

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, March 5, 2010	No. 19
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Contains: Reports and Amendments for March 10 and 11, Governor's Veto Message on HB 276-FN, 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, March 10th at 10:00 a.m.** The House will also meet on **Thursday, March 11th**, Wednesday, March 17th, and Wednesday, March 24th.

In prior years we have rotated consideration of committee reports on the Regular Calendar. In this way, all committees have an opportunity for their bills to be heard early in the session day. On March 10th, following the Special Order bills, we will begin with the Committee on Health, Human Services and Elderly Affairs.

There will be no House business conducted on Tuesday, **March 9th**, Town Meeting Day.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 10** and Thursday, **March 11** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 10** at **8:45 a.m.** in Rooms 305-307, LOB.

Rep. Sherman A. Packard, Republican Leader

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:

TO BE MAILED FRIDAY:

March 11

March 12

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

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

GOVERNOR'S VETO MESSAGE ON HB 276-FN

By the authority vested in me, pursuant to Part II, Article 44 of the New Hampshire Constitution, on February 12, 2010, I vetoed HB 276-FN, an act relative to challenges of voters.

This legislation was passed by the House of Representatives on April 8, 2009 and was sent to the Senate. The Senate first heard and then re-referred the bill to the Senate Election Law and Veteran's Affairs Committee. The bill was brought forward this year and approved by the Senate on January 21, 2010. In passing the bill, the Senate should have amended the effective date to provide for prospective application of the voter challenge law. For this reason, I am vetoing HB 276-FN.

I appreciate the sponsor's efforts to clarify the procedures for voter challenges in state elections. I believe that any legislation governing voter challenges must continue to allow our state elections to proceed in an efficient manner while protecting the rights of all voters.

Respectfully submitted,
John H. Lynch
Governor

Dated: February 12, 2010

WEDNESDAY, MARCH 10 SPECIAL ORDER

WAYS AND MEANS

HB 1445-FN-A-L, eliminating the meals and rooms tax on campsites. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John D Kelley for the **Majority** of Ways and Means: The rooms and meals tax is on meals and the rental of cars, hotel rooms, cabins, etc., including the rental of land and facilities in a campground. Basic tent sites with no facilities pay little tax. The more facilities the higher the tax. Campers from neighboring states which charge sales and varying local taxes are surprised that New Hampshire did not have a tax. They do not have a problem paying it. Campground owners testified that weather and the economy are what is primarily affecting current revenue from campgrounds as well as the tax. We cannot give up any revenue at this point. **Vote 10-9.**

Rep. David J Bettencourt for the **Minority** of Ways and Means: From its conception, this new tax has generated considerable upheaval. The tax was unjustly adopted last session, without a public hearing, during the wee hours of the morning at the deadline of the budget committee of conference process. It represented the largest tax hike in the country as the tax went from zero percent to nine percent. At its core this tax causes significantly more problems that it purports to solve. During these economic difficulties, campsites barely have enough money to get through the season. At best a tax increase of this magnitude puts them at a competitive disadvantage; at worst it could put many campgrounds out of business. Additionally, this tax affects working people who cannot afford to go on expensive vacations so instead bring their families camping. Nothing can hide the fact that New Hampshire citizens of modest means will unfortunately be digging deeper into their already empty wallets because of this tax. In the end, the minority believes that it is wrong to subject campers to the rooms and meals tax when they supply both their own rooms and meals, which essentially means we are taxing our citizens to sleep on the ground at our campsites.

COMMERCE AND CONSUMER AFFAIRS

HB 1244, relative to insurance fraud. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B Hunt for the **Majority** of Commerce and Consumer Affairs: This bill has two sections. The first prohibits insurers from not only requiring, as is current law, but rather barring the warning language regarding insurance fraud in communications with an insured or potential claimant. This is standard language that most states require. The second section of the bill requires insurers to include language in all communications with an insured or a potential claimant advising them of their right to file a complaint with the New Hampshire insurance department. Although the committee does not have a problem with requiring insurers to add the NH insurance department complaint department phone number, the committee is strongly opposed to repealing and penalizing insurance companies from requiring customers to be aware that, "Any person who, with a purpose to injure, defraud, or deceive any insurance company, files a statement of claim containing any false, incomplete, or misleading information is subject to prosecution and punishment for insurance fraud as provided in RSA 638:20." Insurance fraud begins when someone files a false statement; this bill would be a step backward in stopping insurance fraud. **Vote 11-5.**

Rep. Paul McEachern for the **Minority** of Commerce and Consumer Affairs: The minority believes that removing the fraud warning from correspondence from insurance companies to their insureds removes the stigma of that which goes with making a loss claim under an insurance policy. The minority feels that the fraud warning is intimidating to honest policy holders who have suffered a loss.

HB 1444-FN, allowing the purchase of drugs from Canada. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward A Butler for the **Majority** of Commerce and Consumer Affairs: The committee requested the recommittal of this bill in order to review its previous 17-2 vote of ITL. While the committee very much wishes to support a bill that would lower the costs of prescription drugs for everyone, we believe that this bill is not the answer to the problem. Presently, it violates federal law to import medicines from Canada, though the FDA has said it will not prosecute individuals who import small (3 months or less) amounts for personal use. Of concern however is the lack of accountability for safety standards and lack of legal recourse should a NH resident find a dispensing error or discover the product has been misbranded or adulterated. This is particularly troublesome since many drugs coming into Canada, primarily via the internet, are from other countries, such as China and India, where quality controls are unknown. In violation of federal law some cities and a few states created programs to purchase drugs from Canada. In all cases we know of, those programs are no longer operating. The costs savings turned out not to be as significant as projected. Interestingly, the committee heard testimony that recent changes in access to more affordable drugs for seniors, especially generics, has diminished some of the need for drugs from outside our borders. There is no doubt that efforts to control and diminish the cost

of prescription drugs need to continue. There is one bipartisan bill proposed in Washington, the Dorgan-Snowe Pharmaceutical Market Access and Drug Safety Act, which proposes to import FDA-approved medications from countries which already manufacture many drugs under FDA scrutiny, namely Canada, Europe, Australia, New Zealand and Japan. This bill would do nothing to change what is already allowed or illegal so the committee cannot support it. **Vote 12-4.**

Rep. Joel F Winters for the **Minority** of Commerce and Consumer Affairs: Existing state laws do not prohibit either individuals or pharmacies from purchasing drugs from Canada. No testimony was offered that any person or pharmacy anywhere has ever been charged under state law (since it doesn't exist) for purchasing drugs from Canada. Each pharmacy that chose to violate federal law and risk federal charges under HB1444 would now be subject to a new state regulation included in this bill. Importing drugs from Canada makes such a great sound bite, that even though this bill accomplishes nothing, the minority recommends passing it so we can brag about it during this election year.

HB 1502, relative to costs associated with cashing payroll checks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David J Palfrey for the **Majority** of Commerce and Consumer Affairs: This bill requires an employer to instruct a financial institution that charges a fee for cashing a payroll check drawn on that institution to charge such fee to the employer's account. The majority of the committee felt that this would penalize the employer because the employer would have no prior knowledge of when a charge would be or was charged against their payroll account. It would also cause problems if the employer was outsourcing its payroll as it would be required to maintain an unknown amount as a surplus in its payroll account to cover such charges if and when made against its account. The employee may avoid the charge by establishing an account relationship with the bank in which the employer maintains its payroll account. The employee also has the option of cashing or depositing a payroll check with another financial institution in which the employee has an account relationship. **Vote 10-5.**

Rep. Joel F Winters for the **Minority** of Commerce and Consumer Affairs: This legislation is a response to Bank of America's practice of charging a \$6 fee for non-customers cashing their payroll checks drawn on Bank of America, a practice that puts employers in violation of RSA 275:43, I(e), which requires that an employee be able to cash their payroll check for the full amount of the wages due. HB 602, which passed 18-1 out of committee last year and passed the House on the consent calendar before dying in the Senate, addressed this problem by putting a requirement on a bank to charge any fee to the employer instead of the employee. Employers would be required to instruct the bank to charge the fee to their account and not to the employee under this legislation, a subtle but important difference in where the responsibility is placed. The House should continue to support the fundamental right of a worker to receive the all of the wages that they have earned.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1146, eliminating requirements for additional breath tests for blood alcohol content. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. The committee had some questions on this piece of legislation, including the constitutionality of the bill. The committee would like to ask the House to send questions concerning certain provisions of the bill to the supreme court for an advisory opinion and then address the issues later this session. The chairman of the committee will offer a motion to table this bill, in order to address a House Resolution, drafted at the request of the committee pursuant to House Rule 35 (c), requesting an Opinion of the Justices. **Vote 18-0**

HB 1628, establishing guidelines for neighborhood notification upon release of a sexual offender. **OUGHT TO PASS.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill requires the commissioner of the department of safety to develop and furnish, to the cities and towns of the state, guidelines which may be used by local law enforcement agencies for providing neighborhood notification of the release of a sexual offender to residents living in the neighborhood in which the offender will reside. This would put all municipalities on the same protocol. **Vote 16-3.**

EDUCATION

HB 1400, requiring all colleges and universities to report crimes to the local law enforcement agency. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick M Ladd for the **Majority** of Education: Post secondary education institutions and local law enforcement agencies need to work cooperatively in addressing crimes occurring on campus property. This bill, with amending language, states that absent a memorandum of understanding, any post-secondary public or non-public institution that has un-sworn law enforcement personnel shall immediately communicate certain campus crimes with local law enforcement. A memorandum of understanding between the institution and local law enforcement shall identify a process for immediately reporting offenses as listed in the National Incident Based Reporting System, Group A. Such agreements shall be in place by January 1, 2011 and colleges and universities are encouraged to annually inform students of this statute. All colleges and universities are urged to work cooperatively with local law enforcement authority in the interests of safety and well being. The bill as amended is also supported by the New Hampshire Association of Chiefs of Police. **Vote 19-1.**

Rep. Paul Ingbreton for the **Minority** of Education: Colleges and local law enforcement now have the discretion to determine together in “memorandums of understanding” which crimes outside of NIBRS group A offenses must be reported immediately and which not. This is to protect naïve students from themselves in certain less serious areas of crime in which others are not injured or aggrieved and all agree with the need to do so. However, this bill brought forward by law enforcement in two towns tilts the scales away from mutual understanding and gives the law enforcement community the power to force its will on the college by giving them the stick that as long as there is no “memorandum of understanding” – which they, the police, could indefinitely postpone on their own – colleges would be forced to potentially ruin young lives by making them report any and all, even minor issues, to the local police immediately. This is well intended but seriously flawed legislation.

HB 1411, requiring notice of the decision against rehiring be provided to educational support personnel. **WITHOUT RECOMMENDATION.**

STATEMENT IN FAVOR OF OUGHT TO PASS:

As amended, this bill demonstrates a collaborative effort to simply provide notification by the last day of a school year to education support personnel and non-certified school district employees who have completed their probationary period of employment of the intent that their employment will or will not continue into the next school year. Most importantly, if the employee knows that a job is not going to be available in the next school year, he or she can then begin the process of seeking a job without losing up to two months of inactivity. In the current job market it is important not to lose valuable time while waiting for notification in late summer. The bill allows the employer to state any conditions such as budget or changes in enrollment that might necessitate a change to that anticipated employment. Nothing in this bill would construe, amend, replace or otherwise modify a school district’s policy on dismissal, collective bargaining agreements or any employee benefits package. Not all support personnel are part of a collective bargaining unit and therefore have no access to union negotiations.

Rep. Nancy F Stiles

STATEMENT IN FAVOR OF INEXPEDIENT TO LEGISLATE:

A bipartisan coalition of the education committee members supported that this bill as amended was inexpedient to legislate for four reasons. One, the legislation would potentially restrict or eliminate budgetary flexibility to fund unanticipated expenses and staffing reallocation, post-budget passage, for our financially strapped school districts. Two, support personnel employment notification requirements have been negotiated through collective bargaining agreements. Three, this bill should have been assigned to the house labor committee to be thoroughly vetted for its impact on existing employer-employee labor relations law. Four, the bill contains no fiscal note for its financial impacts upon our school districts. The New Hampshire school boards association and New Hampshire School Administrators Association also oppose this legislation.

BILLS REMOVED FROM CONSENT CALENDAR

CHILDREN AND FAMILY LAW

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P. Moran for Children and Family Law: The committee, after considering several amendments as well as the original bill, concluded that as well intentioned as the language was, it didn't change the fact that few rights are absolute and any judicial interpretation would still require a provision for "state" intervention in the event that a child's welfare was in serious jeopardy as a result of parental abuse or neglect. The propensity of the "state" to intervene has increased dramatically since the days of Oliver Twist. We may have arrived at a point of excessive intervention into family matters. If so, it is the consequence of the cultural phenomenon of a society in search of an elusive balance and will probably be only solved by a society willing to be intellectually honest about what is both fair and productive in the context of a constitution that has served it so well. **Vote 16-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1647-FN, relative to residency restrictions for certain sexual offenders and relative to requiring persons convicted of first or second degree homicide against a child to register for life. **INEXPEDIENT TO LEGISLATE.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This proposal was unanimously defeated by the committee for several reasons. First, the bill as written would exclude Tier III offenders from inclusion in the registry unless the victim was under 18. Currently, offenders who knowingly cause a person's death in the commission of, or while attempting to commit, felonious sexual assault regardless of the age of the victim are included. Secondly, HB 1647 would expand the definition of public registry offenses. The committee is concerned that to do so incrementally and piece-meal may decrease the overall effectiveness of a public list. The committee has with other related legislation recommended Interim Study so that a complete and exhaustive evaluation of public registration might be conducted. Finally, HB 1647 prohibits an offender from living anywhere within 25 miles of his or her victim or the victim's relation by blood or through marriage including mother, father, son, daughter, sister, brother, husband, wife, grandfather, grandmother, grandson, granddaughter, great-grandchildren, step-parent, step-children, aunt, uncle, nephew, niece and former spouse. This provision would be wholly unworkable as it would require the offender to know and respond to the whereabouts of his or her victim and all the victim's family. Moreover, the committee has heard repeated credible testimony that residency restrictions do not offer protections and may hamper registry compliance and law-enforcement. **Vote 16-0.**

HB 1653-FN, decriminalizing possession of one quarter of an ounce or less of marijuana. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill decriminalizes the possession of a small amount of marijuana (1/4 oz. or less) for persons over the age of 18 years. This bill does not permit or address medical use at all. An offender under 18 yrs of age would be subject to a violation and a \$200. fine. A violation of this statute would also require that parents and/or legal guardian would be notified of the offense and the offender would be required to complete a drug awareness program and community service within one year of the violation with proof of completion of requirements presented to the court. Failure to comply would result in a fine of \$1,000. Passage of this bill would decrease the workload of already overburdened courts, prevent young offenders who use poor judgment from being charged with criminal offenses that might

impact their future vocational and educational goals and would be good, sensible, common sense public policy. There is no fiscal impact on local expenditures or county and local revenue. **Vote 16-2.**

EDUCATION

HB 1412, requiring due process for educational support personnel. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E Day for Education: This bill required all school districts, administrative units, public academies, and chartered public schools to provide all employees with due process protection. The committee felt this was a complex labor issue that should not be addressed at this time because of its effect on employment in both schools and the state. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1422, establishing a committee to study the establishment of a department of natural resources. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan S Flurey for Executive Departments and Administration: This bill forms a legislative committee of five members (3 house and 2 senate) to determine the feasibility of creating a department of natural resources within the executive branch. The aim of this reorganization would include improved stewardship of state resources and parks including forests and trails; increased efficiency and lower costs of state government, improved job growth and economic development in the state; and enhanced preservation of the state's natural resources for residents and tourists. The intent is for one department to exclusively focus on safeguarding New Hampshire's natural resources. At least forty-four other states utilize this approach to structure the protection of their natural resources and provide a legacy for future generations. The federal government also organizes its responsibilities to protect the nation's natural resources through one department: the department of interior which includes the national park service, national forests, bureau of land management, bureau of reclamation, and office of natural resource restoration and wildlife. **Vote 17-0.**

FINANCE

HB 1569-FN, relative to the salaries of certain unclassified positions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra B Keans for Finance: There has been a continuing shortage of pharmacists at the NH hospital and state-wide, resulting in the need to hire consulting pharmacists at \$78/hour. This bill, after thorough review by the joint committee on employee classification, adjusts the grades to be more in line with the prevailing salaries. We expect with the new adjustment to fill all vacancies and save \$300,000 in contracted services. **Vote 22-0.**

LEGISLATIVE ADMINISTRATION

HB 1304, extending the task force on homeless teenagers and the commission to study alternate fuel vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Legislative Administration This is the annual bill to extend the reporting dates of those study committees that need a bit longer to complete their duties. The committee agrees that giving these committees extra time to finish their good work is appropriate and in the best interests of the people of New Hampshire. These committees include: the Task Force on Homeless Teenagers (report date extended 1 year to 9/1/2010), the Commission to Study Alternate Fuel Vehicles (report date extended 4 months to 3/1/2010), the Committee to Study the Certificate of Need Process (report date extended 9 months to 11/1/2010) and the Task Force to Study Access to Dental Care (report date extended 1 year to 11/1/2010). **Vote 16-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1194, prohibiting smoking on beaches at state parks. **REFER FOR INTERIM STUDY.**

Rep. Marcia G Moody for Resources, Recreation and Development: This bill preserves the natural resources and enjoyment of beaches at our state park beaches. Second hand smoke has been

found to be particularly harmful to those with chronic breathing difficulties. But the general public also has a right to enjoy the outdoors at beaches where large crowds congregate. In addition, discarded filters present a huge trash problem, and are injurious to birds, aquatic life and water quality. The state of Maine enacted a ban on smoking at their beaches last year. Interim study will give New Hampshire an opportunity to assess the effectiveness of this approach. **Vote 16-1.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1610-FN, establishing a New Hampshire commission on Native American affairs and recognizing the Abenaki and other American Indian residents as a minority population in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: Based on the 2000 census approximately ten thousand New Hampshire residents identify their households as Native American. HB1610 would follow the lead of our fellow New England states along with the majority of our sister states by forming a commission on Native American affairs. The major goals of the commission are to highlight the historical and cultural contributions of Native Americans to the history of New Hampshire, improving the welfare and quality of life for our Native American citizens, along with how we as a people, all people can work together for the betterment of the common good. HB1610 doesn't single out any one tribe or group of Native Americans for special note; it requires the commission to be all inclusive, non-partisan, and non-tribe specific. Its mission covers all Native Americans past and present regardless of origin or tribe. An additional goal of the commission on Native American affairs would be to use federal laws to protect New Hampshire's Native American small businessmen and women when it comes to the creation and sale of Native American products. **Vote 17-0.**

TRANSPORTATION

HB 1465-FN-A, establishing firefighter number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation: After cost adjustments, monies from these plates would fund the NH fire academy. Although this has merit, the committee hears several plate requests annually. There is a study committee to look at these requests and report back with a recommendation of a fair system for these plates. Therefore the committee recommendation of ITL was due more to timing and waiting for the results of the study committee. **Vote 15-0.**

WEDNESDAY, MARCH 10

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1216, relative to the amount of the self-support reserve in child support cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Susan M. Ford for the **Majority** of Children and Family Law: Currently the New Hampshire self-support reserve nears 100% of the federal poverty guidelines for a single person living alone. While the majority of the committee feels this amount is too low, it was determined that this issue is best dealt with when the child support guidelines are addressed in interim study during the summer and fall of 2010. **Vote 9-7.**

Rep. David A. Bickford for the **Minority** of Children and Family Law: This bill was one of six recommendations of the University of New Hampshire Cooperative Extension 2009 New Hampshire child support guidelines reviews and recommendations report. The state paid \$120,000 to obtain these recommendations. The bill would increase the self-support reserve from 100% of the federal poverty guideline to 115% or \$903 to \$1038 before the guidelines formula is applied. The minority felt that the current reserve amount is without foundation and the 115% included in the recommendations was based on extensive study.

