposes to pay each member \$.55 for each day of attendance at the state house, to encourage carpooling. The change would have the effect of changing the character of payment from expense reimbursement, which is not included in income for tax purposes, to income which must be reported as such. In addition, no provision was made for the rate to change as the federal rate fluctuates. The federal rate has already dropped from \$.55 to \$.50. **Vote 15-0.**

HB 1473, relative to requiring lobbyists to file an annual statement. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred C Lerandeau for Legislative Administration: This bill would cause a myriad of reporting and tracking issues for the secretary of state's office. The lobbyist reporting requirements were changed just last year. Much of the data is already being collected, and after the passage of a full reporting year, will be available in cumulative form. Committee members were most concerned by a provision that would have required every lobbyist to collect from each client records of every political contribution made by every employee of the client. The committee concluded this was a completely unwarranted intrusion into the privacy and personal lives of the employees. Committee members concluded that a better approach would be to leave the reporting requirements unchanged so the secretary of state's office can proceed with the computerization of the data already reported so it can be accessed from the web. **Vote 15-1.**

HB 1654-FN, relative to state house security. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for Legislative Administration: The bill as drafted would have made it a Class B felony to carry a firearm into the state house or legislative office building, and would have required the installation of metal detectors at entrances to the buildings. The majority of the committee objected to installing metal detectors in the state house and the resultant security lines. We in New Hampshire are proud of the unfettered access to the State House and Legislative Office Building and see this as the "People's House." We want to protect easy access to the legislative process and the transparency that results. There is a quarter million dollar cost that is ongoing because five new guards are required to perform the security screening, along with the cost of maintenance. There was also the capital investment in metal detectors. This is not the time to add that much new spending. Some of the majority also viewed this as an erosion of our right to keep and bear arms, and see it as one more restriction that has the effect of weakening our rights granted by both the New Hampshire Constitution and the U. S. Constitution. Other members of the majority

believed that the issue has already been adequately addressed through the rules process as far as the Facilities Committee has banned weapons in the State House complex. **Vote 15-0.**

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.

INEXPEDIENT TO LEGISLATE.

Rep. Richard N Komi for Legislative Administration: After careful study, the committee feels that while this bill is well intentioned, passage of this bill will create enormous problems for many state agencies. For example, law enforcement officers must travel out of state to conduct investigations and transport prisoners. Auditors of the department of revenue administration travel in state and out of state. Their audits produce millions of dollars in state revenue which would be lost if the bill passes. Besides creating an executive crisis, it would be a violation of a collective bargaining agreement and an unfair labor practice if staff are not reimbursed for their job related travel expenses. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1406, relative to police details on public ways. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen R Mann for Public Works and Highways: This bill seeks to require communities to follow department of transportation (DOT) guidelines for road details on Class IV or V roads. DOT guidelines call for the use of flaggers rather than police details at low-volume locations, construction sites on side roads, detours and areas with a posted speed of less than 45 mph unless a police presence is determined to be necessary. While the committee sympathized with the intent of the bill, to lower the pass through cost to rate payers, it unanimously agreed that should the bill pass, it would be a major intrusion into local decision making. Many communities have chosen to use police details in all situations and that is their right. The committee hopes that other legislation will deal with the issues of increasing detail costs and potential abuses. **Vote 18-0.**

HB 1521, relative to funding of the New Hampshire rail transit authority. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: The committee was unanimous in its recommendation to find this bill inexpedient to legislate. Section I has several mechanical and practical problems. The bill proposed to bar any expenditure by the NH rail authority without the state treasurer certifying that there would be no state funded subsidy for at least 10 years. The treasurer would be put into the impossible position of being asked to look into the future and certify a negative occurrence. Additionally, every mass transit system in the United States has required initial or other public subsidies. An example of this is the Boston Express bus service that runs between Nashua and Boston. In January 2007, the number of passengers taking mass transit between the two cities was zero. Last year, Boston Express carried 126,000 passengers. While this mass transit project required an initial public subsidy to launch service, by the end of 2010 the existing Boston Express service will be subsidy-free. Lastly, Section II precludes highway funds for rail, which is unnecessary since the NH supreme court ruled that Part II Article 6-A of the NH Constitution prohibits highway funds for being spent on rail. **Vote 14-0.**

HJR 21, directing the department of transportation and the department of environmental services to study the prevention of further erosion of the east bank of the Exeter River. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Cyr for Public Works and Highways: This resolution would direct the department of transportation and department of environmental services to study the prevention of further erosion of the Exeter River's east bank in the Town of Fremont. The prime sponsor said that he filed the resolution on behalf of an abutting property owner who believes the erosion was caused by a town-owned bridge replaced by the town in 1998 using funds from the state bridge aid program. The department of transportation opposes this resolution, stating that the bridge's actual design and construction was managed by the town and thus any of its outstanding issues are the town's responsibility, not the state's. **Vote 18-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 22, urging Congress to oppose any legislation supporting amnesty or granting lawful status to any person who has entered the United States illegally. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: The United States has one of the most liberal immigration policies of industrial nations, but it is a nation based on a system of laws. There are almost 12.6 million legal residents who have conformed to those laws. Since it would be impossible to round

up and deport 12 million illegal residents, HCR 22 is asking Congress to develop a comprehensive immigration reform program to provide a path toward legal permanent residence status to those who qualify without punishing law-abiding permanent residents **Vote 17-0.**

HCR 27, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece. **OUGHT TO PASS.**

Rep. Thomas Katsiantonis for State-Federal Relations and Veterans Affairs: This urges the United Kingdom to return the Parthenon (Elgin) marbles to Greece. They were removed from Greece back in the 1800's while Greece was under the occupation of the Ottoman Empire. Greece has now finished a state of the art museum in order to display the marbles. **Vote 16-0.**

HJR 20, urging Congress to maintain the crime victims fund established in the Victims of Crimes Act and to continue to fully fund federal contributions to state and local victim services organizations. **OUGHT TO PASS.**

Rep. Patrick F Garrity for State-Federal Relations and Veterans Affairs: The crime victims' fund collects monies from fines and penalties for violation of federal laws, and makes monies available to the states to support programs that assist victims of crime. This resolution urges Congress to maintain that fund and continue to support victim services, including compensation in the states, including New Hampshire **Vote 17-0.**

TRANSPORTATION

HB 1195, relative to height, length, width, and weight limits for trucks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen H Nedeau for Transportation: This bill came to light because of towing issues and not being allowed to remove certain big rigs off the highway because of size and weight. This was reviewed with the department of safety and the department of transportation to make it clear to the police departments, that the most important thing is to get vehicles off the road. This was also reviewed by the towing associations. This is really dealing with big double trailers and larger vehicles **Vote 13-0.**

HB 1203, relative to nonresident registration of motor vehicles. **OUGHT TO PASS.**

Rep. Karen C Umberger for Transportation: Currently, non-residents may register a vehicle that is garaged primarily in the state for 350 days. This allows a vehicle to be out of state for 15. This has caused significant problems for town clerks and police in attempting to enforce the provision related to the 15 days. This bill requires vehicles to be exclusively garaged in the state in order to obtain a non-resident registration which will assist both the town clerks and police enforcement. **Vote 10-2.**

HB 1230, relative to commercial motor vehicles and heating oil deliveries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard T Stuart for Transportation: This bill will bring state law into compliance with federal laws and thus not interfere with federal funding to NH. **Vote 13-0.**

HB 1374, relative to the prohibition against participation in a national identification card system. **OUGHT TO PASS.**

Rep. Jennifer R Coffey for Transportation: This bill modifies the prohibition against participation in a national identification card system. The committee believes this bill reaffirms the state's disapproval of a national identification card system. The bill has the full support of the department of safety **Vote 11-2.**

WAYS AND MEANS

CACR 24, relating to gambling. Providing that the state is authorized to raise funds from taxation of gambling and gambling winnings. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W Almy for Ways and Means: The rulings of the state supreme court over the past century provide sufficient basis to make this constitutional amendment unnecessary. The prime sponsor expressed his intent to vote against this bill. **Vote 16-0.**

HB 1416, making technical corrections to certain department of revenue administration laws. **OUGHT TO PASS.**

Rep. William G Johnson for Ways and Means: This is a housekeeping bill requested by the department of revenue administration. The primary change expands the requirement to use electronic funds transfer to pay taxes in excess of \$100,000 by nursing home facilities **Vote 16-0.**

HB 1460-FN-A, establishing a credit for gambling losses against the tax on gambling winnings. **REFER FOR INTERIM STUDY.**

Rep. William A Hatch for Ways and Means: This bill establishes a tax credit for gambling losses against the tax on gambling winnings. A subcommittee was established and, after reviewing the bill, reported that a tax credit was not appropriate as it could create a negative to submit for tax purposes. But, the possibility of deducting losses against winnings was reviewed. It was found there were many complex questions that need to be answered such as what deductions are allowed, how they are applied, reporting requirements and how verification is accomplished. Given those facts, the committee agreed that this bill should be put into interim study to answer these questions. **Vote 15-1.**

HB 1615, relative to the determination of value and taxability for purposes of the utility property tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for Ways and Means: The purpose of this bill is to have the value and taxability of utilities determined in a consistent manner for the state utility tax. There were questions and concerns about what effect this will have on utilities. A subcommittee reviewed the matter; there was a concern that one section would require a few power producers to pay the tax that are not currently required to do so. Also, a utility testified that it was concerned that its assessments have been inconsistent and problematic, the very issue the bill is addressing. The committee amended the bill, eliminated the section that caused the small utilities to be taxed and added a purpose statement so the intent of the bill is clear. In addition, given that the Local and Regulated Revenues Committee frequently deals with property assessment issues, the committee invited a member from that committee for technical help and would like to thank that member for his expertise and assistance in producing the desired results. **Vote 16-0.**

HB 1629-FN, repealing the dedicated enhanced 911 system fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: This bill would direct 911 system surcharges to be deposited in the state general fund, and eliminate the language of the current statute which says the moneys in the E-911 account shall not be used for any other purpose other than the support of the E-911 system. The committee felt that this legislation would have a strong negative impact on the quality of emergency communication services in NH. It would also make it virtually impossible for our state to qualify for federal funding to become compatible with next-generation 911. **Vote 16-0.**

WEDNESDAY, FEBRUARY 3

REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

CACR 30, Relating to: health care. Providing that: people may enter into private contracts with health care providers for health care services and to purchase health care coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: At the current time there is no federal healthcare reform legislation to react against, so it is premature to offer a constitutional amendment to preempt the federal reforms. The committee also was unconvinced that a constitutional amendment was the appropriate policy tool for the job. **Vote 18-0.**

HB 1285, relative to the exemption of certain firearms, firearms accessories, and ammunition made in New Hampshire from federal law and regulation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Donna L Schlachman for the **Majority** of Commerce and Consumer Affairs: This bill addresses the issue of intra-state commerce related to the manufacture and sale of firearms within New Hampshire's borders. The majority of the committee felt that federal regulation of firearms is not creating undue hardships to the well-being of the citizens of New Hampshire. One consequence of such legislation would be the loss of federal regulation requiring background checks. In addition, such a bill could open the door to other federally regulated New Hampshire industries, e.g. pharmaceutical manufacturers, looking for relief from federal jurisdiction. **Vote 11-8.**

Rep. John B Hunt for the **Minority** of Commerce and Consumer Affairs: The bill is modeled after a new law passed in Montana. The new statute is currently being contested in the courts. The minority feels that given

the discrepancy between different constitutional rights, putting the bill into study would give us the vehicle to track the new Montana law and the litigation in the courts.

