

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 12, 2010	No. 21
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Contains: Reports and Amendments for March 17 and March 18, 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 17th at 2:00 p.m.** The House will also meet on **Thursday, March 18th**, Wednesday, March 24th, and Thursday, March 25th. Other session days may be added as necessary.

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 17th, following the Special Order bills, we will begin with the Committee on Labor, Industrial and Rehabilitative Services.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **March 16**, at **8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 17** at **1:15 p.m.** and Thursday, **March 18** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 17** at **1:15 p.m.** and Thursday, **March 18** at **9:00 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:

March 18

TO BE MAILED FRIDAY:

March 19

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 17

SPECIAL ORDER

WAYS AND MEANS

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.

LOCAL AND REGULATED REVENUES

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.

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. Betsey L. Patten 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 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.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

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."

TRANSPORTATION

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

Rep. Stephen H Neddeau 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.

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 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.

EDUCATION

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 Ingbreton 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.

WEDNESDAY, MARCH 17

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1420, relative to the calculation of child support. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David A. Bickford for Children and Family Law: This bill provides that upon the termination of support for one child, the amount of child support obligation for remaining children shall be stated in the order. A parent will still be able to petition, if he/she disagrees with the projection.
Vote 15-0.

HB 1510, relative to grounds for divorce for persons with minor children. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Deanna S Rollo for the **Majority** of Children and Family Law: This bill would create a policy that would force couples with minor children to stay married or seek a fault divorce. The majority of the committee felt that forcing parents to stay in a marriage or to state a reason for the separation for the record was not in the best interest of their children. **Vote 15-3.**

Rep. Edward P Moran for the **Minority** of Children and Family Law: While this bill has inherent problems, the committee as a whole is very concerned about the inability of so many adults to sustain successful marital relationships and the minority felt this could be a vehicle for productive discussion.

COMMERCE AND CONSUMER AFFAIRS

HB 1248, prohibiting the state from doing business with any banking institution that requires fingerprints or bodily fluids from any person in order to complete a banking transaction.

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

Rep. Stephen T DeStefano for the **Majority** of Commerce and Consumer Affairs: If enacted, the state treasurer believes that, as stated in testimony, the state would have to look to all banks and all their affiliates, both nationally and internationally, to determine which, if any, of these institutions require fingerprinting or the leaving of other bodily fluids. To the extent that any such banks or their affiliates have such requirements, the state would then have to cease all current business and exclude them from any future business. Other questions which have arisen are whether the state could invest in any national or international banks that engage, or if their affiliates engage, in fingerprinting? If not, would the state need to divest of such investments? Would the state somehow be required to exclude investment firms affiliated with banks that fingerprint from buying or even holding state debt? **Vote 11-6.**

Rep. Joel F Winters for the **Minority** of Commerce and Consumer Affairs: Under the minority amendment, the state would not conduct any commercial business transaction with a bank which requires fingerprints to complete a banking transaction in the state of New Hampshire. Recently Bank of America ceased this practice in our state, so this legislation would serve as a strong disincentive for them bringing this privacy invading practice back to New Hampshire.

HB 1253, removing the exemption to the consumer protection act for insurance trade and commerce. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: The intent of this bill is to remove the insurance department from the consumer protection exemption under RSA 358-A:3. The exemption for the insurance department was created by the Legislature in 1970 with the enactment of the Consumer Protection Act, RSA 358-A because RSA 417 Unfair Trade Practices, enacted in 1947, then provided, and still provides, the insurance department with the regulatory oversight tools and authority to protect all insurance consumers. Currently, the department is able to investigate and resolve consumer issues and take remedial action to prevent violations from reoccurring. Because more than adequate oversight exists, it is the committee's opinion that passage of this bill would create unnecessary parallel and duplicative regulation. **Vote 10-3.**

HB 1366, making certain technical corrections in the insurance laws. **OUGHT TO PASS.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This is a technical correction bill requested by the insurance department. It was the unanimous vote of the committee that the legislation is useful and necessary. **Vote 17-0.**