COMMERCE AND CONSUMER AFFAIRS

HB 1180, relative to the use of clotheslines. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: There is no doubt that drying laundry on clotheslines and drying racks saves energy and is a laudable practical personal green behavior. However, most of the restrictions on such use are part of the bylaws of homeowners' and condominium associations, and thus are part of private contracts. Testimony was heard from a representative of the municipalities who feels that such restrictions, or prohibitions against same, should be left to democratic action and consensus at the local level, or within the associations themselves. **Vote 13-4.**

HB 1234, relative to disclosure of property rights and responsibilities in the sale of shorefront property. **REFER FOR INTERIM STUDY.**

Rep. John B Hunt for Commerce and Consumer Affairs: The analysis states that this bill requires the seller of shorefront property to disclose to the purchaser the rights and responsibilities of shorefront ownership. Unfortunately the bill went much farther, because it also requires "any lease for the rental of real property" also have written and signed disclosure's of the shoreline protection act. The committee is committed to find a workable method to inform purchasers of lake front property of their new responsibilities under the shoreline protection act but we just ran out of time to work on this bill. Interim Study is the best way to work out the problems. **Vote 13-3.**

HB 1252, relative to the duration of medical payments coverage under motor vehicle liability policies. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for the **Majority** of Commerce and Consumer Affairs: This bill is a technical change to the medical payments portion of a person's car insurance. Currently, most plans allow reimbursements for medical expenses related to a claim for up to 3 years after a qualifying incident. This bill would require all plans to adopt this time frame as a minimum standard. The insurance department assured the committee that this will not affect premiums, but will help those who need to use their medical payments insurance to cover expenses for a long-term condition as a result of an accident. An example of where this could be helpful is for payment of co-pays for on-going physical therapy for an injury from a car accident. **Vote 9-7.**

Rep. James F Headd for the **Minority** of Commerce and Consumer Affairs: The minority believes there is no need for this bill. The bill mandates coverage that most automobile insurance policies currently provide, and there was not testimony at the hearing that this bill addressed any real problem or that anyone would benefit from its passage. The bill would force those insurers which provide a different medical payments benefit period to submit a filing with the insurance department and, after that, to change their policy forms. This bill would create a law in an area where the private market is doing its job and a law is not needed.

HB 1392-FN, requiring insurance companies to report to the insurance department the number of claims denied. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B Hunt for the **Majority** of Commerce and Consumer Affairs: This bill requires insurance companies to report to the commissioner of the insurance department the numbers of claims denied. The bill assumes that there is potentially information gained by noting the number of rejected claims by an insurance companies. The reality is to attempt to sort through the reasons for rejection would be costly to both the insurance companies and the insurance department for questionable data. Many denials are the fault of the providers billing the wrong insurance companies or not properly filling out the forms. **Vote 10-6.**

Rep. Paul McEachern for the **Minority** of Commerce and Consumer Affairs: The minority believes that requiring insurance companies to report to the insurance department the number of claims denied will give the insurance department important data to look more closely at a company with a high claim's denial record.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill as amended does three things. First of all, it prevents the state from mandating fire sprinklers in one- or two-family homes through either the fire code or the building code. There are many reasons why mandating sprinklers in new and significantly remodeled homes is not nearly as simple as it might sound. Most importantly, the state must be very mindful of imposing mandates on our residents in the privacy of their own homes. Sprinklers can add significant cost to the price of a home, especially if the installation of a sprinkler system necessitates the installation of a water tank and pumping system sufficient to run the sprinklers for a set period of time. Additionally, there are many different types of homes that do not easily accommodate the infrastructure for sprinklers, such as log homes, which then need additional costly modifications. Addition of sprinklers to HUD coded manufactured homes can cause the builder to conflict with requirements of federal statute. These complications and expenses make workforce housing more costly and make the dream of home ownership more difficult to achieve for families of moderate means. The second thing the bill does is create a study committee to review the current status of sprinkler requirements in one and two family homes at the federal, state and local level and make recommendations about what is appropriate for New Hampshire. Sprinklers can save lives and property and in areas with volunteer fire departments they can be part of the strategy to minimize expense for expanding safety infrastructure to remote areas. Finally the bill creates a cooling off period of three years so that the committee may do its work. Many towns have current regulations which are the result of study and input from local fire and planning officials and the majority agreed that these laws should not be affected while the committee weighs the facts. However it is also important that we have consistency and stability in our laws. The cooling off period in no way restricts towns from working with safety officials and builders to meet the needs of the town for management of available resources. It simply maintains the status quo while the larger ramifications of mandates are determined to ensure the benefits of the policy to all. At the current time, the home construction and remodeling industry is in crisis with job losses above the average for our state, and the majority feels that implementation of this bill will help stabilize this industry and not further delay recovery in this very important sector of our economy. **Vote 15-3.**

HB 1488-FN, relative to New Hampshire HealthFirst. **OUGHT TO PASS.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: Rolled out in 2009, New Hampshire's Health First was intended to create an affordable "standard wellness" policy that would bring down health care costs for businesses in the small group (less than 50 employees) market. It was also designed to reduce out of pocket expenses and to improve the health status of workers by covering routine health needs and incentivizing wellness behaviors. Health First has not proven to be competitive as hoped. Many small businesses still must turn to simple high deductible policies for their employees. By adding a "basic wellness plan" to New Hampshire Health First statute, we have an opportunity to examine other insurance design models for the purpose of bringing down policy costs, continuing to work to help our small businesses. **Vote 14-3.**

HB 1605-FN, requiring businesses to disclose the terms and conditions of any continuing or automatic obligation as part of the sale. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B Hunt for the **Majority** of Commerce and Consumer Affairs: This bill requires businesses to disclose the terms and conditions of any continuing or automatic obligation resulting from the initial purchase of goods or services by telephone or on the Internet in bold, conspicuous language on the order form, bill, invoice, or other electronic or paper record used to process the sale or transaction. The bill exempts any transaction that may occur as a result of a mailing. Any banking, credit card or insurance transactions would also be exempt. Although the committee appreciates the intent of the bill, the wording and concerns over enforceability were such that even the amendment that was offered could not fix it. **Vote 12-6.**

Rep. Paul McEachern for the **Minority** of Commerce and Consumer Affairs: This bill addresses a practice of offering items or services, usually at the cost of mailing, without disclosing that the consumer, by taking the goods or services, obligates himself or herself for continuing charges on

their credit card. The attorney general's office testified that this bill would give them some leverage to end this scheme.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1639-FN-L, relative to the tethering of dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill would amend RSA 644:8, III to add, as a separate category of cruelty to animals, the tethering of a dog for more than fourteen cumulative hours in a twenty-four hour period. It also would contain requirements for a proper tether which the majority felt was unduly intrusive. We also felt that the current statutes are adequate at this time because this bill, if enacted, would punish all animal owners, including mushers, rather than the occasional animal abuser. **Vote 13-2.**

EDUCATION

HB 1414, relative to teacher evaluations. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly C Shaw for the **Majority** of Education: The intent of the bill is clearly to require the department of education and professional standards board to review certain general and professional education certification and re-certifications requirements, and align such requirements with nationally recognized teacher and administrator personnel evaluation standards in order to develop a model for local evaluation practices. Certification and re-certification standards already exist in rules and are up for review. This bill also would require that teacher evaluations be based on multiple research-based measures. Numerous concerns regarding mandates and local control regarding specific language and terms of intent suggested that more discussion and clarification is necessary. **Vote 12-8.**

Rep. Pamela G Price for the **Minority** of Education: The minority's belief as to why this bill should be found inexpedient to legislate is best summarized by one who stated that out of 1,000, there are 999 reasons to vote against this bill. This bill proposes that teachers be evaluated on multiple, reliable and accurate measures. The subject was motivated by the race to the top program which includes evaluation based upon only one criteria. However, a representative from a teachers union testified that they were unaware of any district that used only one measure. An amendment proposed to have the department review nationally recognized evaluation standards, and to have the state board of education adopt rules requiring teachers be evaluated using these criteria as a guideline. The majority believes that this should be studied further. The minority believes this interferes with local control. Many local employment contracts address this subject. Further, the local employer should have the ability to determine the criteria for the performance measurement. Although argued that the performance standards are intended to serve as a guide, it is the opinion of the minority that these may become the mandate for review. Finally, the minority believes that this leaves a lot of discretion to the rules process and the legislature should give as much direction as possible so the intent is clear to the department. This bill appears to be a solution to a problem which doesn't exist and it interferes with local control.

HB 1523, revising the pupil safety and violence prevention act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill updates the state's pupil safety and violence prevention act under which public schools, including charter schools, respond to bullying, harassment and intimidation. This bill is a collaborative effort of stakeholders with bi-partisan legislative support. The committee heard testimony from students, parents, educational professionals and child advocates of the prevalence and seriousness of bullying in our schools, and the need to strengthen the law to better protect students, and to involve parents in the process. The bill clarifies the definitions by describing all types of bullying and addresses the goal of preventing "hostile educational environments" in our schools. Cyberbullying is added to the statute, and schools are given the guidance to address incidents that create a hostile educational environment though they may originate off school property. The bill offers greater guidance to school districts to improve their policies and procedures for reporting, investigation, documentation, and response to incidents of bullying, harassment, intimidation, and

cyberbullying. It also requires annual training for school personnel, students and parents, and directs the department of education to collect data on substantiated incidents of bullying. The purpose and intent section is expanded to make clear the General Court's commitment to protect our children, and acknowledges that while any pupil can be the victim of bullying, research identifies some children to be more vulnerable than others to harassment, intimidation and cyberbullying. **Vote 19-1.**

HB 1580, relative to home schooling. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kimberley S Casey for the **Majority** of Education: This bill was written to allow parents to home school their children outside the jurisdiction of state law, including but not limited to, school attendance, and notification of home school intent. There are three options to meet the compulsory attendance requirement. They are: public school attendance, private school attendance, or home education pursuant to RSA 193-A. This bill would establish a fourth category, that being homeschoolers who operate outside the purview of RSA 193-A. The majority felt creating a new class of home school children with no regulatory frameworks of RSA 193-A goes too far. **Vote 12-7.**

Rep. Paul Ingbertson for the **Minority** of Education: Passage of HB 1580 would insure and reinforce the right of parents to determine, without limitation, the direction of the education of their children. Parents may choose to educate at home, enroll them in a private school, have them tutored privately or enroll them in public school. Failing to educate their children would expose parents to state laws having to do with abuse and neglect. Put another way, this bill affirms that, while education is compulsory, parents retain the right to choose the way in which that would be achieved.

HR 21, urging the department of education to conduct a survey of New Hampshire educators. **OUGHT TO PASS.**

Rep. Pamela G Price for Education: This resolution simply encourages the New Hampshire department of education to ask educators for their input on our education system. Teachers are a valuable source of information on what is happening in the schools. There can be positive outcomes. Additional programs, including one on leadership, were done for teachers in another state after such a survey was conducted. This could be done online at little or no cost. We believe it is important to ask those closest to the students for their input. **Vote 14-6.**

ELECTION LAW

HB 1188, relative to nominating a political organization by nomination papers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. David M Pierce for the **Majority** of Election Law: Easier access to the ballot is important for our elections. This bill is a small step to get us there because it opens up the ballot. First, HB 1188 keeps the sponsor's bill completely intact by changing the number of petitions that a political organization must collect to be recognized as a party. Second, it reduces the number of petitions that individual candidates must collect to get on the ballot. **Vote 8-6.**

Rep. Shawn N Jasper for the **Minority** of Election Law: This bill as introduced was intended to remove the "hills and valleys" that a political organization filing nomination papers faces. The number of signatures required varies greatly, depending on how many people voted in the election previous to the papers being filed. Last year the committee recognized that fairness demanded that a change be made. This bill was filed based on that realization. The number chosen represented the approximate average of what previously may have been required. While the original intent was kept in place, the amendment makes other changes which the minority feels need to be more thoroughly debated and the ramifications explored with the department of state and the office of the attorney general. The change that the minority objects to the most strenuously had no public hearing and was introduced just prior to the actual vote being taken. This change would allow anyone who collects 50 signatures, down from the current 150, to have his or her name placed on the ballot in November for the office of state representative. The

minority believes that wider ballot access is a laudable goal, but as the bill would not take effect until the 2012 election, it is more important to get this legislation “right” than to send a message. **HB 1264**, relative to the definition of “party” for election purposes. **REFER FOR INTERIM STUDY.**

Rep. Melanie A Levesque for Election Law: This bill would reduce the thresholds for a political organization to be recognized as a political party and have its candidates’ names printed on the general election ballot. New Hampshire has one of the most restrictive ballot access laws on the books and the committee agreed that ballot access is critical to the competitiveness of our elections and to the health of our democracy. However, some competing administrative concerns were not resolved to the committee’s satisfaction in time to recommend OTP. The committee is committed to studying this issue further. **Vote 11-1.**

HB 1528, relative to observing voter check-in. **OUGHT TO PASS.**

Rep. Kathleen M Hoelzel for Election Law: This bill prohibits standing or sitting within 6 feet of the ballot clerk to observe voter check-in without permission of the moderator. This would give the moderators the authority to best control the polling place and to protect against interference with ballot clerks duties. **Vote 13-3.**

HB 1608, relative to general election candidates for offices that elect more than one person. **INEXPEDIENT TO LEGISLATE.**

Rep. Melanie A Levesque for Election Law This bill determines the order of candidates on a ballot when there are multiple candidates. The bill requires candidates to compete head to head with the objective of making candidates compete to win an election. We have done a great deal of work to reduce the primacy effect and create random selection on the ballots with letter selection. HB 1608 runs counter to these efforts. **Vote 13-4.**

ENVIRONMENT AND AGRICULTURE

HB 1172, relative to the labeling of genetically modified seeds. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Tara A Sad for the **Majority** of Environment and Agriculture: The purpose of this bill was to require all genetically modified seeds (GMOs) sold in New Hampshire to be labeled as such. According to the Department of Agriculture, the only GMOs currently sold in New Hampshire are corn seeds sold to dairy farmers, and a license agreement containing all warnings and restrictions on use of the seeds, including the fact that they are genetically modified, must be signed by the purchaser prior to sale. Nevertheless, the majority of the committee felt that further research was needed on the subject of GMOs and their potential impact on agriculture in the state. **Vote 13-3.**

Rep. Suzanne J Smith for the **Minority** of Environment and Agriculture: The consumer has the right to make an informed decision as to whether they wish to purchase and plant seeds that have been genetically modified. This simple bill would provide that knowledge. When we purchase seeds, we look for the characteristics of the plant that we are going to grow and whether or not the seeds were grown organically. HB 1172 would require seeds sold in New Hampshire to include on the label whether or not the seeds contain genetically modified organisms.