HB 1431-FN, relative to health care choice. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce and Consumer Affairs: Residents of New Hampshire are currently free to purchase out of state insurance policies, but this bill would restrict that to policies approved by the insurance commissioner. Additional rules and regulations would be required to put these restrictions in place and the committee did not feel this was appropriate. **Vote 17-2.**

HB 1444-FN, allowing the purchase of drugs from Canada. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill sought to allow pharmacies and individuals to purchase prescription drugs from Canada. Such action would put the health of New Hampshire consumers in jeopardy, outside the protections inherent in our federal drug regulatory structure. The committee also learned that similar programs attempted in other states have ultimately failed. The high cost of prescription drugs must be solved with a uniquely American solution. **Vote 17-2.**

HB 1503-FN, establishing a liquor license review board. **REFER FOR INTERIM STUDY.**

Rep. Rip Holden for Commerce and Consumer Affairs: The majority of the committee felt that this issue merits further study.

Similar legislation currently in the Senate may effectively deal with this issue. **Vote 14-5.**

HB 1558, prohibiting the sale of certain energy drinks to minors. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill sought to prohibit the sale of high-energy drinks to children under 18. These drinks contain large quantities of caffeine and other presumed energy additives. Educational efforts, backed by recent studies regarding the negative effects of high caffeine consumption in children, are convincing school authorities and youth sports leaders to prohibit these drinks in their venues. While most manufacturers of these drinks do label ingredient quantities (in varying ways) and often include warnings against consumption by pregnant women and children, there is as yet no federal FDA standard for either labeling or safe drug levels. To require retailers of soft drinks to regulate the sale of these products to minors is premature. **Vote 17-2.**

HCR 30, urging the attorney general to investigate the merger between Catholic Medical Center and Dartmouth Hitchcock Medical Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F Winters for Commerce and Consumer Affairs: Recent discussions and plans for affiliation between Catholic Medical Center and Dartmouth-Hitchcock have raised many questions, by many diverse groups, about how the different underlying philosophies can be merged, yet the answers to some of these questions have not been revealed. Sending this affiliation for review by a probate court (like many other hospital mergers) would allow a judge to ensure that all the issues have been addressed. **Vote 10-9.**

HR 22, encouraging Bank of America to change its business practices. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: The majority of the committee agrees that a bank charging a \$6 fee on cashing any checks (not just payroll) to non-customers is offensive. However, passing a resolution condemning a nationally chartered bank is inappropriate and sets a bad precedent. The majority feels that even though the bill should be inexpedient to legislate, the financial institution in question clearly got the message. **Vote 12-7.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1402, repealing the crime of adultery. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would remove adultery as a misdemeanor offense under criminal law. It would still be grounds for divorce under civil law **Vote 15-2.**

HB 1652-FN-A, allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana. **REFER FOR INTERIM STUDY.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill would allow the purchase and use of marijuana by adults, regulate the purchase and use of marijuana and impose a tax on the wholesale and retail use of marijuana. There was tremendous support for the concept brought forth in this bill. The committee was divided as to the particulars outlined in HB 1652 and strongly urges Interim Study. It is understood that this is bold legislation with far-reaching consequences. Nonetheless, the committee believes that this measure should be given thorough, timely and serious consideration. **Vote 16-2.**

ELECTION LAW

HB 1329, establishing a committee to study voter fraud. **INEXPEDIENT TO LEGISLATE.**

Rep. Shaun S Doherty for Election Law: This bill is unnecessary because the issue of voter fraud in New Hampshire has been looked at by numerous other entities. Voter fraud complaints are investigated by the attorney general's office and it would be redundant to form a new committee to do that work. **Vote 15-3.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1296, prohibiting a state agency from establishing a fee without legislative approval. **INEXPEDIENT TO LEGISLATE.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill would proscribe all agencies from adopting certain fees without specific legislative approval. It would repeal all previous legislative approval given to agencies to set fees in rules, both for services and for licensure. The committee heard testimony that, for example, the allied professionals board governs 6 separate professions and establishes 14 various fees applied uniformly to each of the 6 regulated professions (84 fees total). The joint board of licensure and certification regulates 9 separate professions each with its own board. The lowest number of fees established by an individual board is 7 and the highest number is 16 for total of 104 fees. Many boards are 125% boards which must set their fees to generate 125% of their operating costs. If fees or acceptable fee ranges are to be set in legislation, there would have to be rulemaking authority to the agencies/boards to ensure that the range of fees are applied uniformly and fairly to all. **Vote 11-8.**

HB 1381, establishing a commission on licensing trades and professions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte Houde-Quimby for the **Majority** of Executive Departments and Administration: The intent of this legislation was to establish a commission to study licensing trades and professions. There are over 190 such licensed groups in the state, many of which have not been reviewed in many years. However, during the past decade, efforts have been made by this committee to process requests for licensing with a guide to protecting the public and creating sound policy for the licensing process while ensuring that frivolous applications be denied. Further a process known as the sunrise questionnaire provides guidance and structure to groups applying for licensure. To review all current licenses would require extensive study, public hearings and new legislation. The committee will create a mechanism for beginning the review this spring. The committee is the most knowledgeable, experienced and committed to evaluate the process of licensing and a separate commission is not necessary. **Vote 11-7.**

Rep. Ken Hawkins for the **Minority** of Executive Departments and Administration: This bill would set up a study committee to review the 197 trades and professions that are currently licensed in New Hampshire. We believe that it is time for us to review which of these trades and professions truly protect the safety, welfare, and wellbeing of the public versus the ones set up to protect competition. In six years on ED&A we have heard from a small minority of these professions so we firmly believe that we should have the opportunity to review all of them.

FINANCE

CACR 27, relating to education funding. Providing that state funding of education shall be targeted. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S Casey for Finance: The purpose of CACR 27 is to make it the "exclusive right of our cities, towns, and villages to cherish, decide the form of, and pay for" their own local education needs. CACR 27 also provides that the state "may provide additional funds to our local communities for education using a needs or rewards based formula, or both, decided by the New Hampshire Legislature". The committee considered an amendment that mirrored language previously rejected by the House. The amendment failed and the committee concluded that it could not support removing the state obligation to fund education. **Vote 19-0.**

HB 1128-FN-L, relative to the distribution of meals and rooms tax revenues to cities and towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A Foose for Finance: This bill duplicates a portion of HB 1672 which addresses this matter more completely. Since the committee is continuing to study HB 1672 it is not necessary to retain this bill. This bill also makes no provision for raising the funds that would be necessary to support the \$5,000,000 expense from the general fund. **Vote 11-8.**

HB 1274-FN-A-L, restoring moneys for revenue sharing to cities and towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter R Leishman for Finance: This bill would restore \$25,000,000 of state revenue sharing to the towns and cities for the fiscal year ending June 30, 2010 and \$25,000,000 for the fiscal year ending June 30, 2011. The committee currently has before it HB 1664 and HB 1672 which address this issue in a more comprehensive way. The House has agreed to permit the committee to continue to work on these bills until March 18th. We believe HB 1664 and HB 1672 are better vehicles. **Vote 11-8.**

HB 1643-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L Benn for Finance: This bill requires state agencies to submit two budget appropriation requests: a maintenance level budget and a reduced level alternative. The prime sponsor made an excellent presentation that identified a business like approach to budgeting and cost reduction. An amendment was introduced by the sponsor that better defined the parameters of the alternate budget submission. Some at the hearing testified in favor of the concepts presented while others, including the department of administrative services, believed them to be duplicative and cumbersome. The committee carefully considered the potential benefits and the additional costs associated with the bill's dual budgeting approach. The majority of the committee felt that having the legislature require the governor to prepare two budgets would not significantly improve the outcome of the traditional budgeting process in which the Governor's budget, developed with the agencies over months, is used as the starting point of the committee's deliberations. Not infrequently the governor requires agencies to provide alternate budgets. They also believed that many of the suggestions in the presentation are already the practice of the committee. Agencies are asked for clarifications and reduction proposals for numerous line items, for priority listings, and for other information needed to craft a balanced and responsible budget. In almost all cases the agencies provide the requested information in a timely fashion. The committee heard testimony from the department of administrative services that if this bill were adopted, it would require additional staff to manage and coordinate the two budgets. The additional cost for the original bill is estimated at \$252,720 for FY 2011; for the amended bill the cost would be \$185,322. **Vote 11-8.**

HB 1670-FN, establishing a searchable budget database for state spending. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel A Eaton for Finance: This bill as introduced would require significant amendment. The committee has a more comprehensive bill still in its possession that we felt was a more appropriate vehicle to review as part of a package. **Vote 11-7.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1435-FN, relative to the practitioner-patient relationship in the dispensing of prescriptions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill's purpose is to help cut down on internet drug shopping for prescription drugs that are subject to abuse but are not considered controlled substances. It does so by determining that an online evaluation of a self-reported medical condition is not a valid basis for prescribing. This bill adds the phrase, "Submission of an electronic or on-line medical history form that fails to establish a valid practitioner-patient relationship," which will give the board of pharmacy the authority to charge the pharmacist or pharmacy with fraud. **Vote 16-2.**

HB 1648-FN, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: This bill contains a series of findings arguing that any potential congressional insurance mandate on individuals is unconstitutional. The committee believes that the determination of the constitutionality of a law is the appropriate function of the judicial system and not the legislature through enactment of the RSAs. In addition, while the stated intent of the bill is to prevent a federal mandate for individuals to carry health insurance, the bill itself makes it a crime for any federal or state official who "prevents, attempts to prevent, interferes with, or withholds medical services from a legal resident or inhabitant of New Hampshire." The committee understands that federal law and physicians' codes of ethics already address a patient's ability to access health care. The bill's other main provision is that federal or state officials shall not prevent residents from contracting with an insurance

carrier authorized to conduct business in New Hampshire. The committee heard no testimony to substantiate that government officials have attempted to prevent individuals from enrolling in health insurance plans regulated under state law. **Vote 18-0.**

HB 1666-FN, requiring licensing of outpatient abortion facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: This 12 page bill is a detailed proposal to license abortion clinics. All NH outpatient clinics are currently licensed under RSA151. Clinics that provide abortion services are already required to comply with a variety of state and federal regulations, including the health insurance portability and accountability act (HIPAA), occupational safety and health administration (OSHA) requirements, the federal clinical laboratory improvement amendments (CLIA) and title X of the public health service act. All physicians and other medical practitioners are licensed and governed by the state of NH and practice under clear professional practice laws. Therefore, further licensure is not necessary to protect patient care and health. This bill, however, puts into statute detailed requirements for medical practice that are not only subject to change as best practices evolve, but are also unprecedented and essentially allow the legislature to practice medicine without a license. In addition, among other things, this bill: 1. Presumes a crime of human trafficking or abuse when a person has 3 or more abortions and requires such persons be reported to law enforcement officials. 2. Allows for a "Right of Intervention" which gives special privilege to the sponsors of this legislation if the constitutionality of this chapter is challenged. 3. Has an undetermined fiscal impact on both the department of health and human services and the department of justice that could be significant. In summary, the majority of the committee has determined this bill requires unnecessary licensing as well as establishing criteria that interfere with the provision of medical care. **Vote 14-4.**

LEGISLATIVE ADMINISTRATION

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. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. John B Hunt for the **Majority** of Legislative Administration: The committee agrees that there may be circumstances where a lobbyist should not serve on a board or vote on a particular issue before the board. But as the bill and the proposed amendment from one of the sponsors were written, the prohibition was very broad and included school and planning boards and any advisory boards created by the state or local communities.

Vote 13-3.

Rep. Susi Nord for the **Minority** of Legislative Administration: The minority believes that it is good policy to exclude lobbyists from being voting members of boards on which they or their clients have a financial interest. The talent pool in the state of New Hampshire is not so small that the only people we can find for our advisory boards are those paid to influence the decisions of those boards and the laws, rules and policy which those boards are supposed to shape.