HB 1409, banning biometrics for state or privately issued identification cards and as a condition of doing business. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: This bill bans biometrics for state or privately issued identification cards and as a condition of doing business. Biometrics are defined by 9 different human characteristics such as fingerprints, palm prints, facial features pattern characteristics, characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence, voice data used for comparing live speech with a previously-created speech model of a person's voice, iris recognition data containing color or texture patterns or codes, and even keystroke dynamics, measuring pressure applied to key pads. An amendment to make this ban apply only to the state failed because even the state currently uses biometrics when it records birth certificates that contain the baby's footprint. **Vote 11-6.**

HB 1429, establishing a committee to study the inclusion of universal design requirements in the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: The purpose of this study committee is to determine how New Hampshire can use universal design guidelines to increase disability-friendly housing stock in the future. Universal design is an outgrowth of the barrier-free design that has enabled those with disabilities to maintain or regain their independence and to access their communities and places of work. The committee heard testimony that one of the challenges of our increasingly older population is being able to "age in place." Building homes by factoring in "universal design" features can prevent people from having to prematurely leave their homes due to the high costs of renovating homes to accommodate physical needs. The bill was amended to include consideration of one and 2-family dwellings since this is the predominant housing stock in our state. The purpose of the study committee is not to mandate a new building "code" but rather to determine how universal design can be used as a tool in bringing the needs of the aging to the industry that has the most impact on their ability to "age in place." **Vote 9-8.**

HB 1475, relative to indoor smoking. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F Winters for the **Majority** of Commerce and Consumer Affairs: Indoor smoking would be further restricted under this bill, which the majority feels is not necessary. The minority amendment would prohibit smoking in every indoor workplace, which might look good on paper. Yet this would mean that a business owner with no employees could be fined for smoking in front of herself in her own office. **Vote 12-7.**

Rep. Susi Nord for the **Minority** of Commerce and Consumer Affairs: It is the opinion of the minority that all employees deserve the right to breathe clean air. Currently approximately 15 – 20% of the workers in New Hampshire are exposed to second-hand smoke in the workplace. This bill will eliminate most of the exemptions in our current Indoor Smoking Act to greatly reduce that number. No one should have to choose between their health and earning a living. This bill will create a level playing field and treat all businesses and employees equally. Secondhand smoke is a known toxin and it is one of the leading causes of preventable disease. Utilization of healthcare services to treat preventable disease is by far the largest factor driving increased healthcare costs. This bill is both good public health policy and good workplace safety policy.

HB 1545-FN, relative to group size for premiums charged by health insurance carriers when issuing small employer health coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill would have disallowed health insurance carriers from using group size when determining premiums when issuing small group health coverage. Three rating factors are currently used when writing coverage in the small group market (1 to 50 employees): age, industry, and group size. The elevated loss ratio (higher medical costs) for groups of one (as opposed to groups of 2-50) is reflected in the somewhat higher premiums that self-employed sole proprietors may pay. However, the small group is still a market where these sole proprietors have guaranteed issue (the insurance carriers must offer a product)

at a price competitive to the individual market, where they may not get insurance at any price (no guaranteed issue). If the group size rating factor were eliminated, resulting higher community rates might have a destabilizing effect on the viability of the small group market overall. **Vote 11-4.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1433, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill contains no policy issues within the purview of the Criminal Justice and Public Safety Committee and contains no penalties for consideration. **Vote 16-4.**

HB 1635-FN, prohibiting the open carrying of a firearm in a public building. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill would have made a class B felony for openly carrying a firearm, or any other deadly weapon as defined in RSA 625:11V. The aforementioned statute defines deadly weapon as “any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury.” The U.S. Constitution and the N.H. Constitution permit the carrying of firearms. The only restriction is found in statutory law that no person can carry such a weapon concealed without first obtaining a license to do so. This proposed law is a clear violation of constitutional law. Further, it would be applied against a person carrying a jackknife in a case that is worn in the open. **Vote 13-2.**

HB 1667-FN, relative to possession of controlled substances obtained by valid prescription. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill repeals the law that made it a crime to put your prescription drug into another container, other than the label bottle it came in from the pharmacy. Under current law, prescriptions must be kept in their original prescription bottle until they are to be used by the individual. **Vote 14-3.**