HB 1299, establishing a committee to study enacting a moratorium on the sale and use of fertilizers containing phosphorus. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for Environment and Agriculture: The problem areas addressed by this bill are waterways and not residential lawns a mile from the nearest water. We think any ban should be local and not state wide. Phosphates are a naturally occurring substance and are essential to plant life. Placement of lawn fertilizers in a statute with household cleaning products is inconsistent. The science does not support an across the board ban. Even organic farmers need a source of phosphorous. The department of agriculture states that any product can be harmful if misused, but in New Hampshire we do not have a problem. **Vote 15-1.**

HB 1388, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Robert H Haefner for the **Majority** of Environment and Agriculture: This bill would allow organic farmer to sue if they sustain damage from genetically modified seeds. We already decided to study one of our two genetically modified organisms (GMO) bills. There were enough questions on this bill that we decided to study both at the same time and maybe even look at combining them. **Vote 11-5.**

Rep. Susan E Wiley for the **Minority** of Environment and Agriculture Currently farmers are not able to seek compensation for damage should their crops be comingled or adulterated by genetically modified seeds or organisms. This bill would have allowed for compensation.

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

Rep. Leigh A Webb for the **Majority** of Environment and Agriculture: This bill calls for a study committee, and on the surface, relegating it to interim study does not seem to make sense (a committee to study whether to form a committee to study?) until one looks at the bill closely. The committee as proposed in the bill would consist of three representatives and three senators.

Knowing that those representatives most qualified to be appointed would probably come from E & A, and that senators rarely have the time due to exceedingly busy schedules to attend every meeting of a study committee, and would probably whittle that number down to one or none, the committee thought it best for the E & A committee as a whole, using the information already in hand from the public hearing on this bill, to further study this issue, and actively seeking out information from any previous studies done, to use this bill as a vehicle, possibly amending it to suggest practical changes and real solutions for next year's legislature to consider. **Vote 14-2.**

Rep. Pamela Z Tucker for the **Minority** of Environment and Agriculture: The minority believes we already have too many study committees, and another one is unnecessary. All pesticides in use and used in New Hampshire are currently regulated by the state and the federal government. The language in the bill is predisposed to looking for a moratorium on pesticide use before the commencement of the study. The minority believes with such language, the study conclusions could be arrived at by a consensus in order to achieve a certain goal. Consensus is not scientific fact.

FINANCE

HB 1355-FN, relative to certain Medicaid appropriations. **OUGHT TO PASS.**

Rep. John DeJoie for Finance: This bill is an attempt to retain fairness and predictability in the budgeting process for long term care. (Opponents argue this bill will remove the department of health and human services' (DHHS) flexibility.) The budget lines involved in this bill already treat these in a different and a potentially unfair manner. Passing this bill simply acknowledges the disparity and applies fairness to the long term care budget, and in fact, preserves the legislature's intent in the biennial budget. HB 1355 addresses the use of "budget neutrality" which is a tool for DHHS to ensure they do not overspend two of their budget lines. Budget neutrality is only applied when there is a shortage in the nursing home or home nursing services. HB 1355 acknowledges this and states, in part, if budget neutrality is applied, meaning there is a shortage in the line, money cannot be transferred from the budget line. The majority believes that when rates are cut because the line is underfunded, there is no fair reason to then transfer additional money from the line, which would potentially result in addition of rate cuts. **Vote 13-11.**

HB 1506-FN-A-L, establishing a state aeronautical fund. **REFER FOR INTERIM STUDY.**

Rep. Beverly T Rodeschin for Finance: This bill would establish a state aeronautical fund and place revenue from the aviation fuel tax in this fund. In 2009, \$273,000 was collected from the aviation fuel tax. These funds are now directed to the state's general fund revenue. The majority believes with the on-going review of state revenues and expenditures, interim study would be an appropriate action at this time. **Vote 20-2.**

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

Rep. Bonnie Mitchell for Finance: This legislation reestablishes the procedure for the insurance department to provide for a review of mandated benefits. The report will include the social impact of mandating the benefit, the financial impact, the medical efficacy and the balancing thereof. It was the feeling of the committee that considering those impacts will be essential to those providing the mandates and are helpful in the basic risk management process and cost benefit analysis of insurance mandates. **Vote 20-1.**

SB 460-FN-A, relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, and voluntary furloughs for judges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A Foose for Finance: This bill allows for several actions in support of the ongoing effort to control expenses and maximize revenues in the legislative and judicial branches. It authorizes a \$3,500,000 reduction in judicial branch expenditures, the consolidation of accounts across the final fifteen months of the biennium in the health and human services department and the creation of accounts that will allow the departments of safety and administration to maximize the use of federal funds as they are received. **Vote 18-4.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1555, adding an exemption from immunization for conscientious beliefs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rich T DiPentima for the **Majority** of Health, Human Services and Elderly Affairs: This bill would create a "conscientious" exemption that a parent or student could choose in order to opt out of the childhood immunization program required to enroll in school or childcare. This new exemption would be in addition to the current medical and religious belief exemptions. The committee heard testimony from members of the public who believe that the exemption form, developed by the commissioner of health and human services under rulemaking authority, requires a parent who opts out on religious grounds to reject all immunizations for a child. However, the language of the form does not require a parent to reject all immunizations. The director of the public health division has stated that there are families who selectively reject certain vaccines and that some families opt for a slower administration schedule than recommended prior to school or childcare entry. In addition to finding this bill unnecessary to allow for selective opt-out or slower rate of administration, the majority is concerned about the lack of definition of "conscientious beliefs." The majority believes that selective rejection of immunization or slower rate of administration are decisions that should be made by parents on an informed basis, following discussion with their child's physician, and that current law provides for this. Notwithstanding the provisions of current law that allow parents to have the final say, the majority strongly believes that New Hampshire's childhood immunization program is a critical element of our public health strategy and an essential component of a healthy population. Communicable diseases for which there are safe, effective vaccines have not gone away; outbreaks of these diseases are only greatly reduced, thanks to immunizations. Outbreaks do still occur and can lead to serious lifelong health problems for children. New Hampshire has one of the highest childhood vaccination rates in the country, yet only four out of five children in New Hampshire are fully immunized. The majority believes that parents have the necessary opportunities to reject immunization for their children but that it would be poor public policy to expand those opportunities. **Vote 12-7.**

Rep. John W Cebrowski for the **Minority** of Health, Human Services and Elderly Affairs: This bill is about a parent's right to choose what happens to their child. It is a freedom issue, giving concerned parents the right to make a thoughtful decision. No vaccine should be forced. Currently, the exemptions available to New Hampshire's citizens are medical and religious in nature. Our neighbors, Vermont and Maine, are among 18 states which allow philosophic / conscientious exemptions. The current religious exemption often serves as a "cover," as a convenient "lie." This bill will eliminate the lying, and it may stop some parents from changing doctors when the doctors aren't sensitive to their wishes. This is not a blanket exemption, but, rather, gives a concerned parent on a case by case basis the option of choosing not to accept a particular vaccination at a particular time. Today's parents are very thoughtful, educated,

discerning consumers because they are exposed to an abundance of information about many health topics. There is always an element of risk, and not all vaccines are perfect, so parents are rightfully cautious and concerned—and they are aware of possible consequences.

HB 1623, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug. **OUGHT TO PASS.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: Prescription drug abuse is a major public safety and health issue in New Hampshire. This bill requires that pharmacies ask for a photo ID before dispensing a schedule II or III drug. It provides that if the customer does not have a photo ID, the pharmacist may dispense the controlled drug if in his/her judgment the order is valid. The assistant attorney general testified that a photo ID requirement would have significant deterrent value. This is a sensible safeguard to help ensure that the prescription is not fraudulent. **Vote 10-7.**

HB 1692, establishing a commission on primary care workforce issues. **OUGHT TO PASS.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill will establish a statutory commission on primary care workforce issues, to sunset in five years, and assign responsibility for collecting data on the current and anticipated supply and demand for that workforce to the state office of rural health. The state's primary care workforce is being remodeled as physicians are replaced by other clinicians, expectations of the workforce are changing as newer practice models such as integrated care and the medical home are introduced, the number of potential new entrants to the workforce is inadequate to replace those who leave or retire so recruitment becomes increasingly difficult, and data available to guide policy in the area is sparse and inadequately reflective of the changing composition of the workforce. In this dynamic context, an expert group is needed to identify and interpret critical data and to formulate and encourage needed action - a commission representative of institutions most concerned with primary care in the state. **Vote 12-6.**

JUDICIARY

HB 1179, relative to municipal access to the enhanced 911 data base. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William L O'Brien for the **Majority** of Judiciary: This bill seeks to enable local enhanced (reverse dial or emergency public notice) 911 systems by requiring the state to provide municipalities with information for use in those systems. The majority of the committee agreed that a statewide approach to this need, such as is found in HB 213, which passed the House on February 17, 2010, offers a better solution than do individual efforts by municipalities. **Vote 15-3.**

Rep. Gary B Richardson for the **Minority** of Judiciary: This bill would exempt information shared with municipalities for the purpose of emergency notification such as reverse 911 numbers from the right to know law. If a municipality chooses to maintain information for emergency notification, the information should be exempt from the right to know law. The minority is not convinced that HB 213, which has not become law as of the filing of this report, is adequate to protect the confidentiality of this information.

HB 1256, restricting medical injury claims subject to pretrial screening panel review to claims exceeding \$250,000. **INEXPEDIENT TO LEGISLATE**

Rep. William L. O'Brien for Judiciary: This bill would restrict the medical malpractice pretrial screening panels to reviewing cases where the plaintiff is claiming in excess of \$250,000.00 in damages. In addition to providing medical malpractice claimants the incentive to initially understate their claims to avoid the screening panels, the majority of the committee believes that the bill would defeat a primary purpose of screening panels, which is to achieve an early end to less substantial medical malpractice claims where liability is not likely to be established. Both of these results of enacting HB 1256 would partially defeat the panels' intended beneficial effect of stabilizing or even lowering medical malpractice insurance premiums. This Legislature has already determined that this effect on the cost of medical malpractice insurance might be realized by an early judicial review of medical malpractice claims. We should not abandon this goal now when this procedure has had so little opportunity to operate. **Vote 10-5.**

HB 1336, relative to health care liability claims. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill would have enacted a number of so called tort reforms relative to health care liability claims. Several of the provisions contained in the bill are already part of current law, albeit with slightly different language. Other provisions have previously been considered and rejected by the legislature. There was general agreement that the bill was not ready for consideration by the House. A minority of the committee wanted to refer the bill for interim study, but a majority of the committee believed that there were so many problems with the bill that interim study was not likely to be productive.

Vote 11-8.

Rep. Joseph M Hagan for the **Minority** of Judiciary: Substantive reform of medical malpractice claims is a necessity to promote healthcare reform. However, this proposed legislation needs further study to address the concerns of the medical and legal community.

HB 1443, relative to Medicaid, statutory and other liens or subrogation claims for public assistance or medical expenses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L Nixon for the **Majority** of Judiciary: The majority of the committee believes that the purposes of this bill are better pursued by other pending legislation, which does not involve the state's lien for Medicaid assistance provided. **Vote 11-4.**

Rep. William L O'Brien for the **Minority** of Judiciary: When a government or private lien or a subrogation claim is asserted against an injured person's lawsuit recovery against a third party, it is appropriate that the expenses and costs of obtaining that recovery be shared among all those sharing in the recovery. It is not appropriate that the costs be paid entirely out of the amount the injured person receives. HB 1443 would allow the court to adjust the payments to lien holders and claim subrogee to the extent necessary to obtain that fair result.

HB 1500, relative to excuse from jury service. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L Nixon for the **Majority** of Judiciary: Although the sponsor of this bill and the constituent for whose benefit it was filed are to be commended for calling attention to an apparent administrative glitch that might have caused an injustice in a single instance, the majority believes that the problem can better be resolved by the judicial branch through closer adherence to the statute which already exempts from the obligation of jury duty those who would, through such service, be subject to "undue hardship", or "extreme inconvenience". Jury service has been called the best, if not last, chance for ordinary citizens to play an important role in government, and thus should be encouraged. Information provided by the judicial branch showed that up to 50% of jurors are excused under existing law. The majority recommends that all requests to be excused from jury service due to hardship be decided by the judge presiding. **Vote 12-3.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: The minority believes that children need to be protected. It came to our attention that one mother, and in the minority's view possibly others, was not accommodated with release from jury duty due to the fact that she had minor children at home and did not have the ability to hire caregivers. Making the law sensitive to the needs of young families makes good common sense. We do not want to put potential jurors in a position that in order to meet court demands their children are left unattended.

HB 1556, restricting courts from ordering counseling not covered by the parties' health insurance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert B Thompson for the **Majority** of Judiciary: While the intent of this bill was to eliminate undue burdens upon children and the financial hardship that a divorce can cause, the bill would also prohibit a court from ordering counseling, when needed, for those who are uninsured. This legislation ties the hands of the court and removes the ability of the court to use discretion when ordering counseling. **Vote 10-8.**

Rep. Lawrence B Perkins for the **Minority** of Judiciary: Counseling will only work if both parties are receptive. It is our belief that judges/marital masters should promote counseling not

mandate it. All avenues of insurance coverage should be exhausted before either party makes direct payment for services.

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

Rep. David L Nixon for the **Majority** of Judiciary: Non-judicial attempts to de-unify, or disintegrate, the state bar have been tried no less than seven times since it was established by the supreme court in 1968 five times by a minority of legislators, once by a Constitutional Convention (1984), and once by dissenting members of the bar. The supreme court has consistently ruled that such efforts are unconstitutional as violative of the separation of powers provision of New Hampshire's constitution, Part I, Article 37 (June 2, 1784). It is the court alone which has the power and the discretion to determine the form of the bar. Unification of state bar associations has also been upheld by the United States supreme court (496 US 1 [1990]). In addition, the argument that a unified bar is an "illegal monopoly," in violation of the Sherman Anti-Trust Act, has been ruled "without merit." *Pet. Of RI. Bar Association*, 374 A 2d 802 (1997). See also *Petition of Tocci*, 137, NH 131 (1993), stating that claims of illegal monopoly, etc., have "no merit" *Id.*, @ 137-138. The unified New Hampshire bar set up, funded and managed numerous public interest programs, such as legal services for the needy, pro bono (no legal fee) programs to prevent domestic violence, support educational programs, improve disciplinary mechanisms, and establish a public protection fund to assist citizens harmed by unethical lawyers. The bill would also repeal the law requiring county attorneys to be members of the bar. The decisions of the New Hampshire supreme court, and six prior legislatures, should be followed, and this bill rejected. **Vote 11-8.**

Rep. Robert D Mead for the **Minority** of Judiciary: This bill seeks to remove the requirements that county attorneys be members of the state bar association for election or appointment. The minority believes that the New Hampshire bar association is a monopoly in violation of Article 83, Part Second that makes membership in the association mandatory for all attorneys who seek to practice law in the state of New Hampshire. This power of monopoly illegally conferred on the association has led to control of the legal system established by the New Hampshire Constitution to protect the rights of, and provide for, remedies and redress for its citizens. This control of our legal system is now managed by a corporation, whose officers are neither employees of the state, nor elected to their position by the citizens of New Hampshire.

HB 1655-FN, relative to persons with mental illness and the corrections system. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for the **Majority** of Judiciary: The bill is a product of Chief Justice Broderick's Task Force on Mental Illness and Criminal Justice. The goal of the bill is to reduce the time that mentally ill persons who are incompetent to stand trial spend in jail while evaluation procedures are taking place. First, the bill shortens the time period allowed for pre-trial examination from 60 days to 30 days in the case of persons who are not released pending trial. Second, the bill gives the courts broad latitude to determine an appropriate remedy if the required report is not filed in the allotted time. Third, the bill removes a current formality that requires the attorney general to name the county attorney as the attorney general's designee in each case in which a county attorney seeks an involuntary admission of a person found incompetent to stand trial. Fourth, in a case where the competency evaluation concludes that the person is incompetent to stand trial, and the court so ordered, the bill eliminates the requirement of a reevaluation to satisfy the requirement that a person must be evaluated within 5 days immediately prior to an involuntary admission. The majority was persuaded that passage of the bill would result in speedier transfers to the state hospital for necessary treatment, would not harm public safety, and would reduce county expenditures due to shorter periods of inappropriate incarceration. DHHS provided a fiscal note stating that their costs could rise by approximately \$31,000 in FY 11 and \$63,00 in FY 2012 and thereafter. This figure was based on the assumption that the bill would result in 10 additional involuntary commissions per year. It is difficult to determine from reading the bill how it would result in additional admissions, as it simply

streamlines the process for transferring a mentally ill person from jail to the state hospital. Quicker and more appropriate evaluation and treatment should result in overall cost savings in the long run. **Vote 11-5.**

Rep. William L O'Brien for the **Minority** of Judiciary: This bill would allow courts to release individuals charged with crimes or dismiss some of the charges if the courts or prosecuting agencies cannot meet a shortened period (from 60 to 30 days for persons being held for trial) to determine the competency of defendants when their competency to go to trial has been brought into question. The minority was not satisfied that in this time of apparent financial strains in the courts that the courts can satisfy this mandate and that we would not be faced with the prospect of criminals escaping prosecution for the most technical of reasons. In addition, the bill allows the possible use of prior and/or outdated competency evaluations for defendants held in correctional facilities, which the department of health and human services estimates will result in 10 additional involuntary admissions into New Hampshire hospital a year. Aside from the unfairness of holding individuals based on possibly outdated evaluations of competency, the department also estimated increased expenditures of approximately \$31,500 a year resulting from this change. The department of corrections likewise noted costs may increase, but is unsure of the amount.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1315-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services: Workers Compensation has been a no-fault system. The *DeBenedetto* ruling by the supreme court in 2006 changed that. As a result of this ruling, a workers compensation claim against a third party can assign fault which is then proportioned between the third party, employer and employee. The amount of award to the employee will be reduced if in fact the employer is found to be at fault, unless this legislation is passed. Here is an example: the jury found total damages to be \$100,000. The employer is found 40% at fault so the award to the employee is reduced to \$60,000. The employee has to still pay back 100% of the workers' compensation benefit he was paid by the employer's insurance carrier. This legislation says when an employer is determined to be at fault, the judge will determine what % of the recovery the employee is responsible to pay back. This legislation seeks to restore some of the fairness that was taken away by the supreme court ruling in 2006. **Vote 8-3.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill will significantly change the workers' compensation relationship, a systematic relationship that has existed and worked well for 16 years. When the current systematic relationship was put in place, the labor committee worked on this as a committee of the whole for most of a session year. This year a subcommittee met two times. Facing this significant change, the minority feels that the full committee should study this issue comprehensively before disrupting a relationship that has worked well for 16 years.