PUBLIC WORKS AND HIGHWAYS

HB 1589-FN, requiring capital budget projects of the university system of New Hampshire to include payment to the state art fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G Chandler for Public Works and Highways: RSA 19-A:9, established a number of years ago, established a non-lapsing state art fund whereby ½ of one percent of the first 15 million dollars of a new state building or major addition authorized by the capital budget be paid to the general fund art fund. The university system among others was exempted from this requirement. This bill seeks to remove that exemption. The university system submitted written testimony opposed to the bill and pointed out that all the campuses have art museums, performing arts centers, and many art displays. Additionally, the university system has access to private donations of art work. The committee did not feel that this was an appropriate time to spend up to \$75,000 of a capital budget appropriation for art at the university system which could be better spent either on the intended project or other university needs. **Vote 15-3.**

WAYS AND MEANS

CACR 23, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a

debt payable in that year, to which the state has pledged its faith and credit. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Susan W Almy for the **Majority** of Ways and Means: The requirement of a super majority for revenue decisions has taken several states into chaos. The super-majority requirement that has evolved in the United States Senate has created gridlock for several decades. Why would we do this to our state? Limiting the requirement to revenue actually exacerbates the problem, since a simple majority would pass spending measures that the super-majority (minority) would refuse to fund, and power would shift to the governor to decide what to cut. **Vote 13-3.**

Rep. Jordan G Ulery for the **Minority** of Ways and Means: In the past several weeks Ways & Means has been assailed by citizens, the very people we work for, demanding that the taxing process be open accessible and accountable. Let the people vote. In the past, especially this past year, too many taxes and fees were imposed upon the people. The small business man, the individual and sole proprietor all were hit with license fee and tax increases. All this bill does is make sure that the taxing process is open and that every tax or fee receives its full hearing before the people. This CACR does not complicate the budget process, it merely clarifies that if we are going to raise a tax or license fee, the people will have a chance to voice their view to require a 2/3 majority vote. The budget expenditures remain at a simple majority vote. This bill protects you and me because we all must be in substantial agreement for a tax to pass. This bill protects the minority party because it gives them a chance to weigh in on the issues and not be cut out of the process. This bill protects the majority party because a tax increase has to be justified, not just created "because." This CACR will give the people back the power they left to our tender mercies by forcing substantial agreement on any tax increase.

CACR 26, relating to taxation. Providing that there shall be no broad-based taxes in New Hampshire.

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

Rep. Susan W Almy for the **Majority** of Ways and Means: Whichever party has been in the majority, the legislature has always stood against the closing of any revenue options, no matter how improbable, for some future legislature and citizenry in crisis. The title implies that the property tax is also included, which is not in the text, but this broad-based tax is in fact our largest tax. The sponsor wishes a referendum on three taxes at once, and the taxes named are inseparable in the amendment. Also, New Hampshire is not a referendum state. **Vote 10-6.**

Rep. Kenneth L. Weyler for the **Minority** of Ways and Means: Let the people vote. One of the least reported migrations in our country was the almost three million people who moved from the 41 states with an income tax to the 9 without an income tax. This helped bring NH from #26 in per capita income (1970) to now #6. These are well off folks who support our Little League and other local charities, and enrich our state. We have a brand to protect. New Hampshire is the low tax "live free or die" state. Proponents of income tax claim it will lower property taxes. This will not happen. Fifty percent of our property taxes are paid by businesses (33%) and second homes (17%). When these groups get saved property tax they will not participate in income tax, either because they pay a business tax, or because they pay an income tax somewhere else. Thus the residential property owners, who had only half the property tax savings, must pay the whole of the income tax. Most residents would see a tax increase. The people need an opportunity to vote on this CACR.

HB 1464-FN-A, increasing the threshold amounts for taxation under the business enterprise tax.

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

Rep. Robert M Walsh for the **Majority** of Ways and Means: This bill proposes to increase the filing threshold for the reporting by business organizations under the business enterprise tax. This bill would enable more than 19,000 entities not to file business enterprise tax returns. This would result in an estimated loss in state revenues of nearly \$7,000,000 annually. Since BET is shared by the education trust fund (two-thirds) and the general fund (one-third), the annual revenue decrease to the education trust fund would be about \$4,500,000 and the decrease to the general fund about \$2,200,000. The state cannot afford this at this time. **Vote 10-6.**

Rep. Frank V Sapareto for the **Minority** of Ways and Means: The minority of the committee recognizes the positive impact this bill would have on small and medium businesses. In the current economy, streamlining taxation and making government more efficient while decreasing tax burden on businesses is the right way to go. For example, approximately one-third of businesses which file the BET pay no taxes at all. It's merely excess paperwork. It is imperative that tax policy keep up with inflation. The minority of the committee

understands that eliminating inefficiencies in government is a win for everyone. In this economy we should be helping our constituents.

HB 1594-FN-A, repealing the tax on gambling winnings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Susan W Almy for the **Majority** of Ways and Means: Adjustments to this tax are a complicated issue and will be dealt with during interim study of HB 1460. A repeal bill is not a proper vehicle for that discussion. This tax was passed by the house twice as part of the biennial budget. **Vote 10-6.**

Rep. Kenneth L. Weyler for the **Minority** of Ways and Means: This bill to repeal the 10% tax on gambling earnings should have had further study. Not only did the committee advise against this tax during the budget process, but the tax also had unintended consequences. Why can't a professional gambler write off his considerable losses against his winnings? Will all the gamblers from out-of-state find their winnings taxed twice? Is this a retroactive tax in violation of the constitution? If a person won a large prize in past years, and chose annuity distribution, is that annuity payment now subject to a 10% tax? There are too many valid questions in this issue to not see further study.

HB 1603-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William A Hatch for the **Majority** of Ways and Means: New Hampshire law allows a business organization to apply paid business enterprise taxes as a credit against its business profits tax. Whenever there is an excess of enterprise tax over the business profits tax assessment for a tax period, that amount is allowed to be carried forward and utilized for as many as five subsequent years. This bill increases that period from five years to ten years, which in effect would provide major tax relief to prosperous businesses after the return of prosperity, at the expense of major reductions to state revenues. In consideration of these factors and the current fiscal shortfalls the majority decided this bill is Inexpedient to Legislate **Vote 10-6.**

Rep. Jordan G Ulery for the **Minority** of Ways and Means: In a time of economic downturn the key to recovery is jobs. Our President has said his focus is on jobs. The enormous number of small businesses that have prominently voiced their point of view before the committee, and at the DRA public hearing have said they want to keep and create jobs. All this bill does is help create or save jobs. The static analysis in the fiscal note is based upon non-change figures. History tells us that change always takes place. A change in taxes paid by individuals or businesses results in an increase in tax revenues received. This was proven by President Kennedy and again by President Reagan. Cut taxes, grow jobs, increase revenues.

HB 1622-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2012.

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

Rep. Susan W Almy for the **Majority** of Ways and Means: The majority of the committee reaffirms the long-standing principle that our state budget is biennial. The budget, which included the taxes and fees addressed in this bill, was adopted after the normal and typical legislative process for adopting a budget, and should not be changed at this time. Every reduction in revenues requires a further cut in services to our fellow citizens who are struggling to survive this great recession. Service cuts now hurt households and businesses both now and in our future prosperity. The budget was a careful balance between the pain of service cuts and the pain of revenue increases. **Vote 10-6.**

Rep. Joe Osgood for the **Minority** of Ways and Means: It is the opinion of the minority of the committee that this bill contains repeals of numerous taxes and fees, including the campsite tax, that were put in place without proper notice or hearings for the public or business community bypassing the normal legislative process. One could argue that the repeal of these taxes and fees would tie the hands of the state. We the minority would argue that these new taxes and fees have harmed the public and business community.

HB 1633-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2010.

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

Rep. Susan W Almy for the **Majority** of Ways and Means: The majority of the committee reaffirms the long-standing principle that our state budget is biennial. The budget, which included the taxes and fees addressed in this bill, was adopted after the normal and typical legislative process for adopting a budget, and should not be changed at this time. Every reduction in revenues requires a further cut in services to our fellow citizens who are struggling to survive this great recession. Service cuts now hurt households and businesses both now and in our future prosperity. The budget was a careful balance between the pain of service cuts and the pain of revenue increases. **Vote 10-6.**

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HB 1640-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget as of July 1, 2011.

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

Rep. Susan W Almy for the **Majority** of Ways and Means: The majority of the committee reaffirms the long-standing principle that our state budget is biennial. The budget, which included the taxes and fees addressed in this bill, was adopted after the normal and typical legislative process for adopting a budget, and should not be changed at this time. Every reduction in revenues requires a further cut in services to our fellow citizens who are struggling to survive this great recession. Service cuts now hurt households and businesses both now and in our future prosperity. The budget was a careful balance between the pain of service cuts and the pain of revenue increases. **Vote 10-6.**

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HB 1641-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2014.

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

Rep. Susan W Almy for the **Majority** of Ways and Means: The majority of the committee reaffirms the long-standing principle that our state budget is biennial. The budget, which included the taxes and fees addressed in this bill, was adopted after the normal and typical legislative process for adopting a budget, and should not be changed at this time. Every reduction in revenues requires a further cut in services to our fellow citizens who are struggling to survive this great recession. Service cuts now hurt households and businesses both now and in our future prosperity. The budget was a careful balance between the pain of service cuts and the pain of revenue increases. **Vote 10-6.**

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HB 1669-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2013.

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

Rep. Susan W Almy for the **Majority** of Ways and Means: The majority of the committee reaffirms the long-standing principle that our state budget is biennial. The budget, which included the taxes and fees addressed in this bill, was adopted after the normal and typical legislative process for adopting a budget, and should not be changed at this time. Every reduction in revenues requires a further cut in services to our fellow citizens who are struggling to survive this great recession. Service cuts now hurt households and businesses both now and in our future prosperity. The budget was a careful balance between the pain of service cuts and the pain of revenue increases. **Vote 10-6.**

Rep. Joe Osgood for the **Minority** of Ways and Means: It is the opinion of the minority of the committee that this bill contains repeals of numerous taxes and fees that were put in place without proper notice or hearings for the public or business community bypassing the normal legislative process. One could argue that the repeal of these taxes and fees would tie the hands of the state. We the minority would argue that these new taxes and fees have harmed the public and business community.

LAID ON TABLE

HB 133, requiring employers to report certain information regarding outsourcing to the department of employment security.

HOUSE BILLS AMENDED BY THE SENATE

HB 154, relative to truancy. (SJ 1/13/10)

HB 216-FN, relative to fees for legal services rendered to worker' compensation claimants. (SJ 1/21/10)

HB 587-FN, establishing an information and analysis center within the department of safety. (SJ 1/21/10)

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (SJ 1/6/10)

HB 651-FN, relative to regulations of private investigative agencies and security services. (SJ 1/21/10)

COMMITTEE MEETINGS

MONDAY, FEBRUARY 1

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 1597-FN**, relative to employer-provided health insurance coverage and prohibiting denial of coverage for preexisting conditions.
- 9:30 a.m. Subcommittee work session on **HB 1627-FN**, relative to the regulation of manufactured housing and modular buildings.
- 10:00 a.m. **HB 1280-FN**, relative to life and health guaranty limits.
- 10:30 a.m. **HB 1236**, relative to underwriting on the basis of credit information.
- 11:00 a.m. **HB 1209**, relative to service contracts.
- 11:30 a.m. **HB 1208**, relative to rebate exemptions.
- 1:30 p.m. **HB 1282-FN**, requiring insurance companies to send a copy of any claim which is denied to the insured and to the provider.
- 2:00 p.m. **HB 1268-FN**, prohibiting the use of a person's occupation when obtaining insurance coverage.