EDUCATION

HB 1453, relative to notice to legal guardians of students. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Judith T Reeve for the **Majority** of Education: This bill would have required schools to give notice to legal guardians regarding certain school programs and classes. Schools would give a 5 day notice to legal guardians when health, sex education, sexual orientation or gender identity or political activism were being discussed or taught. Currently RSA 186:11, 1X-b requires local school districts to adopt a policy allowing an exception for a unit of health or sex education, with a provision for alternative learning. The majority believes current law enables local decision making regarding parental opt outs. **Vote 15-5.**

Rep. Paul Ingbreton for the **Minority** of Education: This bill requires school districts to give five days notice to legal guardians of students before any activities which address the sensitive subjects of health and sex education as now but adds the subjects of sexual orientation, gender identity and political activism. It would disallow such activities without such notice. The minority believes this is overdue.

HB 1479-FN, requiring that body mass index be assessed in all pupils in grades one, 4, 7 and 10. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for the **Majority** of Education: In an effort to address obesity, this bill requires the body mass index (BMI) to be administered to all children in grades 1, 4, 7 and 10 whose parents have not requested an exception. The irony of well intended initiatives such as the BMI is that unintended consequences can compromise the desired outcome. First, there is an assumption that BMI is an accurate indication of a person's health. This is not the case as BMI ignores the critically important factors of body composition and frame size. The majority is further concerned that by implementing BMI, many healthy children will end up with their lives

in turmoil because they don't fit an outdated, inaccurate tool administered and interpreted by an individual who may not be versed in proper nutritional and medical understandings. Harmful impacts that do result from BMI include: parent promotion of child dieting without medical guidance, increased stigmatization of obesity, lower self esteem, increased body dissatisfaction, eating disorders, and increased anxiety regarding body weight during growth years. Due to a child's physical, psychological and general well-being, the bi-partisan majority believes that this is an issue best addressed through the child's parent working directly with the family doctor, and should not be conducted in schools. **Vote 16-4.**

Rep. Nancy F Stiles for the **Minority** of Education: This bill came as a result of the two year commission on overweight and obesity in children and is one of the fourteen recommendations to come forth from that commission. Overweight and obesity has reached epidemic proportions in this country and medical research tells us that this generation of children may be the first generation to have a shorter life expectancy than their parents. Overweight and obesity not only has severe consequences for the health of our population, but dramatically increases our health care costs. National medical costs are reported to be \$174 billion annually. The state of New Hampshire Medicaid program spent \$79 million in 2004 to treat medical problems associated with obesity and New Hampshire's public health currently reports our costs to be \$304 million annually. Schools have taken height and weight measurements for a number of years and are accepted as the most logical setting to collect this aggregate data on children. The proposed amendment clarified questions about procedures raised at the public hearing and respected local school district procedures for implementation. No personal identification would be attached to the collected aggregate data. More than 15,000 children in New Hampshire do not have regular access to a pediatric health provider nor is there a central site to collect that baseline data for the state. The bill included a provision for parents to have their student opt out. Overweight and obesity in children is a priority of New Hampshire's First Lady and most recently was announced as First Lady Michelle Obama's priority agenda.

ELECTION LAW

HB 1360, permitting persons 17 years of age to register to vote. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N Jasper for the **Majority** of Election Law: Last year we asked the state supreme court whether 17 year olds could vote. The answer was no. This bill would expand a 17 year olds' right to register to vote prior to turning 18. While the goal of involving young people in the political process is a good one, this bill has the potential to create confusion and ill will. Currently, 17 year olds can register to vote if they will be turning 18 by the date of the next election and this right extends to the right to absentee registration. If we allow 17 year olds to register, but not to vote at the next election, we wonder what we are really doing. There is little doubt that there will be those 17 year olds who will show up at an election, prior to their 18th birthday, believing that when they registered they became eligible to vote. If this were to happen, particularly during a busy presidential election, it could cause unnecessary problems for election workers and delays for voters; moreover being turned away would no doubt be embarrassing to a 17 year old and may well discourage them from voting in the near future. We believe that a better alternative is to educate 17 year olds about the early registration opportunities that now exist for them. **Vote 13-4.**

Rep. James R Splaine for the **Minority** of Election Law The concept and content of this bill has value. Young people can join the military at age 17, and be sent to the front lines of war at 18. In our democracy, we should welcome our young citizens to register to vote at 17 and be ready to go to the polls at age 18 so they can take part in choosing those leaders who will decide their futures.