HB 1370, requiring independent medical examination practitioners to file a report with the insurance department. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill will allow the department of labor to collect data on independent medical examiners, showing who hires them, how much they are paid, and if the finding of the exam favors the insurance carrier/employer or employee. The interest is to identify if these exams are truly independent or are biased toward the insurance carrier who is paying for the exam. The committee heard of problems in the system. We heard testimony that all doctors are required to ethically treat a patient for injuries present. But, we heard of independent medical examiners hired by and paid for by the insurance carrier or employer who were writing reports in favor of the carrier or employer and in many cases against what the injured workers own treating physician reported.

For these reasons the committee feels this information should be gathered to help determine if these medical exams are truly independent. **Vote 8-3.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority feels this legislation is to provide a solution to a problem that does not exist. The legislation is being filed for the sole purpose of being used to impeach the findings of a medical doctor solely based on prior findings or by who pays for the exam. A comment was made in executive session that this bill is a witch hunt. There was no testimony given that indicates there is a systemic problem with doctors who perform IME's (independent medical exams).

HB 1371, allowing recording of an examination by health care providers performing independent medical examinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F Weed for Labor, Industrial and Rehabilitative Services: The bipartisan majority recognizes that current law allows a "medical practitioner" to be a witness in workers compensation cases requiring an independent medical examination. However, the cost of hiring such a medical professional often discourages the claimant. This bill provides the right for the claimant to record the medical examination or to bring a witness of the claimant's choosing. The majority thinks this bill protects process rights and provides accountability when work related injuries are contested. **Vote 10-1.**

LOCAL AND REGULATED REVENUES

HB 1138, relative to the authority to expand municipal transportation improvement funds. **OUGHT TO PASS.**

Rep. Mary Beth Walz for Local and Regulated Revenues: Since 1997 state law has permitted towns and cities to tack on an additional fee of up to \$5.00 to motor vehicle registration fees. The money may be used for a municipal transportation improvement fund. The statute states that these funds are to be governed by the statutes governing capitol reserve funds. The statute authorizing the funds also states that the legislative body of the municipality shall appropriate the funds. This latter directive conflicts with the statute governing capitol reserve funds which states that the funds may be withdrawn by a vote of the governing body. Hence the statute contains two conflicting provisions: one requiring the legislative body to appropriate the funds and one requiring the governing body to appropriate the funds. This bill would eliminate the language requiring the legislative body appropriate the funds thereby eliminating the conflict. **Vote 17-1.**

HB 1147, excluding value attributed to unexercised approvals in determining the market value of land for property tax purposes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Christine C Hamm for the **Majority** of Local and Regulated Revenues: This bill would eliminate the possibility of adding value that might attach to a piece of property as a result of its owner having secured development approvals. In addition to its lone sponsor, the bill was supported by two representatives of the Home Builders Association who argued that despite such approvals, many properties in today's economy are difficult to sell; thus their values should not increase due to approvals that may not enhance their marketability. Several assessors who testified assured the committee that they considered many factors in valuing a property, including the economy. The committee also learned that it is possible for property owners to have approvals rescinded, either temporarily or permanently, and were reminded that all property owners have recourse through the local abatement process. The majority of the committee believed that during more prosperous economic times, the marketplace shows that these approvals often do add value and that removing them from an assessor's "bag" of factors had the possibility of skewing a fair distribution of taxes throughout a community. **Vote 14-3.**

Rep. Lynne Ferrari Blankenkemper for the **Minority** of Local and Regulated Revenues: Unexercised approvals, as is well known by many in our current economy, do not necessarily add value to property until the project is seen as economically viable by investors who fund those specific improvements. The current state of the law disincentivizes investments critical to economic recovery and job creation.

HB 1272, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Doreen Howard for Local and Regulated Revenues: This bill allows towns and cities to add historic structures in the municipality, whose preservation and reuse would conserve the embodied energy in existing building stock, to the community revitalization tax relief program in RSA 79-E. Certain concerns were discussed about the appropriateness of HB 1272's intent of "green-tax" incentives on historical buildings, not only in the downtown district but also, as stated in the bill, in any other part of the municipality. One concern dealt with confusion caused by the insertion of historical buildings into a statute that was specifically aimed at refurbishing under-maintained and derelict buildings in downtown areas. The majority of the committee felt that the enabling contents of HB1272 might better be amended to statutes that dealt with historical renovations and preservation rather than as an amendment to RSA 79-E. **Vote 14-3.**

HB 1345, relative to information for property tax assessments of commercial and industrial properties. **REFER FOR INTERIM STUDY.**

Rep. Kathleen N Taylor for Local and Regulated Revenues: This bill would establish a statewide form for collecting assessment information on commercial properties. The majority of the committee feels the bill needs more work particularly on the form to be used. Interim study would give the committee and the industry time to work together and come up with a better solution. **Vote 12-3.**

HB 1380-FN, relative to assessing fees by zoning boards of adjustment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Melissa L.B. Lyons for the **Majority** of Local and Regulated Revenues: The majority of the committee believes that this legislation is necessary to ensure that applicants before the zoning board of adjustment pay the costs associated with their appeals or applications. Increasingly sophisticated zoning in relation to water, land and environmental regulations has required zoning boards of adjustment to collect fees for expert opinions and independent peer review in a small minority of appeals and applications. These costs have always been charged to applicants by planning boards and zoning boards of adjustment. In the past, there was concern that the fees charged by planning boards and zoning boards of adjustment lacked statutory backing. As a result, legislation was passed in the prior session that statutorily allowed planning boards to impose reasonable fees on applicants. By passing this legislation for planning boards, the legislation explicitly allowed planning boards to collect the fees and appears on its face to explicitly exclude zoning boards of adjustment from collecting the fees. There is now an uncertainty among the ability of zoning boards of adjustment to charge these fees and there has been resistance on behalf of applicants to pay the fees. The refusal to pay incurs further costs to the towns and taxpayers in litigation to collect the fees. Furthermore, the request for fees by zoning boards of adjustment is rare and the refusal to pay by applicants is even rarer, but refusal to pay is increasing as a result of the change in the planning board statute. The majority of the committee is concerned that applicants will increasingly refuse to pay the fees, thereby causing the town to pay for costs that were previously paid for by applicants. The amendment allows the zoning board of adjustment to spend the collected fees for the services without the approval of the local legislative body, which simply mirrors what is done for the planning board in RSA 676:4.

Vote 13-4.

Rep. Andrew R Peterson for the **Minority** of Local and Regulated Revenues: This bill, which vests zoning boards of adjustment with broad authority to impose costs on applicants for administrative fees, technical reports and review analyst's opinions opens the possibility of requiring citizens to undergo the additional costs associated with a full approval to simply find out whether or not their property can be used for an intended purpose. Simply put, zoning boards have plenty of authority to deny unsuitable applicants now, and do not need this additional power currently reserved solely for planning boards.

HB 1583, relative to the property tax exemption for organizations with charitable activities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Catherine Mulholland for **Majority** of Local and Regulated Revenues: This bill was brought to the committee requesting that bad debts should be excluded when considering “charitable” purposes for an organization requesting exemption from property taxes. Testimony from the attorney general’s office indicates that there is statutory provision regarding bad debts. In fact, the definition of a charitable organization as defined by the IRS doesn’t confer automatic exemption from property taxes. It is up to the local authority to determine whether the property provides charitable services to the community and a negotiation between the parties generally results in agreement as to an appropriate payment in lieu of taxes. **Vote 14-3.**

Rep. Steve Vaillancourt for the **Minority** of Local and Regulated Revenues: This bill was introduced with a recommendation from a town counsel and an attorney at the Local Government Center who both asserted that the current statute regarding charities is vague and in need of clarification. RSA 7 states that any charity care “does not include any sums identified as bad debt, a receivable or revenue.” This language does not exist in RSA 72 definition of “charitable”. Conflict arises when “charitable” organizations seek a reduction of their property tax based on RSA 72, when they contend that bad debt is charitable giving. Towns take the position that bad debt is not charitable giving. This bill seeks clarity and consistency between definitions, thus saving time and money at the local level. The majority warns about the “unintended consequences” of this bill. While unsure what the majority was referring to, the minority is much more concerned with the intended consequences of this bill. A consequence will be that some institutions which are masquerading as charities would no longer be able to do so. They may well be required to pay local property taxes thus lowering property taxes for every other taxpayer. The majority argues that charities can already pay “in lieu of taxes” but the minority stresses that such payments are completely voluntary and often not made. In fact, the committee heard from one lobbyist opposed to this bill. He acknowledged that his business (a hospital company) generates \$220 million in annual revenues but does not pay a penny in lieu of taxes. At a time when executives of these institutions are making hundreds of thousands of dollars and lobbyists in fact are making close to six figures if not more, the minority welcomes the intended consequence that these “charities” pay their fair share of property taxes, thus relieving the burden on hard-pressed homeowners.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1126, relative to the Hooksett police commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ronald R Boisvert for the **Majority** of Municipal and County Government: Because the Hooksett Police Commission was established by chapter law in 1975, it does not fall under RSA 105-C passed in 1981 establishing a process by which any municipality may create a police commission with three members. The majority of the committee felt that the approval to allow the town of Hooksett to increase the size of its police commission to five members could enhance political interference in police operations. All New Hampshire communities with police commissions except Manchester, which is only advisory, consist of three person boards. Leaving the chapter law as it stands maintains the purpose of the police commission which is to provide oversight of the police department, and keeps the Hooksett Police Commission consistent with the rest of the New Hampshire municipalities which have police commissions. Allowing all municipalities to opt for a five member board is a policy change which should be considered for all municipalities, not just Hooksett. **Vote 11-6.**

Rep. Dianne E Schuett for the **Minority** of Municipal and County Government: Laws of 1975, Chapter 412 established a police commission for the town of Hooksett. The three member commission was appointed by the board of selectmen from 1975 to 1997. However, in 1998, the townspeople adopted a new town charter consisting of a 9-member town council. Since the legislature created the Hooksett police commission only the legislature can authorize a change. This bill would allow the residents of Hooksett to vote on how their town government is operated by allowing them to vote yea or nay on the matter of expanding the police commission.

HB 1212, relative to municipal charter statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: The committee had considerable respect for the issue raised by this bill – how shall we regulate, test and approve our own governance under charter. There was good discussion of proper threshold, the trivial and the substantive and municipal costs. Some thought it useful to identify the individuals who were gathering the signatures. Another part of the bill would limit the opportunity to gather more signatures if the first submission were insufficient. Some committee members agreed but others thought it wasn't a critical issue. The committee agreed that increasing the number of voter signatures from 20% to 30% of registered voters in order to put an amendment on the ballot was too high a bar. The broad bi-partisan consensus was that present practice had not caused civic harm and that it was best left to a future session to document and correct a future harm. **Vote 13-2.**

HB 1461, relative to the municipal regulation of the sale of martial arts weapons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Amy Stasia Perkins for Municipal and County Government: The unanimous support of this enabling legislation is the result of numerous work sessions by committee members. Impetus for this legislation was a concern by the business, governmental and law enforcement community of Hampton Beach over the sale of martial arts and other dangerous weapons by summertime businesses. Of particular concern is their inability to control the display of such items and the sale to minors. Concern was expressed that Hampton Beach is a tourist community catering to families and with the non-regulation of the sale of these weapons a perception of danger and unrestricted accessibility would be created for anyone to sell or buy these weapons. This bill permits the community to control how these items will be displayed. **Vote 17-0.**

HB 1485, granting zoning and planning powers to Hampton Beach village district. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Amy Stasia Perkins for the **Majority** of Municipal and County Government: This bill would grant zoning and planning authority to the Hampton Beach Village District. The committee recognized the frustration from the citizens in the Hampton Beach Village District who were attempting to improve the beach area. All factions in the town need to work together toward the common goal of revitalizing Hampton Beach as a family resort. The committee felt that passage of this bill would set a precedent where a subset of a town would be empowered with planning and zoning authority that would not necessarily reflect the interests of the whole community. In addition, granting such authority could result in obligating the entire town financially for decisions made by a minority of residents. This bill, if enacted, would not provide a seamless transition of authority and does not consider the far reaching and unintended consequences that could result. **Vote 14-4.**

Rep. Suzanne S Laliberte for the **Minority** of Municipal and County Government: The minority feels that since there appears to be such divergent opinions between Hampton and Hampton Beach that the residents of Hampton Beach should have the right to determine if they want separate planning and zoning. Other seaside communities have decided on separate planning and zoning for beach areas and we feel that Hampton Beach should have the same opportunity.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1186, prohibiting smoking within certain areas of New Hampshire state parks and historic sites. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jim U McClammer for the **Majority** of Resources, Recreation and Development: The purpose of this bill is to prohibit smoking in areas where people congregate in close proximity at state parks and historic sites. The committee feels the issue of smoking in these public areas has merit, but needs additional study and discussion before being passed. **Vote 11-6.**

Rep. Thomas J Howard for the **Minority** of Resources, Recreation and Development: The minority believes this bill is a “nanny” bill and tries to regulate social behavior. Whereas testimony was given that “people get it” in regards to being courteous to non-smokers, we feel this is too regulatory and unenforceable.

HB 1421-FN, establishing regional advisory councils in the state park system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for the **Majority** of Resources, Recreation and Development: This bill would have created seven regional advisory councils for state parks. This occurs at a time when we are trying to reduce the numbers of councils, commissions and the like and is contrary to findings of the statewide parks advisory council. The committee favors the concept of getting more feet on the ground and supporting friends groups and the adopt-a-park program. The department of resources and economic development (DRED) opposed the bill. There was no public testimony in favor. **Vote 15-5.**

Rep. Suzanne H Gottling for the **Minority** of Resources, Recreation and Development: HB 1421 intended to create regional councils, to provide a mechanism for increased input from park neighbors to the division of parks and recreation. It also afforded an opportunity to share ideas for mutual support of each region's parks. An amendment set up just one regional council in an effort to reduce the director of parks concern that multiple councils could require excessive staff resources. The amendment failed on a 10-10 vote.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1218, requiring a report of payments to the Association of Community Organizations for Reform Now (ACORN). **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert R Cushing for the **Majority** of State-Federal Relations and Veterans Affairs: This bill singles out one non-profit organization, ACORN and directs that the treasurer prepare reports annually on this group. Under New Hampshire law, all non-profit and charitable organizations are supervised and regulated by the director of charitable trusts. That office within the attorney general's office has the responsibility to administer and enforce laws concerning all non-profit organizations. The director of charitable trusts informed the committee that no complaints have been made to its office with respect to the charitable entity ACORN and that no investigations were ever conducted. If there is a legitimate concern about a charitable organization in the state, the place to bring that concern is to the director of charitable trusts, rather than passing a new law to impose additional burdens on the office of the treasurer. **Vote 10-6.**

Rep. Frank R Emiro for the **Minority** of State-Federal Relations and Veterans Affairs: There has been ample evidence by other states of the illegal action by the employees of ACORN. With this pattern of behavior well established, we as guardians of the state coffers should certainly want to see where our taxpayers' money has gone. To argue that some of the employees have done good work is beside the point. Looking at the checks does not stop good work, it is merely exercising due diligence.

HB 1343, establishing a joint committee on the constitutionality of acts, orders, laws, statutes, regulations, and rules of the government of the United States of America in order to protect state sovereignty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sarah A Hutz for the **Majority** of State-Federal Relations and Veterans Affairs: This bill would form a new statutory joint committee to review acts of the United States government as they pertain to New Hampshire's state sovereignty. The formation of this new committee is unnecessary. It is the duty of every legislator to review complaints of Federal usurpment of our state's sovereignty on behalf of our constituents. Any legislator may introduce legislation to address individual issues of intrusion on our state's rights at any time. **Vote 10-7.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs: The analysis explains the bill's intent, which states "This bill establishes a joint committee of the legislature to consider the constitutionality of acts, orders, laws, statutes, regulations and rules by the government of the United States including the legislative, executive, and judicial branches, and to consider the actions necessary to protect the sovereignty of the state of New Hampshire."