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

- 10:00 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.

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

- 1:00 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 11:30 a.m. Subcommittee work session on **HB 1334**, relative to penalties for unpaid fines concerning hazardous materials accidents.
- 12:30 p.m. Subcommittee work session on **HB 1637-FN**, relative to the registration of criminal offenders.

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

- 10:00 a.m. Subcommittee work session on **HB 1136**, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system.
- 3:00 p.m. Subcommittee work session on **HB 1566-FN**, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Full committee work session on **HB 1554**, allowing municipalities to establish energy efficiency and clean energy districts.

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

- 1:15 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Subcommittee work session on **HB 1506-FN-A-L**, establishing a state aeronautical fund.
- 11:00 a.m. Subcommittee work session on **HB 1604-FN-A**, establishing a credit against the interest and dividends tax for taxes paid to other states on certain distributions.
- 1:00 p.m. Full committee work session on **HB 1607-FN-A**, relative to the reasonable compensation deduction under the business profits tax.

TUESDAY, FEBRUARY 2

CHILDREN AND FAMILY LAW, Room 206, LOB

- 9:30 a.m. Subcommittee work session on **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. Subcommittee work session on **HB 1685**, relative to testing the water quality of private water supply wells.
- 10:00 a.m. **HB 1417**, allowing companion dogs in certain areas of restaurants.
- 10:30 a.m. **HB 1488-FN**, relative to New Hampshire HealthFirst.
- 11:00 a.m. **HB 1493**, establishing a committee to study comprehensive mental health parity.
- 1:00 p.m. **HB 1545-FN**, relative to group size for premiums charged by health insurance carriers when issuing small employer health coverage.
- 1:30 p.m. **HB 1363**, relative to continuing care communities.
- 2:00 p.m. **HB 1309-FN**, requiring insurance coverage for infertility treatments.
- 2:25 p.m. Subcommittee work session on **HB 1352**, relative to direct shippers.
- 2:30 p.m. Subcommittee work session on **HB 1605-FN**, requiring businesses to disclose the terms and conditions of any continuing or automatic obligation as part of the sale.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 9:00 a.m. Subcommittee work session on **HB 1508-FN**, prohibiting offenders convicted of certain sexual assaults from contacting the victim of the crime.
- 9:30 a.m. Subcommittee work session on **HB 1131**, relative to requirements for firefighter certification.
- 10:00 a.m. Executive session on **HB 1146**, eliminating requirements for additional breath tests for blood alcohol content, **HB 1161**, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail, **HB 1361**, relative to notification of parole hearings, **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, **HB 1389**, relative to the annulment of a criminal record, **HB 1442-FN**, relative to residency restrictions on offenders against children, **HB 1447**, relative to authorization to use firearms in the compact part of a town, **HB 1484**, relative to residency restrictions for sex offenders, **HB 1600-FN**, allowing any person to request conviction information regarding public officials, **HB 1630-FN**, relative to filing criminal complaints, **HB 1634-FN**, relative to assault by strangulation, **HB 1644-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide, **HB 1680-FN**, establishing the crime of aggravated harassment by an inmate, **HB 1263**, relative to eyewitness identification procedures for photo lineups, **HB 1619-FN**, requiring law enforcement officers to record interviews of suspects in felony cases, **HB 1650-FN**, establishing a forensic science oversight commission, **HB 1135**, requiring the fire standards
- 1:00 p.m. Public hearing on proposed amendment to **HB 1635-FN**, prohibiting the open carrying of a firearm in a public building. The proposed amendment would give state house security personnel the right to detain individuals who they believe committed a criminal offense. Copies of the proposed amendment are available in the Sergeant-at-Arms office.
- 1:30 p.m. Continued executive session from February 2 at 10:00 a.m., if needed.

CURRENT USE BOARD (RSA 79-A:3), Department of Revenue Administration, 109 Pleasant Street,

Concord

10:00 a.m. Regular meeting.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **HB 1224**, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses, **HB 1286**, allowing nonpublic schools to obtain criminal history records checks on employees and volunteers, **HB 1346-FN**, relative to the approval of chartered public schools, **HB 1469**, relative to the required number of instructional days and instructional hours in a school district's calendar, **HB 1411**, requiring notice of the decision against rehiring be provided to educational support personnel, **HB 1412**, requiring due process for educational support personnel, **HB 1495**, relative to conditional approval of chartered public schools from July 1, 2009 through June 30, 2011, **HB 1527**, relative to exceptions from the definition of private postsecondary career schools, **HB 1580**, relative to home schooling.

2:00 p.m. Subcommittee work session on **HB 1523**, revising the pupil safety and violence prevention act.

ELECTION LAW, Room 308, LOB

10:00 a.m. Rescheduled public hearing on **HB 1549-FN**, prohibiting copying, reproducing, or retaining personal documents of voters.

10:30 a.m. Rescheduled public hearing on **HB 1319**, relative to single-member representative districts.

11:00 a.m. Rescheduled public hearing on **HB 1574-FN**, relative to retention of election records.

11:30 a.m. Rescheduled public hearing on **HB 1608**, relative to general election candidates for offices that elect more than one person.

1:00 p.m. Rescheduled public hearing on **HB 1476**, relative to periodic verification of the checklist.

1:15 p.m. Rescheduled public hearing on **HB 1528**, relative to observing voter check-in.

1:30 p.m. Rescheduled public hearing on **HB 1529**, relative to absentee voting.

1:45 p.m. Rescheduled executive session on **HB 1535-FN**, relative to delivery and collection of ballots for armed services voters.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 308, LOB

9:00 a.m. Subcommittee work session on **HB 1139**, relative to the regulation of podiatrists by the board of podiatry.

Room 306, LOB

9:00 a.m. Subcommittee work session on **HB 1349**, relative to requirements for pharmacists-in-charge, **HB 1376**, relative to the regulation of pharmacies and pharmacists.

10:30 a.m. Executive session on **HB 1277-FN**, relative to eligibility for medical benefits payment by the retirement system for certain vested deferred group I members, **HB 1428-FN**, relative to death benefits for surviving spouses of a New Hampshire retirement system member, **HB 1512**, relative to supplemental allowances for beneficiaries of the judicial retirement plan, **HB 1530-FN-L**, redefining earnable compensation of members of the New Hampshire retirement system, **HB 1576-FN**, relative to certain retirement system beneficiaries receiving a retirement allowance while in active service, **HB 1646-FN**, granting group II retirement system status to certain positions in the department of corrections, **HB 1658**, relative to the adult parole board, **HB 1668-FN**, requiring state creditable service for group II retirees to receive state employee medical benefits, **HB 1681-FN**, including education support personnel in employees participating in the New Hampshire retirement system, **HB 1682-FN**, relative to the methodology for determining retirement system contribution rates and continued executive session on **HB 1579-FN**, relative to electioneering by public employees.

Rooms 305-307, LOB

1:30 p.m. Joint hearing with Science, Technology and Energy on **HB 1688**, relative to the regulation of the installation and operation of boiler and pressure vessels.

2:45 p.m. **HB 1220**, relative to meals and rentals licenses.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee work session on **HB 1674-FN-L**, relative to the calculation of total education

grants to municipalities and the calculation of excess education tax payments, **HB 1677-FN-L**, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years and **HB 1684-FN**, requiring an annual state operating budget, **HB 1333-FN-A**, relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor, **HB 1606-FN**, relative to the transfer of funds within the department of environmental services, **HB 1651-FN**, requiring that current information and reports relative to the state budget be made available on the state website, **HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system, **HB 523-FN**, requiring DNA testing of all persons convicted of a felony, **SB 157**, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

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

- 10:00 a.m. Executive session on **HB 1140**, relative to multiple birth awareness month, **HB 1160**, relative to the tanning of minors, **HB 1164**, relative to newborn screening tests, **HB 1184**, relative to the administration of the unused prescription drug program, **HB 1326**, relative to the use of long-term antibiotics for the treatment of Lyme disease, **HB 1555**, adding an exemption from immunization for conscientious beliefs, **HB 1566-FN**, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system, **HB 1598-FN**, relative to the use of Temporary Assistance to Needy Families (TANF) funds, **HB 1657**, directing the commissioner of the department of health and human services to adopt rules regarding transfers of income to special needs trusts, **HB 1531**, prohibiting New Hampshire physicians and medical staff from sharing patient records in a health information exchange without the patient's written consent, **HB 1170**, relative to licensure of home health care providers, **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, **HB 1537**, allowing primary care providers to provide preventive oral health services to children under the state Medicaid program.
- 1:00 p.m. **HB 1548-FN**, relative to ambulatory surgical facilities under the law requiring reporting of hospital infections.
- 2:00 p.m. **HB 1426**, permitting patients to bring their medications to the hospital or health care facility.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on **HB 1127**, relative to service of process on commercial tenants, **HB 1130**, relative to statements of consideration in deeds of real property, **HB 1132**, relative to the creation and severance of joint tenancy in real property, **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, **HB 1219**, repealing the wartime registration of aliens laws, **HB 1540-FN**, relative to registers of probate, **CACR20**, relating to the administration of the supreme court. Providing that the rules promulgated by the chief justice governing the administration of the courts shall not have the force and effect of law, **CACR 21**, relating to judges and sheriffs. Providing that judges and sheriffs may serve after the age of 70 years, **HB 1185**, relative to retired judges over 70 years of age, **HB 1564**, relative to the regulation of attorneys by the supreme court and eliminating the requirement that the county attorney be a member of the New Hampshire bar, **HB 1347**, relative to the right of jury nullification.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 9:15 a.m. Subcommittee work session on **HB 1315-FN**, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation.
- 10:00 a.m. Full committee work session on **HB 1370**, requiring independent medical examination practitioners to file a report with the insurance department.
- 10:30 a.m. Full committee work session on **HB 1403**, relative to wrongful termination.
- 11:00 a.m. Full committee work session on **HB 1371**, allowing recording of an examination by health care providers performing independent medical examinations.

LOCAL AND REGULATED REVENUES, Room 303, LOB

- 10:30 a.m. Subcommittee work session on **HB 1297-FN**, requiring the racing and charitable gaming commission to establish fees for licensees conducting live racing to generate revenue that approximates the direct costs of administration.
- 11:30 a.m. Subcommittee work session on **HB 1583**, relative to the property tax exemption for organizations with charitable activities.
- 12:30 p.m. Subcommittee work session on **HB 1439-L**, relative to tax exemptions for water and air pollution control installations.

MUNICIPAL AND COUNTY GOVERNMENT, Room 201, LOB

- 9:00 a.m. Subcommittee work session on **HB 1267-L**, relative to applications for hawkers and peddlers licenses.

Room 301, LOB

- 10:30 a.m. **HB 1176-L**, relative to town auditors.
- 11:15 a.m. **HB 1448**, relative to town audits.
- 1:00 p.m. **HB 1310**, allowing towns to hire certain health care workers.
- 1:30 p.m. Executive session on **HB 646-FN-L**, relative to county and state obligations for costs for nursing care and services, and for court orders for children services and continued executive session from January 20, if needed.
- 2:15 p.m. **HB 1596-FN-L**, relative to the civil forfeiture of unlicensed dogs.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Executive session on **HB 1455**, establishing a commission to oversee creation of a monument to acknowledge and commemorate persons enslaved in New Hampshire from 1645 to 1840, **HB 1517-FN**, establishing a DWI victim fatality sign program, and rescheduled executive session on **HB 1166**, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects, **HB 1481**, relative to the use of turnpike tolls.
- 11:15 a.m. Continued public hearing on **HB 1578-FN**, relative to state agency evaluation of contractors.
- 1:15 p.m. Full committee work session on **HB 1480**, relative to rail authority bonds.
- 2:00 p.m. **HB 2010**, relative to the state 10-year transportation improvement program.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Executive session on **HB 558-FN**, establishing a procedure for leasing state parks, **HB 1378-FN**, establishing an adopt-a-state park program in the state park system, **HB 1379**, relative to promotion of the state parks, **HB 1421-FN**, establishing regional advisory councils in the state park system, **HB 1434**, relative to exemptions from sewage disposal systems approval, **HB 1462**, establishing a shoreland advisory council, **HB 1478-FN**, relative to permits for dock designers, **HB 1239**, relative to department of environmental services field citations and cease and desist orders, **HB 1676-FN**, requiring certification of road salt applicators.