ENVIRONMENT AND AGRICULTURE

HB 1206, adopting apple cider as the New Hampshire state beverage. **WITHOUT RECOMMENDATION.**

STATEMENT IN FAVOR OF OUGHT TO PASS

This piece of legislation seeks to have apple cider named as the official state drink of New

Hampshire. There are various reasons to support apple cider as the state drink such as the numerous health benefits of apples, the many apple orchards enjoyed throughout the state, the travels of Johnny Appleseed, the farming and agriculture in the state, and the invention of the apple peeler by David Goodell, a former member of the New Hampshire House of Representatives from 1876-1879, a member of the state's board of agriculture from 1876-1883 and the governor of the State of New Hampshire from 1889-1891. Opposition to this bill came from those who would like to see milk as the official state drink. Eighteen other states already have milk as their state drink.

Rep. Laura J Gandia

STATEMENT IN FAVOR OF INEXPEDIENT TO LEGISLATE

We believe milk is very important to our state. One beverage is not better than the other. Compelling arguments can be made for both beverages. We also note that neither beverage is unique to New Hampshire, nor even a major product of our state's agriculture. A compromise would lessen the prestige of both drinks. Eighteen states already have milk as their state beverage. Cider has no states, but cider is certainly not unique to New Hampshire. Many states produce it. There are so many important issues for the legislature to address we don't know that we want to spend a lot of time on a state beverage. Others will argue that this is such a great learning for the kids to follow their bill through the legislative process. Having your bill die is part of the learning process. More than half of all bills are voted ITL. We all have had one or more of our bills fail to pass. The Spotted Newt, the Lady Bug, the Pumpkin...where does it end?

Rep. Robert H Haefner

JUDICIARY

HB 1290, relative to unincorporated religious societies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill would increase the limit on annual income that an unincorporated religious society can receive from donations, gifts or grants from \$5,000 to \$500,000. The purpose of the limit is to protect the public from making gifts to organizations that have never registered as nonprofit organizations with the secretary of state. Registering with the secretary of state as a nonprofit organization is a relatively simple and inexpensive process. There was no justification offered to the committee as to why the current limit should be raised other than the fact that the limit has not been increased for many years.

Vote 11-8.

Rep. William L O'Brien for the **Minority** of Judiciary: This bill extends from \$5000 to \$500,000 the amount of income that an unincorporated religious society may receive. Testimony in committee was that the statute that established the \$5000 limit was passed in 1867 and has remained the same until the present. One might have in mind that the amendment to Part II, Article 15 of the New Hampshire Constitution setting representatives' salaries at \$200 for the term was adopted in 1889, 22 years after the \$5000 limit was enacted, to understand both why, and how much, this limit needs to be increased. In addition, it is clear that most religious societies require in excess of \$5000 to function and are likely taking in income greater than \$5000. We should adjust that amount to bring them into compliance with the law.

HB 1356, relative to certain nonprofit corporations subject to the right-to-know law.

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

Rep. Rick H Watrous for the **Majority** of Judiciary: This bill, as amended, would define a nonprofit corporation as a public agency subject to the right-to-know law if it receives more than 50% of its funding from state or local government and its annual total revenue is over \$100,000. As a public agency it would be subject to the RSA 91-A open records requirements but not the open meetings requirement. As local governments are outsourcing more and more of their functions and funds to nonprofit corporations, it is important that these agencies have the same transparency and direct accountability as our state and municipal agencies. Nonprofits which receive over 50% of their funding from local governmental sources would notify the attorney general's office which would maintain a list of these nonprofit public agencies. Existing privacy

exemptions under RSA 91-A, plus new exemptions covering private donor, juvenile and client records would apply. The bi-partisan majority believes that this bill strengthens the right-to-know law and would result in more efficiency and public accountability, leading to substantial savings of state, county and municipal dollars. **Vote 10-8.**