HCR 23, calling on Congress to audit the Association of Community Organizations for Reform Now (ACORN) funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert R Cushing for the **Majority** of State-Federal Relations and Veterans Affairs: As with HB 1218, this bill singles out one non-profit organization, ACORN and calls upon congress to audit the organization. A witness at the hearing testified in support of amending the resolution to expand it to call upon congress to audit all grants and contracts to Raytheon, BAE systems, Honeywell, and other corporations with operations in New Hampshire that have received billions of dollars in federal contracts, have participated in documented instances of misconduct, and have paid billions of dollars in fines. Late last year the results of an investigation were released that found ACORN had quickly acted to correct unauthorized actions by a few employees that undermined the work and integrity of that organization. The majority believes the auditing systems that congress currently has in place are sufficient at the present time to investigate the wrongdoings of all the organizations that have been identified by the original resolution and proposed amendment, and find the resolution unnecessary. **Vote 9-6.**

Rep. Frank R Emiro for the **Minority** of State-Federal Relations and Veterans Affairs: The resolution lists many of the illegal actions discovered that were performed by members of ACORN. It also details the organizations that have cut off funding to this organization. This resolution calls on the U.S. congress to audit all grants in order to identify funding for ACORN. Given what appears to be a misappropriation of funds by ACORN this would seem only prudent.

HCR 25, articulating the rights of the state of New Hampshire and of the several states of the United States. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Cynthia P Sweeney for the **Majority** of State-Federal Relations and Veterans Affairs: The majority of the committee is opposed to unfunded federal mandates and recognizes the intent of this HCR in part, to challenge the practice of the federal government requiring the states to adopt policies without providing the financial resources to the states to carry out those programs. However, the resolution as written does not distinguish between optional programs that are beneficial to the people of the state of New Hampshire, such as highway construction and support for the veterans' home for which the federal government provides financial help, and other programs where there is a federal mandate, no funding, and no opt out. The majority does not support a resolution that could be construed by congress as rejecting federal aid to the state of New Hampshire. **Vote 10-6.**

Rep. Lars T Christiansen for the **Minority** of State-Federal Relations and Veterans Affairs: The New Hampshire legislature states that sovereignty is reserved to the people and the state as ruled by the United States supreme court in *New York V. United States*, 505 U.S. 144 (1992).

TRANSPORTATION

HB 1143, establishing an exemption from driver restrictions on persons 16 to 18 traveling to and from school-sponsored events. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian D Rhodes for Transportation: This bill will change the current law pertaining to hours of motor vehicle operation applicable to youth operators. Currently 1 a.m. to 5 a.m. youth operators are prohibited from operating a motor vehicle. This bill changes the restriction to 1 a.m. to 4 a.m. There are many situations (sporting events, work commitments, etc.) in today's society that create a hardship for both parents and youth operators alike concerning the 5 a.m. restriction. Law enforcement testified that this change will not burden officers due to the overall lack of traffic at this time of the morning. All other restrictions to youth operators will be unaffected by this change. **Vote 8-6.**

HB 1192, relative to obstructions on motor vehicle windows. **OUGHT TO PASS.**

Rep. Jennifer R Coffey for Transportation: This bill redefines how stickers may or may not be placed on a vehicle's rear window. The bill allows for parking permit stickers and the like to be placed on the rear window without violating current law, as is the case now. This bill is supported by the department of safety **Vote 10-4.**

HB 1620-FN-A, establishing state park number plates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen H Nedeau for the **Majority** of Transportation: The committee does not support a state park number plate for many reasons, the first being that the committee has a history of not supporting this type of specialty plate. There are four designs for this plate. It would require a stockpile of too many plates for the department of transportation and further there were questions on being able to get free access to parks or whatever. We are not sure how this would work. The department of safety is against this bill and has been on all plate bills. This discussion will be taken before a committee to deal with this issue, and other plate bills. **Vote 10-4.**

Rep. C. Pennington Brown for the **Minority** of Transportation: This bill addresses the severe funding shortage for state parks while promoting tourism in general through appealing graphics on a special license plate. NH is the only state that does not support its state parks through its general fund, and yet the state parks contribute an estimated \$300 million to the state's economy. The license plates would function as day passes for entrance to state parks, increasing their appeal. This bill is bi-partisan and supported by the department of resources and development – division of parks, the Society for the Protection of NH Forests, Ski NH and prominent members of the commission on NH parks. This special license plate supports a function of the state and does not involve NH in fund raising for outside agencies.

WAYS AND MEANS

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for the **Majority** of Ways and Means: This bill, reasonable compensation, is the work product of many that establishes a tax policy that is clear and beneficial for the businesses of New Hampshire. The bill used many recommendations from a group of CPA's, businesses, business organizations and representatives from the department of revenue administration that met to address the businesses' concerns about the lack of clarity in the policy that determines how reasonable compensation is established for tax deductions. The ways and means committee had several full committee work sessions plus two public hearings and amended the bill to its current form. The majority agreed to many important changes suggested by the working group, such as allowing a safe harbor of \$50,000 (a safe harbor allows a deduction without records to verify), instead of a \$6,000 deduction that is in current law. This provision relieves 70% of the people who pay business profits tax from the need to keep burdensome paperwork and the fear of audit on this issue. These are the very people, our small business owners, for whom the paperwork to prove their compensation would be most difficult. Another important provision for the rest is that it applies the principles, standards and factors that are applicable to the tax structure of the state of New Hampshire from Internal Revenue Code 162. This provides a reference that businesses badly need for standards that are currently lacking. The committee amendment includes other provisions such as an enactment date of January 2009 that would allow a business to take advantage of provisions in this bill for the 2009 tax year if they choose to do so. The majority recognized that there are other safe harbors and provisions that may be included, but the current data systems in the DRA do not allow for assessments to determine how beneficial or practical these are. Considering that the DRA is updating systems that should provide the information needed within the next year, the bill provides for a study committee to review these and is required to report findings no later than November 1, 2011.

Vote 11-8.

Rep. David J Bettencourt for the **Minority** of Ways and Means: Small businesses are the backbone of New Hampshire's economy, which creates 65 percent of jobs in the state. This legislation is the second shoe to drop on our small businesses, the first being passage of the LLC tax. The purpose of this legislation is to empower the department of revenue administration (DRA) to set arbitrary standards of what is "reasonable compensation" for every sole proprietor, partnership, and LLC in New Hampshire. This is a vast departure from current practice in

which the department examines or “audits” individual taxpayers which are flagged as unusual or suspicious. This makes the DRA commissioner the “pay czar” over every small business in New Hampshire with the power to determine how much a business owner is worth to his or her business. The overwhelming majority of partnerships and LLCs in New Hampshire are small businesses with only a handful of active members and partners. These individuals work long hours, often for years, before they begin to generate a decent profit. These are people who take risks, spend sleepless nights worrying about their employees, who often risk their personal finances by incurring debt. In short, these are the citizens who make New Hampshire’s economy work. This legislation does little to help these citizens. The minority of the committee believes that state government has no right trying to determine “reasonable compensation” for our small businesses.

HB 1661-FN-A, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

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

Rep. Dennis P Vachon for the **Majority** of Ways and Means: This bill would repeal the extension of the interest and dividends tax to certain distributions from limited liability companies, partnerships and associations that was contained in the budget for this biennium. It would allow the tax to continue to apply to those distributions if the business entity has transferable shares. Transferable shares are those whose owners can sell to whomever they choose. The bill’s proponents argue that corporations have transferable shares and limited liability companies and partnerships do not, so that the state can constitutionally tax receipts from corporations, as we always have, but not limited liability companies and partnerships. But in New Hampshire, the vast majority of corporations, like limited liability companies, partnerships and associations are relatively small, closely-held entities which have restrictions on the transferability of shares. As a result, the committee is more inclined to conclude that the extension of the interest and dividends tax to these entities does, in fact, close a loophole which unfairly benefitted them. Most limited liability companies, partnerships and associations in New Hampshire are small businesses with active owner management and participation. The owners of those entities would be taking reasonable compensation deductions from the business profits tax for the personal services they provide, thereby leaving very little, if any, business income for distributions to themselves in the form of dividends. For these reasons, the committee voted HB 1661-FN-A into interim study so that its proponents could have an opportunity to provide further information to support their unfairness argument. The committee is also interested in determining if these issues are addressed under other legislation working its way through the legislative process relative to clarification of the reasonable compensation deduction under the business profits tax, which has an impact on amounts of business profits that are taxable as dividends when distributed to individuals with ownership interests. **Vote 11-7.**

Rep. David J Bettencourt for the **Minority** of Ways and Means: The minority of the committee believes this legislation should be passed and not subjected to the half measure of interim study. This legislation would rightly repeal the LLC tax and return small businesses to their status before the previous budget cycle. We believe that its adoption last session, without a public hearing or prior notice, during the wee hours of the morning at the deadline of the budget committee of conference process was a mistake. This tax, which added a five percent tax increase on LLC has greatly hurt small businesses at a time when they can least afford it. This increase comes on top of an already existing 8.5 percent business profits tax because in order to tax income as dividends the law specifies that it must also be characterized as profits. The minority believes that simply stating that small businesses are the backbone of New Hampshire’s economy must be more than just words, it must be believed and practiced. By repealing this tax, we will retain and stimulate businesses in New Hampshire and allow our small businesses to move us out of our current economic difficulty.

LAI D ON TABLE

HB 133, requiring employers to report certain information regarding outsourcing to the

department of employment security.

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. (Pending question is Ought to Pass.)

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 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (SJ 1/27/10)

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 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (SJ 1/27/10)

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

COMMITTEE MEETINGS

SUNDAY, MARCH 7

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

1:00 p.m. Regular meeting.

MONDAY, MARCH 8

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

2:00 p.m. Regular meeting.

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

9:00 a.m. Subcommittee meeting on permitting of pre-1988 wells.

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

1:30 p.m. Subcommittee meeting.

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

9:30 a.m. Regular meeting.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Jordan
Institute, 49 North Main Street, Concord

10:00 a.m. Subcommittee meeting.

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

205, LOB

1:00 p.m. Regular meeting.

LEGISLATIVE ADMINISTRATION, Room 208, LOB

2:00 p.m. **HB 1693**, relative to the powers of the joint committee on legislative facilities.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:00 p.m. Rescheduled executive session on **HB 1554**, allowing municipalities to establish energy efficiency and clean energy districts.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), Room 103, State House

10:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work session on **HB 1239**, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements, **HB 1613-FN**, relative to the general banking laws of the state.

11:00 a.m. Subcommittee work session on **HB 1286**, requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers, **HB 1441**, relative to claimant eligibility for victim's compensation, **HB 1513-FN**, relative to fees collected by the secretary of state for checklist information, **HB 1534**, relative to the issuance of air permits and certain fees relative to air permits.

1:00 p.m. Subcommittee work session on **HB 1520**, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

TUESDAY, MARCH 9**HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), Department of Education, Room 12, 101 Pleasant Street, Concord**

3:30 p.m. Regular meeting.

WEDNESDAY, MARCH 10**TRANSPORTATION, Room 203, LOB**

8:45 a.m. Executive session on **SB 150**, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

THURSDAY, MARCH 11**COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House**

3:00 p.m. Regular meeting.

FRIDAY, MARCH 12**CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 101, LOB**

2:00 p.m. 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. Regular meeting.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Public Utilities Commission, Room A, 21 South Fruit Street, Concord

9:00 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: State of New Hampshire Management Letter year ended June 30, 2009
New Hampshire Turnpike System auditors' reports as required by *Government Auditing Standards* and other information year ended June 30, 2009.

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

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

1:00 p.m. Regular meeting.

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

1:30 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

MONDAY, MARCH 15

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

1:00 p.m. Regular meeting.
Followed by subcommittee meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 16

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Full committee work session.

1:15 p.m. Full committee work session with Maggie Bishop, DCYF.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:30 a.m. Executive session on **HB 218-FN**, relative to the state park fund, **HB 1170**, relative to licensure of home health care providers, **HB 1471**, requiring the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers, **HB 1602-FN**, relative to the secure psychiatric unit.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee work session on **HB 1664-FN**, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures.

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

10:00 a.m. **SB 320**, relative to occupational exposure to the human immunodeficiency virus.

10:30 a.m. **SB 310**, relative to studies of case management and sign language interpreters for the deaf and hard of hearing.

- 11:00 a.m. **SB 331**, establishing a governor's commission task force on substance use disorder treatment for Medicaid eligible individuals.
- 1:00 p.m. **SB 427**, adding duties to the oversight committee on health and human services.
- 2:00 p.m. **SB 306**, extending the commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities.

LOCAL AND REGULATED REVENUES, Room 303, LOB

- 10:00 a.m. **SB 398-FN**, relative to prohibited sales of alcoholic beverages.
- 10:45 a.m. **SB 371**, relative to warning statements concerning drinking alcoholic beverages during pregnancy.
- 11:30 a.m. **SB 325**, relative to loitering by intoxicated persons.
- 1:00 p.m. **SB 181-FN-A**, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

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

- 3:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Rescheduled executive session on **HB 2010**, relative to the state 10-year transportation improvement program.

TRANSPORTATION, Room 203, LOB

- 10:15 a.m. **SB 302**, relative to notice of driver's license expiration.
- 10:30 a.m. **SB 303**, relative to motor vehicle dealers, transporters, and repairers.
- 11:00 a.m. **SB 321**, relative to the state coordinating council for community transportation in New Hampshire.
- 11:15 a.m. **SB 326**, relative to certain extensions for temporary plates.
- 11:30 a.m. **SB 362**, relative to giving swimmers and kayakers the right of way.
- 12:00 p.m. **SB 363**, requiring the suspension of boating privileges for refusing a blood alcohol test.
- 12:15 p.m. **SB 364**, recognizing Canadian boating safety education certificates.

THURSDAY, MARCH 18

COMMISSION TO EVALUATE LONG-TERM USES OF LAKES REGION FACILITY LOCATED IN LACONIA (HB 2, Chapter 144:281, Laws of 2009), Room 303, LOB

- 3:00 p.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **HB 1664-FN**, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures.

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

- 10:00 a.m. **SB 318**, relative to the authority to dispense therapeutic contact lenses.
- 11:00 a.m. **SB 410**, establishing a committee to study New Hampshire's rate of infant mortality and develop proposals for remediation.

FRIDAY, MARCH 19

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 210-211, LOB (Please note room change.)

- 9:00 a.m. Regular meeting.

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

2:00 p.m. Regular meeting.

COMMUNITY COLLEGE SYSTEM LEGISLATIVE OVERSIGHT COMMITTEE (SB 82, Chapter 361:37, Laws of 2007), Room 212, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 22

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

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 23

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

3:30 p.m. Rescheduled regular business.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. ***SB 73-FN***, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

THURSDAY, MARCH 25

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

3:00 p.m. Regular meeting.

FRIDAY, MARCH 26

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

9:30 a.m. Regular meeting

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will hold a rescheduled meeting to review the County budget, consider subcommittee recommendations and act on the final budget at 6:00 p.m. at the Belknap County Complex on Monday, **March 15**.

Rep. Alida I Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Monday, **March 8**, 2010 at 9:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is as follows: 2010 Budget review/Approval and any other business.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at 6:00 p.m. on Monday, **March 15**, 2010 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: To consider 2010 Budget Appropriations for Merrimack County and to consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2010 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. Candace CW Bouchard, Chairman
Merrimack County Delegation

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on Monday, **March 15**, 2010 at 6:00 p.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: Approval of the 2010 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. Candace CW Bouchard, Chairman
Merrimack County Delegation

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 133, 213, 216, 218, 232, 286, 425, 507, 558, 564, 579, 629, 651, 660, 662, 681, 1128, 1149, 1155, 1170, 1281, 1293, 1378, 1428, 1441, 1452, 1495, 1506, 1513, 1537, 11566, 569, 1586, 1603, 1606, 1611, 1643, 1649, 1664, 1668, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683; SBs 72, 157, 166, 181, 365, 394, 463.

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.

Any one interested in joining the Bi-Partisan group to oppose new tolls on Route 93 contact Rep. Frank Sapareto at sapareto@comcast.net.

Rep. Frank V. Sapareto

MS Awareness Week is March 8-14 and is a great opportunity to spread the word and raise awareness for multiple sclerosis. Multiple sclerosis interrupts the flow of information from the brain to the body, and can stop people from moving forward in their lives. There are at least 3,000 people in the State of New Hampshire who have MS, and for each person diagnosed, there can be as many as seven whose lives are significantly affected. Join the National Multiple Sclerosis Society in helping to creature a world free of MS. No matter what you do, no matter how you do it, you'll keep all of us moving forward. To learn about ways to be a part of MS Awareness Week

and to encourage others to move it too, check out www.MSnewengland.org, or call 1-800-344-4867.

Rep. Carol A. Williams

The Barnstead Alton Republican Committee (BARC) is pleased to announce that this month's meeting will be held **March 9th** at JJ Goodwins Restaurant in Barnstead. Guest speaker will be Former Governor and Chairman of the New Hampshire Republican Committee, John H. Sununu. We will also be honoring our women in government in recognition of Women's History Month.

Rep. Elaine Swinford

Breathe New Hampshire cordially invites all members of the New Hampshire Legislature for a legislative breakfast to be held Wednesday, **March 10** from 7:30 to 9:00 a.m. in the State House Cafeteria.

Rep. Rich T. DiPentima

The NH OWLS will meet in State House 103 on Wednesday, **March 10** during the session lunch break. Please bring your own sandwich. Water and dessert will be provided.

Rep. Nancy F. Stiles

Merrimack County Democrats will hold a St. Patrick's Day dinner at the Barley House in Concord on Tuesday, **March 16** at 5:30 p.m. Tickets are \$25 in advance and \$30 at the door. Corned Beef and Cabbage, Celtic music, and the Katherine Rogers Award for Grassroots Activism! Mail checks to Merrimack County Democrats, PO Box 1741, Concord, NH 03302-1741. Send questions to Chairman Eric Tolbert at chair@merrimackcountymocrats.com

Rep. Mary Jane Wallner

All legislators and staff are invited to the 8th Annual New Hampshire Capital St. Patrick's Day Roast to benefit events at Children's Hospital at Dartmouth on Wednesday, **March 17** at 11:30 a.m. at the Marriott Courtyard in Concord. This year's event will include a traditional corned beef and cabbage lunch. Guest roasters include Governor John Lynch and the House and Senate leadership. Free tickets are limited. Please RSVP by March 10 by e-mailing James.Demers@TheDemersGroup.com or calling 228-1498.