SCIENCE, TECHNOLOGY AND ENERGY, Rooms 305-307, LOB

- 9:30 a.m. Full committee work session on **HB 1377**, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects.
- 10:15 a.m. Subcommittee work session on **HB 1659**, including solar hot water heating systems in electric renewable energy class I.
- 11:00 a.m. Executive session on **HB 1202**, relative to renewable energy credits, **HB 1270**, relative to permitting existing hydroelectric plants to receive grants from the renewable energy fund for installing upgrades, **HB 1401-FN**, limiting corn-based ethanol as an additive to gasoline sold in New Hampshire.
- 1:30 p.m. Joint hearing with Executive Departments and Administration on **HB 1688**, relative to the regulation of the installation and operation of boiler and pressure vessels.

TRANSPORTATION, Room 203, LOB

- 10:15 a.m. Executive session on **HB 1162**, relative to the wearing of motorcycle protective headgear, **HB**

1192, relative to obstructions on motor vehicle windows, *HB 1261*, relative to motorcycle noise emission controls, *HB 1262*, relative to disabled parking signs, *HB 1591-FN*, requiring the state to list and itemize all fees on vehicle registration forms, *HB 1323*, relative to applications for new licenses under the driver license compact, *HB 1328*, prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow, *HB 1390*, relative to the minimum age for the operation of commercial vessels, *HB 1458*, relative to driver's license suspensions, *HB 1498*, relative to obscured figures or letters on number plates attached to motor vehicles.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. *HB 1291-FN*, relative to the fuel oil importation fee.
 10:20 a.m. *SB 205-FN*, making various changes to the criminal statutes.
 11:00 a.m. *HB 271*, relative to relevant information in a workers' compensation claim.
 1:00 p.m. *HB 626-FN*, relative to voter identification.
 1:30 p.m. *HB 681-FN*, relative to assessments for aquatic resource compensatory mitigation.
 3:00 p.m. Subcommittee work session on *HB 1581*, relative to the taxation of railroads.

THURSDAY, FEBRUARY 4

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on *HB 1197*, relative to child support in cases of shared parenting, *HB 1491*, relative to child support and responsibility for extraordinary child-rearing expenses in cases of shared parenting, *HB 1552-FN*, revising the child support guidelines based on the Melson formula.
 11:00 a.m. Subcommittee work session on *HB 1216*, relative to the amount of the self-support reserve in child support cases, *HB 1420*, relative to the calculation of child support, *HB 1474*, revising child support guidelines based on the income shares model.
 1:15 p.m. Executive session on *HCR 24*, supporting the Youth PROMISE Act, *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, *HB 1217*, relative to liability issues associated with the juvenile diversion program, *HB 1424*, requiring a performance audit of the division of child support, department of health and human services, *HB 1510*, relative to grounds for divorce for persons with minor children, *HB 1536-FN*, relative to administering psychotropic drugs to children in court ordered placements.
 2:30 p.m. Subcommittee work session on *HB 1156*, relative to the determination of parental rights and responsibilities.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:00 a.m. Subcommittee work session on *HB 1470*, establishing a committee to study laws relating to condominium and homeowners' associations, *HB 1340*, relative to condominium liens for assessments,
 10:00 a.m. Continued executive session on *HB 1191*, relative to fire sprinkler systems, *HB 1352*, relative to direct shippers, *HB 1429*, establishing a committee to study the inclusion of universal design requirements in the state building code, *HB 1685*, relative to testing the water quality of private water supply wells, *HB 1281-FN*, relative to certain securities laws and executive session on *HB 1208*, relative to rebate exemptions, *HB 1209*, relative to service contracts, *HB 1234*, relative to disclosure of property rights and responsibilities in the sale of shorefront property, *HB 1236*, relative to underwriting on the basis of credit information, *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, *HB 1268-FN*, prohibiting the use of a person's occupation when obtaining insurance coverage, *HB 1279-FN-A*, relative to the licenses of mortgage bankers and mortgage brokers, *HB 1280-FN*, relative to life and health guaranty limits, *HB 1282-FN*, requiring insurance companies to

send a copy of any claim which is denied to the insured and to the provider, **HB 1309-FN**, requiring insurance coverage for infertility treatments, **HB 1312**, relative to notification by banks concerning crediting deposits in bank accounts, **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, **HB 1321**, relative to foreclosure consultants, **HB 1340**, relative to condominium liens for assessments, **HB 1357**, requiring funds for the purchase of modular or manufactured housing to be held in escrow until an occupancy permit is issued and relative to the development of a manufactured housing buyer's guide, **HB 1363**, relative to continuing care communities, **HB 1417**, allowing companion dogs in certain areas of restaurants, **HB 1459**, relative to the board of trust company incorporation, **HB 1470**, establishing a committee to study laws relating to condominium and homeowners' associations, **HB 1475**, relative to indoor smoking, **HB 1488-FN**, relative to New Hampshire HealthFirst, **HB 1493**, establishing a committee to study comprehensive mental health parity, **HB 1505**, establishing a commission to study state-imposed burdens on unregulated businesses, **HB 1541-FN**, prohibiting the sale of e-cigarettes to minors, **HB 1560**, prohibiting sellers of consumer goods from excluding or limiting implied warranties through disclaimers, **HB 1597-FN**, relative to employer-provided health insurance coverage and prohibiting denial of coverage for preexisting conditions, **HB 1605-FN**, requiring businesses to disclose the terms and conditions of any continuing or automatic obligation as part of the sale, **HB 1627-FN**, relative to the regulation of manufactured housing and modular buildings.

COMMITTEE TO STUDY THE LIST OF NON-REGULATORY BOARDS, COMMISSIONS, COUNCILS, ADVISORY COMMITTEES, AND TASK FORCES UNDER PARAGRAPH I (HB 2, Chapter 144:87, II (a), Laws of 2009), Room 306, LOB

2:00 p.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

10:00 a.m. **HB 1206**, adopting apple cider as the New Hampshire state beverage.

1:00 p.m. **HB 1250**, clarifying that a quorum of the current use board is not required to hold public forums.

2:00 p.m. **HB 1609-FN**, relative to current use and the land use change tax.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. **HB 1325**, relative to licensure of home inspectors by the board of home inspectors.

10:45 a.m. **HB 1301**, relative to the regulation of fuel gas fitters.

11:30 a.m. **HB 1365**, establishing a commission to study the licensing of motor vehicle appraisers.

1:00 p.m. **HB 1337**, relative to rules adopted by the assessing standards board regarding certification of appraisers by the department of revenue administration.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system, **HB 268**, relative to transfers from the judicial branch to the executive or legislative branches of state government, **HB 523-FN**, requiring DNA testing of all persons convicted of a felony, **HB 1333-FN-A**, relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor, **HB 1355-FN**, relative to certain Medicaid appropriations., **HB, 1516-FN-A**, making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011, **HB 1606-FN**, relative to the transfer of funds within the department of environmental services, **HB 1651-FN**, requiring that current information and reports relative to the state budget be made available on the state website, **HB 1674-FN-L**, relative to the calculation of total education grants to municipalities and the calculation of excess education tax payments, **HB 1677-FN-L**, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years, **HB 1684-FN**, requiring an annual state operating budget, **SB 157**, relative to the procedure for listing

candidates on election ballots and establishing a citizen-funded election task force.

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

- 8:45 a.m. Subcommittee work session on **HB 1553**, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire.
- 9:30 a.m. **HB 1384**, establishing a suicide fatality review committee.
- 10:00 a.m. **HB 1232**, establishing a committee to study elder abuse statewide.
- 10:30 a.m. **HB 1339**, relative to the state services system and establishing a commission to study uncompensated care at community mental health centers.
- 11:00 a.m. **HB 1526**, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases.
- 1:00 p.m. **HB 1438**, relative to a patient's right to know regarding charges for health care.
- 2:00 p.m. **HB 1550-FN-L**, requiring substance abuse treatment drugs to be available to emergency medical providers when responding to emergencies in all emergency medical vehicles.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on **HB 1284**, relative to posting of minutes under the right-to-know law, **HB 1306**, relative to approval of recommendations of marital masters and judicial referees, **HB 1307**, relative to appointments and reappointments of marital masters, **HB 1330**, relative to the preservation of religious freedom, **HB 1356**, relative to certain nonprofit corporations subject to the right-to-know law, **HB 1362**, extending the right-to-know oversight commission, **HB1410**, prohibiting lobbyists from serving on judicial branch commissions, committees, boards, or similar government entities, **HB 1423**, requiring a performance audit of the judicial branch family division, **HB 1449**, relative to complaints against judicially appointed guardians ad litem and psychotherapists, **HB 1556**, restricting courts from ordering counseling not covered by the parties' health insurance, **HCR 26**, reaffirming the state's religious heritage and constitutional rights to practice religion and free speech.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:00 a.m. Subcommittee work session on **HB 1137**, relative to withholding of wages.
- 11:00 a.m. Subcommittee work session on **HB 1168**, clarifying the definition of gross misconduct for purposes of unemployment compensation.

LOCAL AND REGULATED REVENUES, Room 303, LOB

- 9:00 a.m. Subcommittee work session on **HB 1440**, relative to property tax exemptions for the disabled.
- 10:00 a.m. Subcommittee work session on **HB 1335**, establishing a local option for lowering the interest rate on late and delinquent property tax payments and subsequent payments.
- 11:00 a.m. Subcommittee work session on **HB 1427**, relative to the conversion period for quarterly billing for property taxes.
- 1:00 p.m. Full committee work session on **HB1345**, relative to information for property tax assessments of commercial and industrial properties.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:30 a.m. Executive session on **HB 1126**, relative to the Hooksett police commission, **HB 1142**, relative to signatures required to petition a warrant article, **HB 1198-L**, relative to public hearings on municipal budget preparation, **HB 1211**, relative to special meetings in towns with official ballot town meetings, **HB 1212**, relative to municipal charter statutes, **HB 1300**, relative to placement of warrant articles for town meetings on official ballots, **HB 1303**, relative to maintenance, repair, and preservation of burial grounds, **HB 1310**, allowing towns to hire certain health care workers, **HB 1327**, establishing a commission to establish a framework for the franchising of cable access by cities and towns, **HB 1369-L**, relative to pool safety, **HB 1485**, granting zoning and planning powers to Hampton Beach village district, **HB 1497**, relative to terms of office for Concord school board members, **HB 1596-FN-L**, relative to the civil forfeiture of unlicensed dogs.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:30 a.m. Executive session on **HB 1221**, relative to excavating and dredging permits, continued executive session on **HB 1434**, relative to exemptions from sewage disposal systems approval.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on **HB 1353**, relative to group net energy metering.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

10:00 a.m. **HR 20**, supporting the Cornyn-McCarthy Military Voting Protection Act.

10:30 a.m. **HB 1568-FN-L**, relative to the definition of wars and conflicts for the purpose of determining eligibility for public assistance payments for burial expenses of veterans.

11:00 a.m. **HB 1625**, relative to eligibility for the New Hampshire veterans' home.

11:30 a.m. **HB 1567-FN**, relative to leave of absence for military training.