Rep. Philip Preston for the **Minority** of Judiciary: The right-to-know law was enacted to give effect to the public's right under Part I, Article 8 of the NH Constitution, of "access to governmental proceedings and records." This bill would fundamentally change the right-to know law, extending its coverage to a broad spectrum of private non-profit corporations, based not on any governmental function, but solely on their receipt of government funding. We heard significant testimony about the devastating effects on the ability of non-profits to continue to provide critically needed services and programs. The committee amendment has not had adequate review or comment by those organizations which would be most affected. The minority notes, at a minimum, the following concerns: First, the result will be to divert significant organizational resources away from the core charitable services provided by the organizations, because they will have to devote additional staff and resources to complying with the requirements of RSA 91-A. At a time of scarce funding, the result will be to deny services and programs to the neediest of our citizens. Second, non-profits are already required to make financial filings with the Charitable Trusts Division of the Attorney General's Office, and additional reporting could be required as a condition of the funding. Third, the bill as amended would subject all functions of a qualifying non-profit's activities to RSA 91-A, including those programs or portions of the organization's mission which are privately funded. Finally, the minority is bemused by the majority's willingness to subject relatively transparent non-profits receiving government funding to the requirements of RSA 91-A, when the majority imposes no such burden on the far less transparent operations of for-profit corporations and other entities which receive their income through government contracts and funding.

HB 1362, extending the right-to-know oversight commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul L Hackel for Judiciary: The bill would extend the right to know oversight commission indefinitely with reduced membership. The commission was established in RSA 91-A:11, effective in 2005 to study and oversee the right to know law in light of the supreme court's decision in *Hawkins v New Hampshire Department of Health and Human Services* and increased use of electronic communications in the transaction of government business. The commission is to expire November 2010.- It successfully fulfilled its duties and consequently it should expire as planned. **Vote 13-4.**

HB 1413, relative to the deposit of weekly rental payments by a tenant during an eviction proceeding. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Anthony R DiFruscia for the **Majority** of Judiciary: The proposed bill requires a tenant subject to eviction to be required to continue to pay weekly rent during the court process. There is some value in balancing the interests of both the tenant and landlord. A covenant of fair dealing between the parties in a rental agreement should be studied. The landlord's duty of providing safe, sanitary housing for the tenant must be balanced with the tenant's obligation of paying rent. **Vote 11-8.**

Rep. William B Smith for the **Minority** of Judiciary: This bill provides some balance between the rights of landlords and those of their tenants. Currently, a tenant can withhold his/her rent during an eviction process, which can extend for several weeks. This interval could be in addition to a period of nonpayment even before the eviction process starts. In the meantime, the tenant has the benefit of living in the unit for free. The argument that payment by the tenant is required before justice can be pursued ignores that payment is not for the purpose of access to justice, but is for the services (i.e., living unit) received. The landlord's expenses (utilities, mortgage, insurance, etc.) do not stop during the eviction process. This extra burden on the landlord's business either makes the business less profitable or else is passed on to other renters, who are then burdened by higher rates. Such a situation is unfair to all, ultimately making it more expensive or impossible for tenants to find suitably priced rental property. The bill may

also save court time because it will discourage using the eviction process to attain free interim living quarters.

HB 1423, requiring a performance audit of the judicial branch family division. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janet G. Wall for Judiciary This bill would require the legislative budget assistant to conduct a performance audit of the judicial branch family division. The legislative budget assistant is a very professional office which does financial and performance audits, but does not do personnel audits as this bill requires. Audits are both costly and time-consuming. This bill has no fiscal note. Performing an audit of all court programs in the family division could not be conducted by November 1, 2010 because neither time nor money is available. The proponents of the bill expressed disappointment with court decisions; however, an audit would not address decisions or ruling of the court. **Vote 10-8.**

Rep. Lawrence B Perkins for the **Minority** of Judiciary: The family division of our judicial branch has only been in operation for just over a decade. Further, almost all decisions of our family court are being effectively decided by referees, not judges. There has been considerable controversy over a number of decisions by the family court. We find it only rational that a performance audit would be completed to review the impact on both our judicial branch and society.

HB 1691, relative to the treatment of cable television as a protected utility service. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick H. Watrous for the **Majority** of Judiciary: This bill was submitted in response to a recent supreme court decision that found that cable television is a protected utility service under RSA 540-A:3, I.