Terie Norelli, Speaker

The Red Cross Bloodmobile will be parked in front of the State House and ready for donations on Tuesday, **March 23rd**, from 9:00 a.m. until 3:00 p.m. Please contact Health Services (x 2575) to set up an appointment. We hope that we can make a significant donation to aid the Red Cross in their work here and abroad.

Rep. Gene G. Chandler

Progressive Legislative Briefing: Breakfast and Cross-Over Politics! All legislators and staff are cordially invited to mingle with a diverse selection of NH's leading labor, environmental, social and citizen advocacy organizations on Wednesday, **March 24th** from 8:00 to 9:30 a.m. in State House Room 100. Staff and key leaders will be on hand to discuss issue priorities and legislative briefings on cross-over bills. A light breakfast and drinks will be served. For a listing of organizations, visit <http://www.granitestateprogress.org/page/s/legbreakfast10>

Rep. Tara Sad

The Dover Democratic Committee will hold its annual Franklin Roosevelt Dinner on Saturday, **March 27** at 7:00 p.m. in the Niles Community Center, Union Street, off Court Street, near downtown Dover. Special guest, Rep. Paul Hodes. Tickets are \$15 (\$5 for children). For more information and reservations, contact carole.appel@comcast.net, 749-7344.

Rep. David Watters.

All legislators and legislative staff are invited to the annual New Hampshire Water Pollution Control Association (NHWPCA) Legislative Breakfast on **March 31st** 7:00 to 8:30 a.m. at the Holiday Inn in Concord. Come learn about waste-water treatment, biosolids management and advances toward sustainability. Wastewater treatment facilities are critical to protection of public health and the environment, and their upkeep and the advancement of their programs impacts budgets state-wide – even in non-sewered communities, which depend on them for septage disposal. Presentations will highlight continued funding needs and current efforts toward making these facilities more sustainable. Policy for wastewater treatment must forge a balance between environmental protection, societal support, and cost effectiveness.

Reps, Burton W. Williams and Susan Wiley

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 **March**. 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 Visitor 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>Group#/Grade</u>
March 8	9:45	Lincoln St. School – Exeter	40/4
March 8	10:30	Lamprey River Elementary School – Raymond	60/4
March 9	9:45/11:15 SH/HM	Maple Wood School – Somersworth	100/3+4
March 10	9:15	Breathe NH Youth Advisory Board	14/HS
March 10	10:20	Laconia HS Women’s Choir	12/HS
March 10	10:00/11:30	Ledge Street School – Nashua	100/4
March 10	2:00	Leadership Lakes Region – Gilford	25/adults
March 11	9:30/11:00 SH/HM	McClelland Elementary School – Rochester	70/4
March 11	11:30	Hearts for Home HomeSchool – Ctr. Barnstead	12
March 12	9:45/11:00 SH/SC	Lincoln St. School – Exeter	80/4
March 12	11:30	Tuftonboro Central School	29/4
March 12	1:00	Phoenix Academy at Dublin	12/HS
March 15	9:00	Bow Elementary School	50/4
March 15	10:00/11:30 SH/SC	Stratham Memorial School	60/4
March 16	9:00	Bow Elementary School	50/4
March 16	9:00	World Affairs Council – Guests from China	
March 16	11:00/12:30 SH/HM	Appleton Elementary School – New Ipswich	64/4
March 16	12:00	Rivier College (Nursing Students)-Nashua	26/Col
March 17	9:00	Bow Elementary School	25/4
March 17	10:00/11:30 SH/HM	Swasey Central School – Brentwood	70/4
March 17	12:30	Sant Bani School – Sanbornton	17/4
March 18	9:00	Broken Ground School – Concord	45/4
March 18	9:30/11:00 SH/HM	Webster Elementary School – Manchester	75/4
March 19	9:00	Broken Ground School – Concord	45/4
March 19	9:30/10:45 SH/HM	Smyth Road School – Manchester	56/4
March 19	11:30	Merrimack High School	12/HS
March 22	9:00	Broken Ground School – Concord	25/4
March 22	10:00/11:30 SH/SC	Stratham Memorial School	60/4
March 23	10:30	Lamprey River Elementary School – Raymond	60/4
March 23	9:00	Greenland Central School	45/4
March 24	8:15	Hollis Townfolks	
March 24	9:45/11:00 SH/HM	Hooksett Memorial School	88/4
March 24	12:15	Wheelock Elementary School – Keene	38/4
March 25	9:45/11:00 SH/HM	Hooksett Memorial School	88/4
March 26	9:30	Jaffrey Grade School	50/4
March 26	10:30	East Kingston Elementary School	45/4

March 29	9:30/10:45 SH/HM	Pembroke Hill School	95/4
March 30	10:00/11:30 SH/HM	Marston Elementary School – Hampton	80/4
March 31	10:00/11:30 SH/HM	Marston Elementary School – Hampton	60/4

WEDNESDAY, MARCH 10

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2010-0832h

Floor Amendment to CACR 29 Proposed by Rep. Itse

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

RELATING TO: parental rights.

PROVIDING THAT: parents have the natural right to control the health, education, and welfare of their children.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 2-a the following new article:

[Art.] 2-b. [Parental Rights.] Parents have the natural right to control the health, education, and welfare of their children.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the first part of the constitution by inserting after article 2-a a new article to read as follows:

[Art.] 2-b. [Parental Rights.] Parents have the natural right to control the health, education, and welfare of their children.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that parents have the natural right to control the health, education, and welfare of their children.

2010-0508h

Amendment to HB 1143 Proposed by the Committee on Transportation - R

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

AN ACT relative to driver restrictions on persons 16 to 18 years of age.

Amend the bill by replacing section 1 with the following:

1 Youth Operators' Licenses. Amend RSA 263:14, II(b) to read as follows:

(b) The holder of a youth operator's license shall not operate a motor vehicle between the hours of 1:00 a.m. and ~~5:00~~ 4:00 a.m., nor shall such holder operate a motor vehicle when the number of occupants exceeds the number of safety restraints in the vehicle.

AMENDED ANALYSIS

This bill changes the hours during which persons 16 to 18 may not operate a vehicle.

2010-0726h

Amendment to HB 1188 Proposed by the Majority of the Committee on Election Law - R

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

AN ACT relative to nominating a candidate or political organization by nomination papers.

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

1 Nomination by Nomination Papers; Number. Amend RSA 655:42 to read as follows:
655:42 Number.

I. It shall require the names of ~~[3,000]~~ **2,000** registered voters ~~[-1,500 from each United States congressional district in the state,]~~ to nominate by nomination papers a candidate for president, United States senator, or governor.

II. It shall require the names of ~~[1,500]~~ **1,000** voters registered in the district to nominate by nomination papers a candidate for United States representative; ~~[750]~~ **500** to nominate a candidate for councilor or state senator; ~~[and 150]~~ **100** to nominate a candidate for ~~[state representative or]~~ county officer; **and 50 to nominate a candidate for state representative.**

III. It shall require the names of registered voters equaling ~~[3]~~ **1-1/2** percent of the total ~~[votes cast]~~ **number of registered voters** at the previous state general election to nominate by nomination papers a political organization.

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

AMENDED ANALYSIS

The bill reduces the number of names required to nominate a candidate by nomination papers.

2010-0818h

Floor Amendment to HB 1192

Proposed by Reps. M. O'Brien and Rhodes

Amend RSA 265:95, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A sticker or other nontransparent material shall be permitted on a rear window if the vehicle is equipped with exterior rearview mirrors on the right and left side of the vehicle that provide the driver with a clear and unobstructed view of the way to the rear of the vehicle.

2010-0499h

Amendment to HB 1272

Proposed by the Committee on Local and Regulated Revenues - R

Amend RSA 79-E:2, II as inserted by section 2 of the bill by replacing it with the following:

II. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. ***In addition, substantial rehabilitation means devoting a portion of the total cost, in the amount of at least 10 percent of the pre-rehabilitation assessed valuation or at least \$5,000, whichever is less, to improving energy efficiency through methods that comply with the U.S. Secretary of Interior's Standards for Rehabilitation.***

Amend RSA 79-E:7, II-a as inserted by section 3 of the bill by replacing it with the following:

II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in these structures.

2010-0653h

Amendment to HB 1304

Proposed by the Committee on Legislative Administration - C

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

AN ACT extending the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process.

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

1 Task Force on Homeless Teenagers; Report Date Extended. Amend 2008, 273:5 to read as follows:

273:5 Report. The task force shall report its findings and make 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 ***in an interim report submitted*** on or before September 1, 2009 ***and in a final report submitted on or before September 1, 2010.***

2 Commission to Study Alternate Fuel Vehicles; Report Date Extended. Amend 2010, 189:5 to read as follows:

189:5 Report. The commission 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, 2009]~~ ***March 1, 2010.***

3 Task Force to Study Access to Dental Care Extended. Amend 2009, 129:7 to read as follows:

129:7 Report. The task force 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, ~~[2009]~~ ***2010.***

4 Committee to Study the Certificate of Need Process; Report Date Extended. Amend 2009, 77:5 to read as follows:

77:5 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 ~~[February]~~ ***November 1, 2010.***

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

AMENDED ANALYSIS

This bill extends the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process.

2010-0860h

Floor Amendment to HB 1304 Proposed by Reps. Weber and Hunt

Amend the bill by replacing section 2 with the following:

2 Commission to Study Alternate Fuel Vehicles; Report Date Extended. Amend 2010, 189:5 to read as follows:

189:5 Report. The commission 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, 2009]~~ ***November 1, 2010.***

2010-0704h

Amendment to HB 1370 Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - R

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

1 New Paragraph; Workers' Compensation; Medical Examinations. Amend RSA 281-A:38 by inserting after paragraph II the following new paragraph:

III. Any health care provider who performs 10 or more independent medical examinations in a calendar year under this chapter shall file an annual report by January 31 for the preceding year with the labor commissioner. All reports shall be made available to the public. The commissioner may suspend the health care provider from performing independent medical examinations until said annual report is filed. The commissioner shall develop a form on which

health care providers shall report, at a minimum, the following information for each examination performed:

(a) The person or entity who hired the provider, including the name of the insurance carrier if applicable.

(b) The total amount that the provider was paid for each examination and for each report.

(c) Whether the finding on the causation of injury to the work-related injury or illness was for the claimant or the insurance carrier/employer.

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

2010-0804h

Amendment to HB 1371

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - R

Amend RSA 281-A:38, II as inserted by section 1 of the bill by replacing it with the following:

II. Any health care provider conducting independent medical examinations under this chapter shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by such board. The health care provider shall maintain a current practice in that area of specialty. The independent medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. The injured employee shall not be required to submit to more than 2 independent medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary. *An injured employee shall have the right to record the examination or have a witness present during such examination which shall be the injured employee's choice.*

2010-0148h

Amendment to HB 1380-FN

Proposed by the Majority of the Committee on Local and Regulated Revenues - R

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Reference Added. Amend the introductory paragraph of RSA 673:16, II to read as follows:

II. Any fee which a local land use board, acting pursuant to this title, collects from an applicant to cover an expense lawfully imposed upon that applicant, including but not limited to the expense of notice, the expense of consultant services or investigative studies under RSA 676:4, I(g) *or RSA 676:5, IV*, or the implementation of conditions lawfully imposed as part of a conditional approval, may be paid out toward that expense without approval of the local legislative body. Such fees:

2010-0727h

Amendment to HB 1400

Proposed by the Majority of the Committee on Education - R

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

1 New Section; Postsecondary Education Commission; Reporting Crimes. Amend RSA 188-D by inserting after section 9-b the following new section:

188-D:9-c Reporting Crimes.

I. Absent a memorandum of understanding, every nonpublic postsecondary educational institution that employs or contracts unsworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency.

II. Any memorandum of understanding executed under this section shall reflect the agreement between the nonpublic postsecondary educational institution and the local law enforcement agency as to what constitutes an "immediate report" and the extent to which offenses

listed in group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement. The nonpublic postsecondary educational institution and the local law enforcement agency shall have the discretion to determine which crimes outside of NIBRS group A offenses shall be covered by the immediate reporting requirement.

III. Every nonpublic postsecondary institution in the state shall annually inform students of the provisions of this section by including information about this section in the student handbook, student code of conduct, or other similar online or printed material provided to students.

2 New Section; Community College System of New Hampshire; Reporting Crimes. Amend RSA 188-F by inserting after section 21 the following new section:

188-F:21-a Reporting Crimes.

I. Absent a memorandum of understanding, every institution within the community college system that employs or contracts unsworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency.

II. Any memorandum of understanding executed under this section shall reflect the agreement between the community college system institution and the local law enforcement agency as to what constitutes an “immediate report” and the extent to which offenses listed in group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement. The community college system institution and the local law enforcement agency shall have the discretion to determine which crimes outside of NIBRS group A offenses shall be covered by the immediate reporting requirement.

III. Every community college system institution in the state shall annually inform students of the provisions of this section by including information about this section in the student handbook, student code of conduct, or other similar online or printed material provided to students.

3 New Section; University System of New Hampshire; Reporting Crimes. Amend RSA 187-A by inserting after section 16 the following new section:

187-A:16-a Reporting Crimes.

I. Absent a memorandum of understanding, every institution within the university system that employs or contracts unsworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency.

II. Any memorandum of understanding executed under this section shall reflect the agreement between the university system institution and the local law enforcement agency as to what constitutes an “immediate report” and the extent to which offenses listed in group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement. The university system institution and the local law enforcement agency shall have the discretion to determine which crimes outside of NIBRS group A offenses shall be covered by the immediate reporting requirement.

III. Every university system institution in the state shall annually inform students of the provisions of this section by including information about this section in the student handbook, student code of conduct, or other similar online or printed material provided to students.

4 Applicability. Every memorandum of understanding required by this act shall be executed no later than January 1, 2011.

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

AMENDED ANALYSIS

This bill provides that all colleges and universities in the state shall immediately report crimes occurring on campus property to local law enforcement officials, or they shall enter into a memorandum of understanding with the local law enforcement agency as to the procedure for reporting crimes on campus property.

2010-0812h

**Floor Amendment to HB 1411
Proposed by Rep. Stiles**

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

AN ACT requiring notice to educational support personnel and non-certified school district employees.

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

1 New Section; Notice for Educational Support Personnel and Non-Certified School District Employees. Amend RSA 189 by inserting after section 14-g the following new section:

189:14-h Notice to Education Support Personnel and Non-Certified School District Employees Required. No later than the last day of school each year, the superintendent shall notify, in writing, all education support personnel and non-certified school district employees who have completed their probationary employment period of the intent to continue or not to continue that employment into the next school year. The notification may contain special circumstances as may be defined by the employer. Nothing in this section shall be construed to amend, replace, or otherwise modify a school district's policy on dismissal, collective bargaining agreements, or any employee benefits package.

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

AMENDED ANALYSIS

This bill requires the superintendent to notify, in writing, all qualified education support personnel and non-certified school district employees who have completed their probationary employment period of the intent to continue or not to continue that employment into the next school year.

2010-0485h

**Amendment to HB 1421-FN
Proposed by the Minority of the Committee on Resources, Recreation and
Development - R**

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

AN ACT establishing a state park regional advisory council for the Dartmouth/Lake Sunapee region.

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

1 New Section; Expansion of State Park System; State Park Regional Advisory Council for the Dartmouth/Lake Sunapee Region. Amend RSA 216-A by inserting after section 3-k the following new section:

216-A:3-1 State Park Regional Advisory Council for the Dartmouth/Lake Sunapee Region.

I. There is established a state park regional advisory council for the Dartmouth/Lake Sunapee region which shall consist of the following members:

(a) One representative from the division of parks and recreation staff familiar with the region, appointed by the director of the division of parks and recreation.

(b) Fifteen individuals from the region, distributed geographically, with preference given to individuals from cities or towns in which a state park is sited, appointed by the director of the division of parks and recreation.

(c) One member from a regional planning commission in the Dartmouth/Lake Sunapee region, appointed by the regional planning commission.

II. The council shall have the following duties:

(a) Support the implementation of the state park master plan within the region.

(b) Apply for and accept funds from any local, state, federal, or private source to address the needs of state parks within the region especially those identified in the state park master plan. Funds received may be expended only upon the approval of the director of the division of parks and recreation.

(c) Make recommendations to the director of the division of parks and recreation relative to the implementation of the state park system master plan and any other issue relating to the development and improvement of the state park system within the region.

(d) Undertake activities requested by the director of the division of parks and recreation.

III. Members of the council shall serve without compensation.

IV. The first meeting of the council shall be called by the division of parks and recreation staff person appointed under subparagraph I(a). The first meeting of the council shall be held no more than 30 days after the division of parks and recreation staff person is appointed. The council shall meet at least 4 times per year.

V. The council shall submit a report of its activity during the year and any findings or 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 no later than November 1 each year.

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

AMENDED ANALYSIS

This bill establishes a state park regional advisory council for the Dartmouth/Lake Sunapee region.

2010-0676h

Amendment to HB 1422

Proposed by the Committee on Executive Departments and Administration - C

Amend section 2 of the bill by replacing paragraph I with the following:

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, one of whom shall be a member of the executive departments and administration committee and one of whom shall be a member of the resources, recreation, and development committee.