1:45 p.m. Executive session on **HB 1415**, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire, **HCR 20**, urging the federal government to expand the earned income tax credit to both parents in appropriate cases, **HCR 28**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests, **HCR 25**, articulating the rights of the state of New Hampshire and of the several states of the United States, **HCR 23**, calling on Congress to audit the Association of Community Organizations for Reform Now (ACORN) funding, **HB 1218**, requiring a report of payments to the Association of Community Organizations for Reform Now (ACORN).

TRANSPORTATION, Room 203, LOB

9:30 a.m. **HB 1143**, establishing an exemption from driver restrictions on persons 16 to 18 traveling to and from school-sponsored events.

10:00 a.m. **HB 1546-FN-A**, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth.

10:30 a.m. **HB 1465-FN-A**, establishing firefighter number plates.

11:00 a.m. **HB 1494-FN**, reducing the number of required number plates for motor vehicles from 2 to one.

11:30 a.m. **HB 1463-FN**, establishing a memorial number plate to honor New Hampshire law enforcement officers who die in the line of duty.

1:00 p.m. **HB 1551-FN-A**, establishing cancer research number plates.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Executive session on **HB 1490**, establishing a commission to analyze revenues and expenditures in the state budget, **HB 1506-FN-A-L**, establishing a state aeronautical fund, **HB 1611-FN-A-L**, establishing a sales and use tax, **CACR 22**, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated, **HB 660-FN**, relative to the life settlements act, **HB 1679-FN-A**, establishing a soft drinks tax.

FRIDAY, FEBRUARY 5

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

9:00 a.m. Continued regular meeting.

COMMISSION TO STUDY THE DEATH PENALTY IN NEW HAMPSHIRE (HB 520, Chapter 284:1, Laws of 2009, Rooms 305-307, LOB

10:00 a.m. Public hearing.

COMMISSION TO STUDY THE EFFECTS OF POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED BY NEW HAMPSHIRE SOLDIERS AND VETERANS RETURNING FROM IRAQ AND AFGHANISTAN (HB 1335, Chapter 257:1, Laws of 2008), Room 204, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular business.
9:30 a.m. Audits.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Public Service of New Hampshire, Manchester

10:00 a.m. Regular meeting.

MONDAY, FEBRUARY 8

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. **HB 1632-FN**, relative to the sale and delivery of home heating oil during a declared state of emergency.
10:30 a.m. **HB 1656-FN**, requiring disclosure of fees by automobile dealers.
11:00 a.m. **HB 1392-FN**, requiring insurance companies to report to the insurance department the number of claims denied.
11:30 a.m. **HB 1393**, establishing a commission to review and make suggestions for updating the treatment of New Hampshire investment trusts.
1:30 p.m. **HB 1366**, making certain technical corrections in the insurance laws.
2:00 p.m. **HB 1519**, relative to the surety bond requirement for meals and rentals operators.
2:30 p.m. **HB 1180**, relative to the use of clotheslines.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 103, State House

9:00 a.m. Subcommittee 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.
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.

TUESDAY, FEBRUARY 9

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

3:30 p.m. Rescheduled regular business.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. **HB 1244**, relative to insurance fraud.
10:30 a.m. **HB 1253**, removing the exemption to the consumer protection act for insurance trade and commerce.
11:00 a.m. **HB 1342**, relative to the right of election to submit a claim for medical expenses under a medical payments motor vehicle liability policy or a health insurance policy.
1:00 p.m. **HB 1233**, relative to the amount of medical payments coverage under motor vehicle liability policies.
1:30 p.m. **HB 1252**, relative to the duration of medical payments coverage under motor vehicle liability policies.
2:00 p.m. **HB 1409**, banning biometrics for state or privately issued identification cards and as a condition of doing business.

ELECTION LAW, Room 308, LOB

10:00 a.m. Executive session on **HB 1150**, removing certain references to nomination for the office of vice-president, **HB 1188**, relative to nominating a political organization by nomination papers, **HB 1205**, relative to the membership of the ballot law commission, **HB 1225-FN-L**, requiring a

security escort for the delivery of ballots to the clerk, **HB 1264**, relative to the definition of "party" for election purposes, **HB 1341**, relative to election day procedures, **HB 1367-FN**, relative to permissible campaign contributions by business organizations and labor unions.

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

- 10:00 a.m. Rescheduled public hearing on **HB 1169**, deleting the repeal of the New Hampshire health care quality assurance commission.
- 10:45 a.m. **HB 1649-FN**, relative to health information and patient rights and establishing a commission to study adding certain information to a driver's license.
- 1:00 p.m. **HB 1407**, relative to personal identifiers contained within vital records.
- 1:45 p.m. Executive session on **HB 1136**, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system, **HB 1228-FN**, relative to criminal record checks by health facilities, **HB 1232**, establishing a committee to study elder abuse statewide, **HB 1384**, establishing a suicide fatality review committee, **HB 1426**, permitting patients to bring their medications to the hospital or health care facility, **HB 1430**, relative to the uniform anatomical gift act, **HB 1438**, relative to a patient's right to know regarding charges for health care, **HB 1526**, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases, **HB 1553**, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire, **HB 1572-FN**, relative to the certification of integrated residential communities, **HB 1339**, relative to the state services system and establishing a commission to study uncompensated care at community mental health centers, **HB 1548-FN**, relative to ambulatory surgical facilities under the law requiring reporting of hospital infections.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Subcommittee work session on **HB 1151-L**, relative to the lapse of county appropriations, **HB 1483**, relative to appropriations in the county budget and expenditures of state and federal grants by counties.
- 11:00 a.m. Subcommittee work session on **HB 1287**, relative to setback requirements on private rights-of-way.
- 1:00 p.m. Subcommittee work session on **HB 1267-L**, relative to applications for hawkers and peddlers licenses.

Room 104, LOB

- 1:00 p.m. Subcommittee work session on **HB 1461**, relative to the municipal regulation of the sale of martial arts weapons.

THURSDAY, FEBRUARY 11

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

- 9:00 a.m. **HB 1456**, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate.
- 10:00 a.m. **HB 1299**, establishing a committee to study enacting a moratorium on the sale and use of fertilizers containing phosphorus.
- 11:00 a.m. **HB 1388**, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants.
- 1:00 p.m. **HB 1172**, relative to the labeling of genetically modified seeds.
- 2:00 p.m. Executive session on **HB 1206**, adopting apple cider as the New Hampshire state beverage, **HB 1250**, clarifying that a quorum of the current use board is not required to hold public forums, **HB 1609-FN**, relative to current use and the land use change tax.

ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

- 2:00 p.m. Consider and act upon draft "Report of Preliminary Investigation" of Complaint #2009-1 and regular meeting. Copies of the draft Report are available in State House Room 112 and on the

Legislative Ethics Committee website.

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

- 10:00 a.m. **HB 1623**, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug.
- 10:30 a.m. **HB 1636-FN**, establishing the real-time electronic controlled drug prescription monitoring program.
- 1:00 p.m. **HB 1692**, establishing a commission on primary care workforce issues.

LOCAL AND REGULATED REVENUES, Room 303, LOB

- 1:30 p.m. Subcommittee work session on **HB 1272**, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.

FRIDAY, FEBRUARY 12

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

- 2:00 p.m. Regular meeting.

COMMITTEE TO STUDY THE IMPOSITION OF ASSESSMENTS TO RETIREMENT SYSTEM EMPLOYERS FOR EXCESS BENEFITS PAID TO RETIREES (SB 108, Chapter 304:1, Laws of 2009), Room 103, State House

- 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.

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

- 1:30 p.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB

- 9:30 a.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

ELECTION LAW, Room 308, LOB

- 10:00 a.m. Executive session on **HB 1319**, relative to single-member representative districts, **HB 1360**, permitting persons 17 years of age to register to vote, **HB 1476**, relative to periodic verification of the checklist, **HB 1528**, relative to observing voter check-in, **HB 1529**, relative to absentee voting, **HB 1549-FN**, prohibiting copying, reproducing, or retaining personal documents of voters, **HB 1574-FN**, relative to retention of election records, **HB 1608**, relative to general election candidates for offices that elect more than one person.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Rescheduled executive session on **HB 1578-FN**, relative to state agency evaluation of contractors and continued executive session on **HB 1480**, relative to rail authority bonds and executive session on **HB 2010**, relative to the state 10-year transportation improvement program.

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.

COUNTY-STATE FINANCE COMMISSION (RSA 28-B:1), Department of Health and Human Services, Conference Room 468, 129 Pleasant Street, Concord

1:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 19

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 210-211, LOB

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 305-307, LOB

9:30 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Regular meeting.

MONDAY, FEBRUARY 22

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will be meet on Friday **March 5** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown.

Rep. Maurice Pilotte Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County 2010 Budget schedule:

Rockingham County Executive Committee will meet on Monday, **February 8** at 5:30 p.m. at the Hilton Auditorium, RCNH, Brentwood for the Subcommittee Chairs to report budget recommendations and for the Executive Committee to vote on the budget to be presented to the full Delegation.

Rockingham County Executive Committee will meet on Tuesday, **February 16** at 5:30 p.m. at the Commissioners Conference Room, RCNH, Brentwood, to finalize unfinished business prior to the Delegation Meeting.

Rockingham County Delegation (RSA 24:21-b) will meet on Tuesday, **February 16** at 6:00 p.m. at the Hilton Auditorium, RCNH, Brentwood, to adopt the County Budget for 2010. Sandwiches and light refreshments will be provided. Thursday, February 18 will be the storm date.

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 232, 286, 507, 660, 662, 1128, 1506, 1603, 1611, 1643, 1649, 1664, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683.

Karen O. Wadsworth, Clerk of the House

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

Rep. George Katsakiores, 1 Bradford Street, Derry, New Hampshire 03038-4258.

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

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

The Reproductive Rights Caucus will host a lunch on Tuesday, **February 2nd** at St. Paul's Church from 11:30 a.m. to 1:00 p.m. All are welcome.

Rep. Beth Rodd

All legislators are invited to the third annual Charter School Chili Contest that will be held Wednesday **February 3** from 11:30 a.m. to 1:30 p.m. at St. Paul's Church in Concord. Warm up with a tasting of chili prepared by charter school parents and vote for your favorite. National speakers will include Joe Williams from Democrats for Education Reform and Todd Ziebarth, Vice President for Policy for the National Alliance for Public Charter Schools to talk about the success of charter schools nationally and to answer questions. This is an exciting time for charter schools with the strong support of the Obama administration for charter schools. This event is an excellent chance for schools to showcase themselves and their school's mission.

Reps. Kimberly S. Casey and John B. Hunt

All legislators and staff are invited to the 44th annual Retail Merchants Association Legislative Reception and presentation of the RMANH "Legislator of the Year", "Law Enforcement Partner of the Year" and "Retailer of the Year" awards on Wednesday, **February 3rd**. Please join RMANH members at 4:00 p.m. or after the session in the Bartlett Room of the Concord Holiday Inn. You may RSVP to katie@rmanh.com or 225-9748.

Reps. Mary Jane Wallner and Sherman A. Packard

Just a reminder to legislators from Rockingham and Strafford Counties of the Legislative Breakfast at Great Bay Community College at Pease International Tradeport on Friday, **February 5** from 8:00 to 9:30 a.m. Please RSVP to Laura Mitchell at 427-7602 or lmitchell@ccsnh.edu.