This statute provides, in part, that “No landlord shall willfully cause, directly or indirectly, the interruption or termination of any utility service being supplied to the tenant...” Many people now rely on cable service for telephone and internet service, as well as televised news and entertainment. These cable services are usually paid for by the tenant. The majority agrees with the supreme court that cable television should be treated as a protected utility not subject to a landlord’s termination which is a form of retaliatory eviction. **Vote 11-8.**

Rep. Robert H Rowe for the **Minority** of Judiciary: The laws for landlords as well as tenants must be balanced and fair so as not to discourage investment in rental real estate. To do otherwise would result in a reduction in rental properties, to the detriment of low and moderate income families who must rent. It is currently law (RSA 540-A3) that the landlord can not disrupt a tenancy by terminating certain necessary protected services such as water, heat, electricity, gas, telephone, sewerage, elevator, or refrigeration if the tenancy is in dispute. However, cable television is not included as a protected service. Nonetheless, the New Hampshire supreme court has ruled termination of cable television to be a violation of the tenancy. The minority believes that the termination of cable television should not be a protected service if it can be terminated without the severance of telephone service. Clearly the termination of cable television, if it would also terminate television service, would be a violation, but the minority believes that cable television alone can be eliminated without the termination of telephone services.

LOCAL AND REGULATED REVENUES

HB 1297-FN, requiring the racing and charitable gaming commission to establish fees for licensees conducting live racing to generate revenue that approximates the direct costs of administration. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Christine C Hamm for the **Majority** of Local and Regulated Revenues: The committee heard testimony that passage of this bill could effectively shut down not only horse racing but also simulcasting in the state of New Hampshire. Despite the argument that this possibility was merely a threat by Rockingham Park’s management, the majority of the committee believed that the risk was real and that the lost revenues to the state, both direct and indirect, would far outweigh the amount of money needed to continue to provide enforcement of the track’s

regulatory structure. The committee also believed it was inappropriate to discontinue the state's century-old tradition of horseracing without further deliberation that included more public input. **Vote 17-1.**

Rep. Steve Vaillancourt for the **Minority** of Local and Regulated Revenues: Last spring, as part of the state budget, the House Finance Committee voted overwhelmingly and it became the House position that the charitable gaming commission must establish fees to cover the direct costs (albeit not indirect costs) which would be paid by dog and horse tracks should they wish to continue to operate live racing. At the same time, the House decided to allow the tracks to opt out of live racing and continue simulcasting if they so chose. This language was removed during the committee of conference on the budget. However, monies for regulation for the second year of the biennium were also removed from the budget; thus causing a Catch 22. How can racing go forth without regulation? Last summer, both dog tracks (Seabrook and Belmont) decided not to conduct live racing, thus saving the state approximately \$300,000 which will lapse back to the general fund, monies the state can certainly use. The harness track conducted live racing, and the state paid the regulation cost. This bill would simply restore the House position that if any track wishes to conduct live racing, it must bear the cost of administering the operation. The owner of Rockingham Park testified that if monies (approximately \$150,000, ironically about the same amount the track paid a lobbyist last year) were not returned to the racing commission by March 1, then his business would not conduct live racing this summer. The director of the commission testified that he would seek a ruling from the attorney general's office as to whether or not he could establish a fee without this bill passing. If he cannot, he would most likely not be able to allow live racing since he could not afford to regulate it. Thus, while this bill began as a simple attempt to provide equity and save the state real monies, it now is in fact the only means of saving racing this summer. The point is somewhat moot since it does not appear there will be racing nor in the opinion of the minority does the track wish to continue with live racing; it would much prefer the more lucrative slots option. The minority does not buy the argument that simulcasting will cost tracks more (and state revenues will be lost) if they do not have live racing since we did not have dog racing last summer, and there was no real impact on simulcast betting. Approximately 97 percent of monies come from simulcasting, not live racing, yet the state, prior to last year's budget, paid an exorbitant cost to regulate a business which would die without state subsidies. For the sake of consistency in the House position, this bill should be passed.