(b) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the executive departments and administration committee and one of whom shall be a member of the energy, environment, and economic development committee.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study 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.

2010-0806h

Amendment to HB 1461

Proposed by the Committee on Municipal and County Government - R

Amend RSA 31:31, I(p) as inserted by section 1 of the bill by replacing it with the following:

(p) Regulating the point of sale display and accessibility of martial arts weapons as defined in RSA 159:24 and other deadly weapons as defined in RSA 625:11, V, excluding firearms.

AMENDED ANALYSIS

This bill enables municipalities to regulate the point of sale display and accessibility of martial arts weapons and other weaponry excluding firearms.

2010-0843h

Floor Amendment to HB 1465-FN-A

Proposed by Reps. Ingersoll and Theberge

Amend the bill by replacing section 1 with the following:

1 New Section; Firefighter Number Plates. Amend RSA 261 by inserting after section 91-a the following new section:

261:91-b Firefighter Number Plates. The director shall design and issue special number plates to be affixed to the personal vehicles of firefighters. The plates shall include a rendering of the Maltese cross. The plates shall retain the “live free or die” logo. Such plates shall be issued only upon application and upon payment of a \$35 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. Plates shall be renewed on an annual basis for \$35 per set. Of the fees collected under this section, the department shall retain an amount as is necessary to recover production and administrative costs associated with the firefighter number plates and the remainder shall be forwarded to the treasurer to be credited to the fire academy. Each application for issuance or renewal of firefighter number plates shall include a letter from the applicant’s fire chief verifying his or her status as a firefighter in good standing. Upon termination of service to a department, the plate holder shall surrender the firefighter number plate to the division within 10 days of the termination and the fire chief shall submit a letter verifying the termination to the division within 5 days of the termination of service.

2010-0522h

Amendment to HB 1486

Proposed by the Committee on Commerce and Consumer Affairs - R

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

AN ACT prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

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

1 State Board of Fire Control; Rules; Sprinkler Systems. Amend RSA 153:5 to read as follows:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation, or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt the most recent edition of the provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in **one or 2-family dwelling units, in** areas of buildings or additions[,] in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities, or electronic data processing equipment, or in telecommunications or electric utility company equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries, and standby engines or generators, provided that those spaces or areas are equipped throughout with an automatic fire detection system. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures, or equipment. The fire marshal may exempt a building, structure, or equipment from such rules if he **or she** finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

2 Fire Protection and Warning Devices in Multi-Family Dwellings. Amend RSA 153:10-a, III to read as follows:

III. The state fire marshal may adopt such rules pursuant to RSA 541-A as necessary to enforce paragraphs I, II, and II-a; ***provided that under no circumstances shall the rules require the installation of a fire sprinkler system in a one or 2-family dwelling unit that otherwise meets the requirements of this section.*** The state fire marshal shall either enforce the provisions of this section or appoint the appropriate municipal authority to enforce the provisions of this section.

3 New Paragraph; State Building Code Review Board; Fire Sprinkler Systems. Amend RSA 155-A:10 by inserting after paragraph VI the following new paragraph:

VII. The state building code review board shall not adopt or enforce any rule requiring the installation of fire sprinkler systems in any new or existing one- or 2-family dwelling. This paragraph shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

4 Municipal Sprinkler Requirements.

I. No municipality or local land use board as defined in RSA 672 shall, prior to July 1, 2013, adopt or enforce any ordinance, regulation, code, or administrative practice requiring the installation of fire sprinkler systems in any new or existing one- or 2-family dwelling. This section shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

II. The prohibition against adoption and enforcement of municipal fire sprinkler requirements in paragraph I shall not apply to any municipal ordinance or regulation adopted prior to the effective date of this section.

5 Committee to Study Municipal Residential Fire Sprinkler Requirements.

I. There is established a committee to study municipal residential fire sprinkler requirements.

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

(a) Three members of the house of representatives, one of whom shall be a member of the commerce and consumer affairs committee, one of whom shall be a member of the executive departments and administration committee, and one of whom shall be a member of the municipal and county government committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

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

IV. The committee shall study existing municipal residential fire sprinkler requirements and whether the interests of safety justify authorizing municipalities to adopt sprinkler requirements for residential structures in the future.

V. The members of the study 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.

VI. 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.

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

AMENDED ANALYSIS

This bill prohibits the mandating of fire sprinkler systems in certain dwellings and establishes a committee to study municipal residential fire sprinkler requirements.

2010-0764h

Amendment to HB 1523

Proposed by the Committee on Education - R

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

1 Pupil Safety and Violence Prevention; Purpose. RSA 193-F:2 is repealed and reenacted to read as follows:

193-F:2 Purpose and Intent.

I. All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities must be to protect our children from physical, emotional, and psychological violence by dealing with bullying, harassment, intimidation, and cyberbullying in our public schools.

II. Bullying, harassment, or intimidation in schools has historically included actions shown to be motivated a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

III. It is the intent of the legislature to protect our children from physical, emotional, and psychological violence by dealing with bullying, harassment, intimidation, and cyberbullying of any kind in our public schools, for all of the historical reasons set forth in this section, and to prevent the creation of a hostile educational environment.

IV. The sole purpose of this chapter is to protect all children from bullying, harassment, intimidation, and cyberbullying, and no other legislative purpose is intended, nor should any other intent be construed from the enactment of this chapter.

2 Pupil Safety and Violence Prevention; Definitions. RSA 193-F:3 through RSA 193-F:5 are repealed and reenacted to read as follows:

193-F:3 Definitions. In this chapter:

I.(a) "Bullying, harassment, or intimidation," means a single incident or pattern of significant severity involving a written, verbal, or physical act, or any electronic communication which is intended to:

- (1) Physically harm a pupil or damage the pupil's property; or
- (2) Cause substantial emotional distress to a pupil; or
- (3) Substantially interfere with a pupil's educational opportunities; or
- (4) Be severe, persistent, or pervasive so as to create an intimidating or threatening educational environment; or
- (5) Substantially disrupt the orderly operation of the school.

(b) "Bullying, harassment, or intimidation" shall also include actions shown to be motivated by an imbalance of power, based on a pupil's actual or perceived characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

II. "Cyberbullying" means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

III. "Electronic devices" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

IV. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

193-F:4 Pupil Safety and Violence Prevention.

I. Bullying, harassment, intimidation, or cyberbullying shall occur when an action defined in RSA 193-F:3:

(a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

(b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct substantially disrupts the orderly operations of the school or school-sponsored activity or event.

II. The school board of each school district shall adopt a written policy prohibiting bullying, harassment, intimidation, and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3.

III. A school district shall involve, to the greatest extent practicable, pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. To the extent possible, the school district policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

IV. The policy shall contain, at a minimum, the following components:

(a) A statement prohibiting bullying, harassment, intimidation, or cyberbullying of a pupil.

(b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying, harassment, intimidation or cyberbullying, and a process for developing, as needed, a plan to protect pupils from retaliation.

(c) A requirement that all pupils are protected regardless of their status under the law.

(d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying, harassment, intimidation, or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal, or as a means of bullying, harassment, intimidation, or cyberbullying.

(e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, relative caretakers, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.

(f) A procedure for reporting cases of bullying, harassment, intimidation, or cyberbullying that identifies all persons to whom a pupil or another person may report bullying, harassment, intimidation, or cyberbullying.

(g) A procedure outlining the internal reporting requirements within the school or school district.

(h) A procedure for notification, within 48 hours of the report, to the parent or guardian of a victim of bullying, harassment, intimidation, or cyberbullying and the parents or guardians of the perpetrator of the bullying, harassment, intimidation, or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(i) A provision that the superintendent or designee may, within the 48 hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying, harassment, intimidation, or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

(l) A requirement that the principal or designee report all substantiated incidents of bullying, harassment, intimidation, or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with parents or guardians of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

V. The department of education may develop a model policy in accordance with the requirements set forth in this chapter which may be used by schools and school districts as a basis for adopting a local policy.

193-F:5 Training and Assessment.

I. Each school district shall provide only evidence-based educational programs in support of its efforts to reduce and prevent bullying, harassment, intimidation, or cyberbullying including:

(a) Training within 6 months of the effective date of this chapter, and annually thereafter, for school employees, regular school volunteers, parents, legal guardians, relative caretakers, or employees of a company under contract to a school, school district, or chartered public school who have significant contact with pupils in preventing, identifying, responding to, and reporting incidents of bullying, harassment, intimidation, or cyberbullying; and

(b) An educational program for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying, harassment, intimidation, or cyberbullying.

II. Nothing in this chapter shall require the inclusion of any curriculum, textbook, presentation, or other material designed to prevent bullying, harassment, intimidation, or cyberbullying in any program or activity conducted by an educational institution. The omission of such subject matter from any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution shall not constitute a violation of this chapter.

3 New Sections; Pupil Safety and Violence Prevention; Accountability and Reporting; Immunity. Amend RSA 193-F by inserting after section 5 the following new sections:

193-F:6 Accountability and Reporting.

I. Each school district and chartered public school shall annually report substantiated incidents of bullying, harassment, intimidation, or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report, which shall include a summary of substantiated incidences of bullying, harassment, intimidation, or cyberbullying. The report shall detail the current levels and nature of bullying, harassment, intimidation, or cyberbullying in the schools including recommendations for appropriate actions to address identified problems with public safety and violence. The report shall be submitted no later than November 1 of each year to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate education committees.

193-F:7 Immunity. A school administrative unit employee, school employee, public academy employee, regular school volunteer, pupil, parent, legal guardian, relative caretaker, or employee of a company under contract to a school, school district, school administrative unit, public academy, or chartered public school, shall be immune from civil liability for good faith conduct arising from, or pertaining to, the investigation, findings, reporting, recommended response, or implementation of a recommended response under this chapter.

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

2010-0887h

Floor Amendment to HB 1555

Proposed by Rep. McConkey

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Immunizations; Exemption Added. Amend RSA 141-C:20-c by inserting after paragraph II the following new paragraph:

III. A parent or legal guardian objects to immunization, or some immunizations, or the official age schedule for immunizations, because of conscientious beliefs. The parent or legal guardian, shall sign a form that will be witnessed by a health official or notary public, stating that the child has not been immunized or had been partially immunized as specified on the form, because of conscientious beliefs.

2010-0817h

**Amendment to HB 1569-FN
Proposed by the Committee on Finance - C**

Amend the bill by replacing section 4 with the following:

4 Chief Pharmacists and Pharmacists; New Hampshire Hospital. Amend RSA 94:1-a, I(b) by inserting:

- | | | | |
|-----|----|---|------------------|
| I. | KK | Department of health and human services | pharmacist |
| | | Department of health and human services | pharmacist |
| | | Department of health and human services | pharmacist |
| | | Department of health and human services | pharmacist |
| | | Department of health and human services | pharmacist |
| | | Department of health and human services | pharmacist |
| II. | NN | Department of health and human services | chief pharmacist |

AMENDED ANALYSIS

This bill establishes the salary for the positions of director of community corrections, director of security and training, and the professional standards director in the department of corrections. This bill also upgrades the positions of chief pharmacist and certain pharmacists of the New Hampshire hospital, department of health and human services.

This bill is a request of the joint committee on employee classification established under RSA 14:14-c.

2010-0785h

**Amendment to HB 1607-FN-A
Proposed by the Committee on Ways and Means - R**

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

1 Findings. The general court finds that amending RSA 77-A:4, III, as inserted by section 2 of this act, is necessary for the following reasons:

I. Good tax policy requires clear tax law that treats similarly situated business organizations equally, responds to changing business practices, provides taxpayers with clear and simple guidance, encourages compliance, and enhances the growth of jobs and income in our state.

II. Small business in particular is both a major part of our economy and the basis of our future prosperity.

III. The interest and dividends tax statute, RSA 77, was put in place in 1923 to tax unearned income, that is, income from investments of capital, excluding income earned from the provision of personal services by natural persons.

IV. The business profits tax statute, RSA 77-A, was put in place in 1970 to tax the profits of businesses, excluding income earned by their owners through the provision of personal services, when natural persons. This exclusion, called reasonable compensation, has always been one of the expenses that a business can deduct when calculating its business profits tax.

V. There is a major body of federal law, as well as judicial and administrative decisions surrounding the definition of reasonable compensation, but this is not referenced in current state law, creating needless confusion among taxpayers.

VI. Requiring every small business owner to provide the specific records of their personal services to their business organization would place an intolerable burden on small businesses and on our economy.

VII. On the other hand, allowing every business owner to designate whatever they take from their business organization as either earned or investment income, without possibility of review or challenge by the department, would shift the burden of taxation to those who report honestly, laying the tax open to constitutional challenge.

VIII. A balance is struck by providing small business owners with a record-keeping safe harbor for taking the deduction, that is a simple test of reasonable compensation below which the commissioner shall not review or challenge the taxpayer's assertion, except to verify that some personal service was provided by the natural person named. If the business organization takes a deduction for personal compensation of an owner above the record-keeping safe harbor, it will be required to provide proof that the claimed deduction is indeed reasonable.

IX. This proof shall be based on the principles, standards, and factors applicable to the tax structure in the state of New Hampshire which emanate from Internal Revenue Code section 162(a)(1), as those standards have been interpreted by the decisions of the United States Tax Court and other courts, as well as United States Treasury regulations and rulings by the Internal Revenue Service.

X. The provision in current law, last updated in 1991, which provides a minimum deduction for compensation of \$6,000 per partner or proprietor is unreasonably restrictive, and needs to be updated with a record-keeping safe harbor that reflects the realities of today's business environment.

XI. The enactment of a balanced approach with an updated safe harbor provision will simplify the business profits and interest and dividends tax rules for all businesses, eliminate costly and inefficient audits, and relieve small businesses in particular of unnecessary uncertainty and burdensome paperwork related to taking the deduction for personal compensation.

2 Reasonable Compensation. RSA 77-A:4, III is repealed and reenacted to read as follows:

III. In the case of any business organization filing a business profits tax return as a proprietorship or partnership, a deduction for an amount equal to a fair and reasonable compensation for the personal services of the proprietor, partners, or members who are natural persons actually devoting time and effort in the operation of the business organization; provided, however, that nothing contained in this section shall permit the deduction of amounts that are attributable to an owner's return on investment of capital in the business organization in determining taxable business profits. The business organization shall bear the burden of proof in demonstrating the reasonableness of any compensation deduction taken under this paragraph.

(a) The purpose of this paragraph is to permit a deduction from gross business profits of a business organization filing as a proprietorship or partnership, only of such amounts as are fairly attributable to the personal services of a proprietor, partner, or member and which such individual or individuals might reasonably earn in total compensation if performing like services as an employee or employee-owner of a corporation so that amounts attributable to the provision of personal services are determined in the same manner regardless of the form of entity through which the business activities are conducted.

(b) Reasonable compensation deductions may reduce a business organization's taxable business profits below zero for any taxable period only if such compensation has actually been paid.

(c) In determining the reasonableness of the compensation deduction claimed under this section, the business organization and the commissioner shall apply the principles, standards, and factors that are applicable to the tax structure of the state of New Hampshire which emanate from Internal Revenue Code section 162(a)(1), and relevant Treasury regulations, rulings by the Internal Revenue Service, federal court decisions, and United States Tax Court decisions.

(d)(1) In this paragraph, “record-keeping safe harbor” means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (g) of this section.

(2) Notwithstanding subparagraph III(d)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(e) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe-harbor, to deduct up to \$50,000 as total compensation for the tax year;

(f) The amount of any deduction claimed for reasonable compensation under this section may also include an amount not to exceed 15 percent of the gross selling price as commission on the sale of business assets.

(g) A business organization or group of related business organizations may elect the record-keeping safe-harbor option in subparagraph III(e) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed personal services for the business organization or group of related business organizations.

(h) Related business organizations electing not to substantiate the extent of the personal services of their proprietors, partners, and members, shall be limited to the safe harbor deduction, less any owners’ compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, “related business organizations” are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(i) Each business organization claiming a compensation deduction under RSA 77-A:4, III shall provide on a schedule attached to its annual return setting forth the following information:

(1) The total reasonable compensation deduction claimed by the business organization for the tax year; and

(2) The amount of such deduction allocated to each proprietor, partner, or member actually devoting time and effort in the operation of the business organizations entitled to the deduction.

3 Applicability.

I. Section 2 of this act shall apply for taxable periods beginning on or after January 1, 2009.

II. For tax year 2009, the entity may elect to take either the \$6,000 minimum deduction per partner, proprietor, or member available under the version of RSA 77-A:4, III(b) in effect prior to the effective date of this act, or the \$50,000 deduction available in RSA 77-A:4, III(e) as inserted by section 2 of this act.

4 New Section; Committee to Study the Record-Keeping Safe Harbors for the Compensation Deduction. Amend RSA 77-A by inserting after section 4-a the following new section:

77-A:4-b Committee to Study Safe Harbors.

I. There is established a committee to study the record-keeping safe harbors for the compensation deduction. The committee shall consist of the following individuals:

(a) Three members from the house of representatives, 2 of whom shall be members of the ways and means committee, appointed by the speaker of the house of representatives.

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

II. The committee shall:

(a) Study whether the burden of proof for safe harbors should be revised.

(b) Consider the provision of additional safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory, or the percentage of gross revenues, or the percentage of gross business profits using the independent investor return test, or any other issue related to the reasonable compensation deduction.

(c) Consider any other issue which the committee deems relevant to the study of safe harbors.