Rep. Stella Scamman

The New Hampshire Lakes Association is co-hosting Ice-fest along with the Cobbetts Pond Improvement Association on **February 6** from 11:00 a.m. to 3:00 p.m. Fun for the whole family. The event will take place on Cobbetts Pond in Windham at Castleton Conference Center. Ice skating, snow sculpting, ice fishing as well

as a chili cook-off. For more information go to www.nhlakes.org.
Rep. Jane Beaulieu

The Board of Merrimack County Farm Bureau invites the Merrimack County Delegation and the Environment and Agriculture Committee for a luncheon on Tuesday, **February 9** at noon at the Department of Agriculture, Markets and Foods, State House Annex, Second Floor, 25 Capitol Street, Concord.
Reps. Candace CW Bouchard and Tara Sad

The New Hampshire Public Health Association cordially invites all legislators and staff to our 5th Annual Public Health and the Granite State: A Non-Partisan Overview for Policymakers to be held on Wednesday, **February 10** from 7:30-9:00 a.m. at the Holiday Inn, 172 North Main Street, Concord. Breakfast will be provided. Please RSVP to NHPHA at 228-2983 or email to info@nhpha.org.
Rep. Rich T. DiPentima

The LEAH Collective (creating awareness about the dangers of lawn herbicides and pesticides, educating about sustainable land care and advocating for earth changing legislation), and SafeLawns.org are sponsoring lunch and a movie for legislators on Wednesday, **February 10** at St. Paul's Church during the session lunch break. Paul Tukey, New England-based founder of SafeLawns.org, will be on hand to showcase his film, *A Chemical Reaction*. Learn what steps we can take for the sake of children's health and the environment. RSVP zannel1@metrocast.net.
Reps. Mary Cooney and Suzanne Smith

Northeast Delta Dental cordially invites all members of the New Hampshire Legislature and their staff to its Eleventh Annual Legislative Reception to be held Wednesday, **February 10** from 4:00 p.m. to 6:30 p.m. at its corporate office One Delta Drive in Concord.
Reps. Mary Jane Wallner and Sherman A. Packard

The Merrimack County Republican Committee invites all representatives to its candidates breakfast at 7:30 a.m. on Thursday, **February 11** at the Grappone Center. Tickets are \$20 or \$200 for a table. RSVP to danmcguire@gmail.com or 782-4918.
Reps. Carol M. McGuire and Jennifer R. Coffey

The Dartmouth Toxic Metals Research Program invites legislators to the screening of: "In Small Doses: Arsenic" on Thursday, **February 11** from 1:30-4:00 p.m. at the Red River Theatres, 11 South Main Street, Concord. Reception to follow. Please RSVP by the 1st of February to: laura.m.harrington@dartmouth.edu. The movie short, "In Small Doses: Arsenic," discusses the risks associated with exposure to potentially harmful amounts of arsenic in private well water. About one in five private wells in New England, including New Hampshire, contain unsafe levels of arsenic from naturally occurring sources in bedrock. A brief press conference will occur following the screening, including background on HB 1685, the Private Well Testing Bill, which would require testing of private wells for a variety of contaminants, including arsenic, at the time of a home sale and/or when a new well is installed. Join us for the reception and an opportunity to meet with Dartmouth and federal researchers, environmental agency representatives, state legislators, and community

leaders to discuss the issue of well water testing in New Hampshire.
Reps. Mary Stuart Gile and Judith Spang

The Rockingham County Republican Committee will hold its annual Lincoln Day Dinner on Lincoln's birthday, **February 12**, at 6:00 p.m. at the Castleton, 92 Indian Rock Road, Route 111, Windham. The principal guest speaker is the Honorable George E. Pataki, former NY Governor. There will be a VIP reception with Governor Pataki. Tickets are \$50 per person. Please RSVP/ask questions to Jeannie Sangenario at 531-3814 or Rep. Will Smith at smi975@yahoo.com.
Rep. Will Smith

The New Hampshire Lodging & Restaurant Association cordially invites all legislators to attend a reception at the Holiday Inn, 172 North Main Street, Concord on Wednesday, **February 17** from 4:00 to 7:00 p.m. The reception will provide an opportunity to meet with leaders of the hospitality industry.
Reps. Mary Jane Wallner and Sherman A. Packard

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

The Main Street Republicans will meet every Wednesday at 8:00 a.m. in Room 212, LOB. All Republicans are welcome.
Rep. Cynthia J. Dokmo

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 **February 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

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Size/Grade</u>
Feb. 1	9:00	Deerfield Home school	20
Feb. 3	1:00	Concord Leadership	25
Feb. 4	9:00	Chichester Central School	36/4
Feb. 4	11:00	New Franklin School – Portsmouth	36/4
Feb. 5	10:00/11:30 SC/SH	Chester Academy	67/4
Feb. 9	9:00	Peter Woodbury School – Bedford	45/4

Feb. 10	9:00	Peter Woodbury School – Bedford	45/4
Feb. 10	10:30	St. Benedict Academy – Manchester	23/4
Feb. 11	9:00/10:30	Peter Woodbury School – Bedford	67/4
	SH/Manse		
Feb. 12	9:30/11:00	Weston Elementary School – Manchester	115/4
	SH/HM		
Feb. 17	9:30	Sanbornton Central School	29/4
Feb. 17	10:00	UNH Social Worker students	30/Col
Feb. 18	10:15/11:30	New Searles Elementary School – Nashua	66/4
	SH/HM		
Feb. 19	9:00	Kimball Walker School – Concord	27/4
Feb. 19	10:30	St. John Regional School- Concord	28/4
Feb. 24	2:00	Bedford Boy Scouts Pack 114	20/2
Feb. 25	9:30	Mascoma Valley Regional HS – French	26/HS
		Exchange Students (Canaan)	

WEDNESDAY, FEBRUARY 3

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2010-0081h

Amendment to HB 1149

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to incorporation by reference and filing of electronic documents in state agency rulemaking.

Amend the bill by replacing all after section 1 with the following:

2 Definition; File. Amend RSA 541-A:1, VI to read as follows:

VI. “File” means the actual receipt, by the director of legislative services, of a paper or electronic document required to be submitted during a rulemaking process established by this chapter. ***The term “file” shall also apply to any other response, submission, or written explanation required during a rulemaking process established by this chapter.***

3 New Paragraph; Definition Added. Amend RSA 541-A:1 by inserting after paragraph V the following new paragraph:

V-a. “Electronic document” means a document which complies with requirements established in the drafting and procedures manual under RSA 541-A:8. For electronic documents, a requirement during the rulemaking process for a signature accompanying the filing of an electronic document shall be met if such signature complies with the requirements of RSA 294-E.

4 Pilot Program; Electronic Filing. Amend RSA 541-A:2, IV(g) to read as follows:

(g) Establish, in consultation with the director of the office of legislative services, a pilot program authorizing procedures for electronic filing ~~[of notices and rules]~~ by agencies. Notwithstanding RSA 541-A:1, VI, the committee shall permit electronic filing ***or submissions*** by selected agencies pursuant to criteria established in the pilot program.

5 Effective Date.

I. Section 2 of this act shall take effect July 1, 2010 at 12:01 am.

II. Section 1 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows state agencies to incorporate by reference in its final rulemaking proposal a manual of best management practices. The bill also clarifies the procedure for an agency to file an

2010-0307h

Amendment to HB 1195

Proposed by the Committee on Transportation - C

Amend RSA 266:13-c as inserted by section 1 of the bill by replacing it with the following:

266:13-c Exception for Vehicles Being Towed. Notwithstanding any other provision of this subdivision, the following size restrictions shall apply to tow trucks and towed vehicles:

I. When any portion of the weight of a disabled unit rests upon a tow truck, such weight shall not exceed 600 pounds per square inch of tire up to 25,000 pounds per single axle, or 50,000 pounds per tandem axle set, or the weight allowed for axle groups under RSA 266:18 or RSA 266:18-a. The tow truck steering axle shall carry sufficient weight to maintain safe operation.

II. No disabled unit, including load, shall exceed 14 feet in height and 102 inches in width unless being towed under a special permit allowing a greater height or width or where an accident or collision has caused a disfigurement of the disabled unit resulting in a width greater than 102 inches but not exceeding 120 inches. During daylight hours the disabled unit shall carry warning flags indicating its maximum width. During the hours of darkness the maximum width shall be indicated by lighted clearance lamps that comply with 49 C.F.R. section 393.17. Rear view mirrors may extend to a point not in excess of that which affords the driver of the tow truck a view of the rear along both sides of the vehicle in conformance with 49 C.F.R. section 571.111. The combined overall length of the tow truck and disabled, damaged, or abandoned vehicles in tow shall not exceed 120 feet.

III. No single unit tow truck shall exceed 43 feet in overall length. No disabled unit shall exceed the maximum length for such unit under this subdivision or by special permit.

IV. A tractor truck and semi-trailer or full trailer, or a straight truck and full trailer combination shall only be towed in an emergency situation when a law enforcement officer or the department of transportation directs the disabled combination to be moved to the nearest safe location off the highway.

V. Exceptions to the limits of this section shall be considered on an individual basis by special permit, after the disabled unit has been moved to the nearest safe location.

VI. When towing occurs during the hours of darkness the towing vehicle and towed vehicles shall be subject to the lighting and reflector requirements in this chapter.

AMENDED ANALYSIS

This bill:

I. Establishes size restrictions for tow trucks and towed vehicles.

II. Exempts from height, length, width, and weight limits damaged, disabled, or abandoned vehicles while being towed by a tow truck.

2010-0244h

Amendment to HB 1230

Proposed by the Committee on Transportation - C

Amend RSA 259:12-e, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) The vehicle has a gross vehicle weight rating ~~[or]~~ **of 26,001 pounds or more;**

2010-0253h

Amendment to HB 1381

Proposed by the Minority of the Committee on Executive Departments and Administration - R

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

AN ACT establishing a committee on licensing trades and professions.

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

1 Committee Established. There is established a committee to study licensing trades and professions.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Review New Hampshire licensing of trades and professions and the licensing of trades and professions in other states.

II. Report on what trades and professions do not need to be licensed in New Hampshire.

III. Report the rationale for continuing to license other currently licensed trades and professions in New Hampshire.

4 Chairperson; Quorum. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010. The committee shall expire on December 31, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study licensing trades and professions.

2010-0259h

Amendment to HB 1435-FN

Proposed by the Committee on Health, Human Services and Elderly Affairs - R

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Pharmacists and Pharmacies; Definition Added. Amend RSA 318:1 by inserting after paragraph XV the following new paragraph:

XV-a. "Practitioner-patient relationship" means a medical connection between a licensed practitioner and a patient that includes an in-person exam, a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

2010-0292h

Amendment to HB 1513-FN

Proposed by the Committee on Election Law - C

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 Election Fund. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology. ***The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 15 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.***

3 Recount and Administrative Fee Account. Amend RSA 660:31 to read as follows:

660:31 Depositing Fees and Assessments. There is established in the state treasury a separate nonlapsing account to be known as the recount administrative and fee account. The account shall be used by the secretary of state for the administration of recounts under RSA 660, ~~and~~ to fulfill the duties established by RSA 455:17, ***and to meet matching fund requirements for federal elections programs.***

Notwithstanding any other provision of law, all fees which are paid to the secretary of state under RSA 660:1 and the portion of application fees for commissions as a notary public or justice of the peace under RSA 5:10 shall be credited to this account. All fees which are credited to this account shall be continually appropriated to the secretary of state.

4 Transfer of Funds. The treasurer shall transfer all funds deposited in the general fund pursuant to RSA 654:31, V, as amended by 2009, 144:219, to the election fund established pursuant to RSA 5:6-d.

AMENDED ANALYSIS

This bill:

- I. Directs fees collected by the secretary of state for checklist information to the election fund.
- II. Requires a specified balance in the election fund prior to expenditures from the fund.
- III. Authorizes using the recount and administrative fee account to meet matching fund requirements for federal elections programs.

2010-0301h

Amendment to HB 1586-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Statement of Purpose. The purpose of this act is to provide a mechanism by which a legislative standing committee may obtain a review of a proposed mandated health insurance benefit. This act provides that a proposed mandated benefit or an amendment to an existing law for mandated health benefits, mandated health insurance coverage, or mandated offerings of health benefits, may, upon request, be reviewed by the insurance department. The insurance department shall provide to the general court an actuarial review with regard to the mandated benefit proposal's medical efficacy and cost benefit.

2 New Section; Mandated Benefits Review. Amend RSA 400-A by inserting after section 39-a the following new section:

400-A:39-b Review and Evaluation of Proposed Insurance Mandated Benefit Proposals Under RSA 281-A, RSA 415, RSA 420-A, and RSA 420-B.

I. The commissioner is authorized to contract for an external review and evaluation of any mandated benefit.

II. Whenever a legislative measure containing a mandated benefit is proposed, the standing committee of either the house or the senate having jurisdiction over the proposal may refer the proposal to the insurance department for review and evaluation.

III. Upon a referral of a mandated benefit proposal from the standing committee of the house or the senate having jurisdiction over the proposal, or at the discretion of the commissioner, the insurance department shall conduct a review and evaluation of the mandated benefit proposal and shall report any results to the standing committee that has oversight of the mandated benefit. In the instance of a mandated benefit proposal affecting RSA 281-A, the review and evaluation by the insurance department shall be conducted in conjunction with input from the labor department.

IV. The report shall include, at a minimum and to the extent that information is available, the following:

- (a) The social impact of mandating the benefit.
- (b) The financial impact of mandating the benefit.
- (c) The medical efficacy of mandating the benefit.
- (d) The effects of balancing the social, economic, and medical efficacy considerations.

V. For the purposes of this section, a mandated benefit proposal is one that mandates insurance coverage for certain conditions, specific health services, specific diseases, or certain providers of health care services.

3 Repeals. The following are repealed:

- I. RSA 415:18-c, relative to coverage for autologous bone marrow transplants.

- II. RSA 420-A:13, relative to coverage for autologous bone marrow transplants.
- III. RSA 420-B:8-e, relative to benefits for autologous bone marrow transplants.
- 4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill reestablishes the procedure to provide for a review of mandated benefits by the insurance department. This bill also repeals the mandated coverage for autologous bone marrow transplants.

2010-0144h

Amendment to HB 1615-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT relative to the determination of value and a notice requirement for purposes of the utility property tax.

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

1 Findings and Intent. It is the intent of the general court to assess all properties in the state in a proportional and equitable manner. It is further the intent of the general court that RSA 83-F shall govern the valuation of utilities for purposes of the utility property tax administered by the commissioner of the department of revenue administration. The general court recognizes the requirement in RSA 83-F for rulemaking by the department of revenue administration and mandates the department to initiate the rulemaking process in the shortest time possible. Nothing in this act is intended to restrict the ability of any municipality to independently assess utility property for the purpose of locally administered municipal, county, school, or district taxes.

2 Determination of Value. Amend RSA 83-F:3 to read as follows:

83-F:3 Determination of Value. On or before December 1 of the tax year, the commissioner shall determine the **market** value of utility property for the purposes of this chapter by ~~[appraising such property at its full and true value]~~ **utilizing generally accepted appraisal methods and techniques. Market value means the property's full and true value as defined under RSA 75:1.** Notice of such determination shall be given to the taxpayer within 15 days of the commissioner's determination.

3 Returns and Declarations. Amend RSA 83-F:5, VIII to read as follows:

VIII. No later than 30 days ~~[prior to an anticipated]~~ **subsequent to the** sale or transfer of a utility's property or assets, the taxpayer ~~[responsible for the previous year's utility tax filing under this chapter,]~~ **acquiring such property or assets** shall notify the department in writing. Such notice shall include the name and address of the ~~[anticipated]~~ grantee, the date of the ~~[anticipated]~~ transfer, and all the terms of transaction.

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

AMENDED ANALYSIS

This bill requires utility property to be appraised at market value for purposes of the utility property tax. The bill also changes a notice requirement to the department of revenue administration for transfers of utility property or assets.

2010-0274h

Amendment to HB 1621-FN

Proposed by the Minority of the Committee on Legislative Administration - R

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

AN ACT prohibiting certain lobbyists from serving on a public agency or public body.

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

1 New Paragraph; Lobbyists; Prohibited Activities; Service on Public Agency or Body. Amend RSA 15:5 by inserting after paragraph II the following new paragraph:

III. No person required to register as a lobbyist under this chapter shall serve as a voting, advisory, alternate, or non-voting member of a public agency or public body as defined in RSA 91-A: 1-a, or a commission, committee, or advisory committee, if that service would provide a direct pecuniary benefit to the person, his or her employer, or any client of said person. A lobbyist who serves as a member of a public agency or body shall not participate in any decision of the agency or body which would provide a direct or

indirect non-pecuniary gain to the person, his or her employer, or any of the person's clients. Whenever a lobbyist commences service as a member of a public agency or body, and annually thereafter, he or she shall provide the public body with a list of his or her lobbying clients, along with a description of the business and activities of each of said clients. A lobbyist shall not be prohibited from testifying or offering information to any public agency, body, or public servant.

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

AMENDED ANALYSIS

This bill prohibits lobbyists from serving as a member of a public agency or public body where there is a direct pecuniary benefit, or from participating as a member of a public agency or public body where there is a direct or indirect non-pecuniary gain, and requires the lobbyist to annually provide a list of clients.

2010-0224h

Amendment to HB 1671-FN

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 1 with the following:

1 Identity Verification. Amend RSA 654:12, V to read as follows:

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented ***and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification.*** The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at a state general election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within 90 days after the general election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person ***to return the letter within 30 days with a written confirmation that the person registered and voted or*** to contact the attorney general immediately if he or she did not register and vote.

(c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. ***The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (b) and have not confirmed their registration.*** Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

2010-0281h

Amendment to HCR 22

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

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

A RESOLUTION urging Congress to develop and pass a comprehensive immigration reform program.

Amend the resolution by replacing all after the title with the following:

Whereas, the United States is a nation founded on immigration; and
 Whereas, the United States has one of the most liberal immigration policy of any industrial nation; and
 Whereas, there are over 12.6 million individuals currently residing in the United States who have been issued green cards, which provide them with legal, permanent resident status; and
 Whereas, there are over 8.1 million legal, permanent residents who are currently eligible to become United States citizens; and
 Whereas, in 2008 the United States issued in excess of one million green cards to individuals from over 219 countries, thereby making many of them eligible for United States citizenship within 3 to 5 years; and
 Whereas, in the first 9 months of 2008, over 665,000 permanent residents became United States citizens, and
 Whereas, the United States has a yearly cap of 70,000 hardship visas; and
 Whereas, in 2008, 22,930 individuals who were in the United States illegally were granted asylum, and, of this group, over 10,000 were granted asylum by an immigration judge during the removal process; and
 Whereas, in 2008, the United States granted refugee status to over 37,000 individuals because of persecution or a well-founded fear of persecution based on race, religion, nationality, membership in a certain social group, domestic violence, or political opinion; and
 Whereas the United States has an established work-related visa program, which includes 65,000 yearly H-1B visas for highly skilled persons, as well as H-2A and H-2B programs for lesser skilled workers; and
 Whereas, the spouse or minor child of a permanent legal resident or green card holder has an approximately 5 year waiting period; and
 Whereas, since it would be impractical, if not impossible, to expel the estimated 12 million people who have entered this country illegally or have overstayed their student, vacation, or work visas, the United States must develop a comprehensive immigration reform program; and
 Whereas, the United States is a nation based on laws; therefore, it is important that no one who entered illegally or overstayed a visa be allowed to benefit by violating the laws of the country of which they desire to become a citizen; and
 Whereas, the United States has an immigration system which is not perfect, but which allows over a million people each to enter the county legally, and has a legal system to allow an immigration judge grant asylum status and to suspend or halt deportation in appropriate cases; and
 Whereas, any comprehensive immigration reform program must protect the status of the country's 12.6 million legal residents; now, therefore, be it
 Resolved by the House of Representatives, the Senate concurring:
 That the general court of New Hampshire urges Congress to develop and pass a comprehensive immigration reform program that provides a path to legal permanent resident status with the opportunity for citizenship to all those that qualify, without punishing law-abiding permanent residents; and
 That copies of this resolution be sent by the house clerk to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This resolution urges the United States Congress to pass comprehensive immigration reform that protects the status of any person who has entered the United States legally.

2010-0279h

Amendment to HCR 30

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the resolution by replacing the title with the following:

A RESOLUTION urging the attorney general to fully investigate the proposed transaction between Catholic Medical Center Healthcare System and Dartmouth-Hitchcock Health.

Amend the resolution by replacing all after the title with the following:

Whereas, 10 years ago Catholic Medical Center and Elliot Hospital, 2 health care charitable trusts in the city of Manchester, tried to merge into a single entity known as Optima Health; and

Whereas, the merger raised profound questions and concerns in the community regarding the fiduciary duties of both entities to their charitable missions; and

Whereas, the public and members of the general court became very concerned with the overall fate of both hospitals and therefore called upon the attorney general to investigate; and

Whereas, the attorney general's office at that time conducted a special investigation into Optima Health pursuant to both common law and the statutory authority of the New Hampshire attorney general as the director of charitable trusts, and which concluded that the parties had to dissolve the merger; and

Whereas, the attorney general and the parties involved in the Optima Health merger brought the matter before the probate court over the dissolution of the merger; and

Whereas, 10 years later, Catholic Medical Center Healthcare System is again attempting to enter into a transaction with another charitable trust/health care system, this time with Dartmouth-Hitchcock Health, which will integrate 2 completely unique healthcare systems; and

Whereas, the community is again challenged by the profound consequences, whether intended or unintended, of such an integration by these 2 distinct and unique charitable entities, including the loss of one or both of the charities and/or their assets; and

Whereas, it is the duty and obligation of the attorney general through the director of charitable trusts to oversee New Hampshire charitable institutions and to preserve and protect New Hampshire charitable assets; and

Whereas, after the failed Optima Health merger, the general court enacted RSA 7:19-b, regulating acquisition transactions involving healthcare charitable trusts, which statute applies to this proposed transaction; and

Whereas, the attorney general is presently in the process of reviewing the transaction under RSA 7:19-b, and has hired special counsel to assist in this review as provided by law; and

Whereas, the provisions of RSA 7:19-b do not supplant or restrict the general powers of the probate courts with respect to charitable trusts under existing law; and

Whereas, this proposed transaction raises many complicated legal issues which can only be resolved by a probate court, because no other entity has the authority or jurisdiction to rule on such issues; and

Whereas, it is the duty of the general court to call upon the attorney general through its director of charitable trusts, to conduct a thorough, legal review of this proposed transaction, which would include a referral of this matter to the probate court for independent and impartial rulings of law by a neutral and detached judge learned in the field of charitable trust law; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court hereby requests that the attorney general bring this proposed transaction before the probate court for Hillsborough county for a full review of all issues presented by the proposed transaction which are within the jurisdiction of the probate court, to ensure that these 2 unique charitable institutions preserve and protect their New Hampshire charitable identities, missions and assets; and

That the attorney general file a formal report of his or her actions and decisions taken pursuant to RSA 7:19-b with the general court within a reasonable time so that the public may be satisfied that the director of charitable trusts has fulfilled his or her statutory and common law obligations to the community and to this state; and

That the house clerk deliver a copy of this resolution to the attorney general.

AMENDED ANALYSIS

This house concurrent resolution urges the attorney general to fully investigate the proposed transaction between Catholic Medical Center Healthcare System and Dartmouth-Hitchcock Health.