III. The committee may solicit testimony from any individual or organization with information or expertise which the committee deems relevant to its objective.

IV. Three members of the committee shall constitute a quorum. The committee shall select a chairperson from among its members. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. No later than November 1, 2011 and annually thereafter, the committee shall submit a report of its findings and any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate standing committees with jurisdiction over business taxation.

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

2010-0692h

Amendment to HB 1610-FN

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

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

AN ACT establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire.

Amend RSA 21-K:24, II as inserted by section 1 of the bill by replacing it with the following:

II. The commission shall consist of 7 members, appointed by the governor, who are residents of New Hampshire. The governor may appoint up to 5 of the initial members from a list of up to 15 candidates compiled by the New Hampshire Intertribal Native American Council on behalf of Native American groups within the state. Thereafter, the governor shall appoint members based on recommendations submitted by the commission. The Native American commission shall be nonpartisan. Each member of the commission shall serve a 3-year term, and no member shall serve more than 2 consecutive terms. Initial appointments by the governor shall be for staggered terms of one, 2, or 3 years.

Amend the bill by replacing section 2 with the following:

2 Recognition of the Native American People.

I. The state of New Hampshire recognizes all Native American people who reside in New Hampshire as a minority population.

II. Recognition of the Native American people provided in paragraph I shall be for the sole purposes specified in section 1 of this act and shall not be interpreted to provide any Native American with any other special rights or privileges that the state does not confer on or grant to other state residents.

AMENDED ANALYSIS

This bill establishes a New Hampshire commission on Native American affairs. The bill also recognizes Native American residents as a minority population in the state of New Hampshire.

2010-0833h

Floor Amendment to HB 1620-FN-A

Proposed by Rep. A. Peterson

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Initial State Park Number Plates. The director shall issue number plates bearing 4-digit registration numbers to the first 10,000 applicants for state park number plates. Four-digit plate numbers shall be issued serially in the order that applications are received, beginning with "0001" and ending with "9999."

Floor Amendment to HB 1647-FN

Proposed by Rep. Wendelboe

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

AN ACT requiring lifetime registration of a person convicted of first or second degree murder of a child.

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

1 New Chapter; Registration of Persons For First or Second Degree Murder of a Child.

Amend RSA by inserting after chapter the following new chapter:

CHAPTER 651-F

**REGISTRATION OF PERSONS FOR FIRST OR SECOND
DEGREE MURDER OF A CHILD**

651-F:1 Definitions. In this chapter:

I. "Department" means the department of safety.

II. "Division" means the division of state police, department of safety.

III. "Local law enforcement agency" means the chief of police in the city or town where the person resides or is temporarily domiciled, or, if the municipality has no police chief or if the person resides in an unincorporated place, the division.

IV. "Offender" means a person who is required to register for committing first degree murder pursuant to RSA 630:1-a, where the victim was under 18 years of age at the time of the offense, or for committing second degree murder pursuant to RSA 630:1-b, where the victim was under 18 years of age at the time of the offense.

V.(a) "Required to register" means that an offender was charged with an offense or an attempt, conspiracy, solicitation, or as an accomplice to commit first or second degree murder that resulted in one of the following outcomes:

(1) Conviction.

(2) A finding of not guilty by reason of insanity.

(3) An adjudication as a juvenile delinquent and the court at the time of the dispositional hearing finds, pursuant to RSA 169-B:19, that the juvenile is required to register.

(4) An adjudication of juvenile delinquency or its equivalent in another state or territory of the United States if the juvenile is required to register under the laws of that jurisdiction.

(5) An order committing the person as a sexually violent predator pursuant to RSA 135-E.

(b) A juvenile certified to stand trial as an adult, who is convicted, found not guilty by reason of insanity, or committed as a sexually violent predator, shall be treated as an adult for all purposes under this chapter.

VI. Notwithstanding RSA 21:6-a, "residence" means a place where a person is living or temporarily staying for more than a total of 5 days during a one-month period, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

651-F:2 Registration.

I. Every offender shall be registered for life with the department of safety, division of state police, as provided in this chapter.

II. The division shall create an RSA 651-F offender registry which shall include information about each offender as required under this chapter. The division shall make such registry available to the public on the department's Internet website in accordance with this chapter.

III. Upon receipt of information pursuant to RSA 106-B:14 concerning the disposition of any charges against an offender, the division shall register such person and shall include the relevant information in the registry.

IV. Upon receipt from any out-of-state law enforcement agency of information that an offender has moved to New Hampshire, the division shall register such person and shall include the relevant information in the registry.

V. The information that a person is required to register as an offender, including any qualifying offenses, shall be available to law enforcement through the offender's criminal record and motor vehicle record.

651-F:3 Release of Certain Offenders Into the Community; Duties.

I.(a) When a person is convicted of an offense that results in the person being required to register, the court shall notify the offender in writing and advise the offender of his or her duty to report under this chapter. The offender shall acknowledge in writing that he or she has received such notice. The court shall forward a copy of the notice to the division along with a copy of each offense for which he or she was convicted, including a copy of any indictment, complaint, juvenile petition, mittimus, or other court orders. The division shall enter such information into the registry.

(b) Upon release of any offender who is required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, release into the community after involuntary commitment, release from a juvenile detention facility, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency in the city or town where the offender expects to reside. The local law enforcement agency in the city or town where the offender expects to reside may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address at which the offender expects to reside. If such notification occurs, the local law enforcement agency shall also notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of any changes to the offender's information made. The division shall enter the information concerning the offender's release and notification in the registry.

II. Upon receipt from any out-of-state law enforcement agency of information that an offender has moved to New Hampshire, the department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency. The local law enforcement agency in the city or town where the offender expects to reside may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address at which the offender expects to reside. The department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. Service by the department is not required if the offender has already registered with the local law enforcement agency in which the offender resides or is located as required by this chapter. At the time of the initial registration, the offender shall acknowledge in writing that the offender has received notice of the duty to report. The division shall enter the information concerning the offender's location in New Hampshire and notification in the registry. This paragraph shall not apply to an offender who has moved to New Hampshire and has registered with a local law enforcement agency.

III. Semi-annually, the department shall verify, in person, the address at which the offender resides or by sending a letter by certified non-forwarding mail to the offender. The address verification shall occur prior to the offender's birthday and again prior to the offender's 6-month semi-annual registration. The address verification shall remind the offender of the obligation to register in person. The offender shall sign the address verification and return it to the officer, if the address verification was made in person, or to the department within 10 business days of receipt.

IV. In the discretion of the local law enforcement agency or the department, such agency or the department may affirmatively verify the address of any offender within that agency's jurisdiction through in-person contact at the home or residence of the offender.

651-F:4 Duty to Report.

I. Any offender residing in this state shall report in person to the local law enforcement agency. The offender shall report in person as set forth in this section within 5 business days after the person's release, or within 5 business days after the person's date of establishment of residence, employment, or schooling in New Hampshire. If an offender has more than one residence, the offender shall report in person to the local law enforcement agency having jurisdiction over his or her primary residence and report the addresses of all his or her residences, including those outside of New Hampshire. The division shall notify the local law enforcement agencies having jurisdiction over the offender's other residences of the offender's address in their jurisdiction. Thereafter, the offender shall report in person quarterly, within 5 business days after each anniversary of the offender's date of birth and every 3 months thereafter.

II. Any nonresident offender shall report in person to the local law enforcement agency having jurisdiction over the place of employment or school. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment in this state, the offender shall register in person with the department in Concord.

III. Each time an offender is required to report, the offender shall provide the following information:

- (a) Name and any aliases.
- (b) Address of any permanent residence and address of any current temporary residence, within the state or out-of-state, and mailing address. A post office box shall not be provided in lieu of a physical residential address. If the offender cannot provide a definite address, he or she shall provide information about all places where he or she habitually lives.
- (c) Name, address, and date of any employment or schooling. For purposes of this section, the term "employment" includes volunteer work or work without remuneration. If the offender does not have a fixed place of work, he or she shall provide information about all places he or she generally works, and any regular routes of travel.
- (d) Any professional licenses or certifications that authorize the offender to engage in an occupation or carry out a trade or business.
- (e) Vehicle make, model, color, and license plate number and state of registration of any vehicle owned or regularly driven by the offender, and the place or places where such vehicles are regularly kept.
- (f) Date of birth, including any alias date of birth used by the offender.
- (g) Social security number.
- (h) Physical description to include identifying marks such as scars and tattoos.
- (i) Telephone numbers for both fixed location and cell phones.
- (j) Passport, travel, and immigration documents.
- (k) The name, address, and phone number of any landlord, if the offender resides in rental property.

IV. In addition to the information required pursuant to paragraph III, the department, at the time of the offender's registration, may require the offender to submit the following:

- (a) A photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.
- (b) A DNA sample, if such sample has not already been provided.
- (c) A set of major case prints, including fingerprints and palm prints of the offender.
- (d) A photocopy of a valid driver's license or identification card issued to the offender.

The consent of the registrant shall not be necessary to obtain this information. Such information may be used in the performance of any valid law enforcement function.

V. At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections, the superintendent of each county department of corrections, and the commissioner of the department of health and human services shall forward to the division a statement identifying every offender who is confined in a facility under its control and who is eligible for any unsupervised work detail, release into the community following secure psychiatric care, or other assignment which may bring the offender into contact with members of the public.

These statements shall include the information required in paragraph III and may include the information set forth in paragraph IV. In no event shall the statements include the identity of any victim.

651-F:5 Availability of Information to the Public and Law Enforcement.

I.(a) The division shall maintain the offender registry which shall include all offenders who are required to register. The registry shall include all of the following information:

(1) Offender's name, alias, age, race, sex, date of birth, height, weight, hair and eye color, and any other relevant physical description.

(2) Address of any permanent residence and address of any temporary residence, within the state or out-of-state.

(3) The offense for which the individual is required to register and the text of the provision of law defining the offense.

(4) The date and court of the adjudication on the offense for which the individual is registered.

(5) Outstanding arrest warrants, and the information listed in subparagraphs (a)(1)-(3), for any offender who has not complied with the obligation to register under this chapter.

(6) Criminal history of the offender, including the date of all convictions and the status of parole, probation, or supervised release, and registration status.

(7) A photograph of the individual.

(8) The address of any place where the individual is or will be a student.

(b) Where such information is available, the registry may also include:

(1) Information on the profile of the victim of the individual's offense.

(2) The method of approach utilized by the individual.

(c) The registry shall not include:

(1) The identity of any victim either directly or indirectly.

(2) The social security number of the offender.

(3) Arrests of the offender which did not result in a conviction.

(4) The name of the employer or school which the offender attends.

(5) Information about a juvenile delinquent required to register pursuant to this chapter.

II.(a) The registry shall be made available to interested members of the public upon request to a local law enforcement agency. The department of safety shall also make the registry available to the public through the use of the department's official public Internet website. The Internet website shall be available to the public in a manner that will permit the public to obtain relevant information for each offender by a single query for any given zip code or geographic radius set by the user. The website may include additional search parameters as determined by the department.

(b) Local law enforcement agencies may photograph, at the time of the registration, any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function.

(c) In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the registry received by the agency pursuant to subparagraph II(a) is residing in the community.

III. Local law enforcement agencies, employees of local law enforcement agencies, county and state officials, municipal and school officials, and municipalities and school districts shall be immune from civil and criminal liability for good faith conduct under this chapter, including any decision to provide or not provide affirmative notification to the public pursuant to subparagraph II(c). Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

651-F:6 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to forms and procedures for the administration of this chapter.

651-F:7 Penalty.

I. An offender who is required to register under this chapter and who negligently fails to comply with the requirements of this chapter shall be guilty of a misdemeanor.

II. An offender who is required to register under this chapter and who knowingly fails to comply with the requirements of this chapter shall be guilty of a class B felony.

III. An offender previously convicted pursuant to paragraph II who is required to register under this chapter and who knowingly fails to comply with the requirements of this chapter shall be guilty of a class A felony.

IV. The penalties imposed under paragraphs I-III shall not apply to juveniles required to register pursuant to this chapter. The court with jurisdiction over such juveniles may impose an appropriate disposition for a violation of this section.

V. Any person who violates the provisions of RSA 651-F:5 shall be guilty of a violation.

VI. An offender who knowingly provides false information in response to any of the requirements of this chapter shall be guilty of a class B felony.

VII. A person is guilty of a class B felony if the person has reason to believe that an offender is not complying, or has not complied, with the requirements of this chapter and who purposely assists the offender in eluding any law enforcement agency that is seeking to find the offender to question the offender about, or to arrest the offender for, his or her noncompliance with the requirements of this chapter, and engages in any of the following acts or omissions:

(a) Withholds information from, or does not notify, the law enforcement agency about the offender's noncompliance with the requirements of this chapter, and, if known, the whereabouts of the offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the offender;

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the offender;

(d) Provides information to the law enforcement agency regarding the offender which the person knows to be false information; or

(e) Warns the offender that the law enforcement agency is attempting to locate the offender.

651-F:8 Registration Fee.

I. An offender shall pay a fee of \$50 to the department within 10 days of the registration that occurs within the month of the anniversary of his or her birth. Such payment shall be made in person or shall be mailed to the department. The department shall retain \$40 of this amount to be used to defray the costs of maintaining the registry. Such funds shall be nonlapsing and shall be continually appropriated to the department for such use. The department shall forward the remaining \$10 to the law enforcement agency which registered the offender within the month of the anniversary of the offender's birth to defray any costs associated with implementing the provisions of this chapter. The department shall forward these fees to the registering law enforcement agencies in a manner determined by the department but no less frequently than once a year.

II. An offender who cannot afford to pay the fee shall, within 10 days of registration, request a waiver of the fee and a hearing on the matter before the commissioner. In order to be considered for a waiver, the offender shall submit a financial affidavit on a form provided by the department. The division may at its discretion request such a waiver on behalf of an offender. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A, unless the commissioner or commissioner's designee determines a hearing is not necessary and waives the fee based on the offender's financial affidavit, or at the written request of the division. At the hearing, the burden shall be on the offender to prove that he or she is indigent. The offender may appeal the commissioner's decision to the superior court. Under no circumstances shall the offender's request for a hearing or indigency relieve the offender of the obligation to register as required pursuant to this chapter.

III. Notwithstanding RSA 651-F:7, an offender who violates the provisions of this section shall be guilty of a violation for a first offense and a misdemeanor for a second or subsequent offense.

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

AMENDED ANALYSIS

This bill provides that an offender who has been convicted of first or second degree murder where the victim was under 18 years of age at the time of the offense shall be registered for life. The bill also requires the department of safety, division of state police to create a publicly available registry of such offenders.

2010-0644h

Amendment to HB 1653-FN

Proposed by the Committee on Criminal Justice and Public Safety - C

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

1 New Section; Controlled Drug Act; Personal Possession of Small Amounts of Marijuana.

Amend RSA 318-B by inserting after section 2-b the following new section:

318-B:2-c Personal Possession of Small Amounts of Marijuana.

I. Any person possessing 1/4 ounce or less of marijuana, including any adulterants or dilutants, for personal use, shall be guilty of a violation.

II.(a) Any person 18 years of age or older who is in possession of 1/4 ounce or less of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of a violation and subject to a fine not to exceed \$200 and forfeiture of the marijuana.

(b) Any person under 18 years of age who is in possession of 1/4 ounce or less of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of a violation and subject to a fine not to exceed \$200 and forfeiture of the marijuana. The offender's parents or legal guardians shall be notified of the offense. The court shall order the offender to complete an approved drug awareness program, at the offenders expense, within one year of the date of the offense. Further, the court shall order the offender to participate in community service which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved drug awareness program and community service. An offender who fails to complete either a drug awareness program or community service, or both, shall be subject to a fine of \$1,000.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

(d) In the case of marijuana *in a quantity of 1/4 ounce or less*, including any adulterants or dilutants~~[-or]~~, *the person shall be guilty of a violation. In the case of* 5 grams or less of hashish, the person shall be guilty of a class A misdemeanor.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) Controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited, *provided that this subparagraph shall not apply if the controlled drug is 1/4 ounce or less of marijuana as provided in RSA 318-B:2-c;*

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

AMENDED ANALYSIS

This bill provides that any person who possesses 1/4 of an ounce of marijuana or less shall be guilty of a violation and shall be subject to a fine of up to \$200.

2010-0807h

Amendment to SB 460-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, voluntary furloughs for judges, and transfers of federal funds.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Department Budgets; Transfers of Federal Funds. In order to maximize the use of federal grant funds and to avoid lapsing such funds where changes in the state or federal accounting systems, changes in federal grant guidelines, overestimation or underestimation of funds required in various class codes due to program needs or requirements, have occurred subsequent to the passage of the budget, notwithstanding any other provisions of law to the contrary, every department as defined in RSA 9:1 is hereby authorized, for the biennium ending June 30, 2011, subject to the prior approval of the fiscal committee and the approval of governor and council, to transfer funds in or out of any class code and to create new class codes within federally funded areas of the department's operating budget so long as such transfers do not result in an over expenditure of the grant.

AMENDED ANALYSIS

This bill:

I. Lapses certain sums appropriated to the legislative branch and the judicial branch to the general fund on or before June 30, 2011 pursuant to required operating budget adjustments.

II. Consolidates the amount to be reduced by the department of health and human services, as required under HB 1-A of the 2009 legislative session, for the biennium instead of for each fiscal year.

III. Clarifies the effect of the judicial branch furlough plan on judges who take unpaid furlough time.

IV. Allows for certain departmental budget transfers of federal funds.