HB 1335, establishing a local option for lowering the interest rate on late and delinquent property tax payments and subsequent payments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G Stohl for the **Majority** of Local and Regulated Revenues: This bill is the result of a compromise with respect to an issue that has been before this committee both years of this term. The issue is the interest rates that apply to late and/or delinquent property tax payments. As the law stands now, if a taxpayer does not pay property taxes when the final tax bill is due, the interest rate on the amount is 12%. Within 90 days of this due date, certified mail is sent to the taxpayer 30 days prior to a lien being placed upon the property. Once the lien is placed upon the property, the interest rate is now 18% and a certified letter is sent to a property mortgagee of that fact. Last year, HB 351 was heard in our committee and was recommended to the full house of ITL on a committee vote of 15-5. The house overturned the committee recommendation and passed an amended bill which went onto the senate, where the public and municipal affairs committee recommended ITL and the senate voted that way. This bill as introduced set the local option rates at 6% and 9% respectfully. A subcommittee was established and heard testimony from representatives of the state treasurer's office and the municipal bond bank that the rate that municipalities can borrow at now is somewhere between 1.5% and 2%. The subcommittee and then the full committee worked over three different amendments before settling on the last one. This bill, HB 1335, as amended, is enabling and it allows the people to decide if they want their governing body to change these rates. If the governing body has the ability to select from 6% to 12% for the interest rate and 9% to 18% for the lien rate. **Vote 9-8.**

Rep. David H Kidder for the **Minority** of Local and Regulated Revenues: The majority would empower, upon the authorizing vote of the people, local selectmen and city councils to set the interest rates charged on delinquent property taxes. Specifically, the bill allows a rate to be set from six through twelve percent on overdue taxes and from nine to eighteen percent on liens. A strong, 8 member bi-partisan minority opposes this well-intentioned but ill-conceived, poorly thought out “compromise.” Rather than have this general court exercise its constitutional powers and continue to set a state-wide policy on this issue, the majority would abdicate this responsibility to delegate it to our political subdivisions. This will have immediate and long term consequences. Instead of establishing a uniform and consistent interest rate across the state, it will Balkanize that process, resulting in an irrational patchwork of different rates among our small political subdivisions. One town could decide to charge one rate while a community next door charges a rate twice as high-leading to a “race to the bottom.” And our local boards of selectmen and city councils will be empowered to change the rate every year! The idea behind delinquent property tax interest rates is to encourage that property tax bills will be among the first bills to be paid, not among the last, because each unpaid property tax bill means that the other conscientious taxpayers will have to dig deeper into their pockets to make up the difference. Finally, while lower penalty interest rates are being advocated as an aid to our less fortunate home owners, they already have avenues of address through their selectmen, while the large commercial and retail property owners will most likely benefit the most from low delinquent interest rates.

HB 1354, relative to dog racing. **INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for Local and Regulated Revenues: This bill would remove references to dog racing in the statutes, thus removing the possibility of dog racing in the state of New Hampshire. The majority of the committee believed this bill was unnecessary since dog racing has been effectively eliminated by legislation that was approved by the full House earlier this year. Since the tracks have voluntarily ceased dog racing, there is no expectation that dog racing will resume in New Hampshire. **Vote 14-3.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1554, allowing municipalities to establish energy efficiency and clean energy districts.

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

Rep. Mary R Cooney for the **Majority** of Municipal and County Government: The vast majority of New Hampshire’s more than 517,000 housing units and 44,500 commercial and industrial buildings waste energy unnecessarily. Federal stimulus programs currently provide subsidies for energy efficiency and clean energy. However, no public programs will ever supply more than a small fraction of the funding needed to reduce energy waste in our buildings. There is support for low income residents, but little support from other sources. This bill would enable cities and towns to create an energy district comprised of property owners who wish to participate in energy saving improvements to their buildings and make repayments in the form of special assessments on property tax bills. The advantage of this program would be a positive cash flow as measured in the first year. The payment made on the loan would be less than the amount saved on energy bills because of the improvements. The payments would follow the property if the property were sold unless the remainder of the loan were to be negotiated in the sale. The committee worked with the New Hampshire Bankers Association, the Jordan Institute, the New Hampshire Municipal Association, the New Hampshire Municipal Bond Bank, the office of energy and planning, and the department of revenue administration to address the concerns of all regarding priority liens, foreclosure, bonding, taxpayer protection, constitutionality, and process. The bill includes a process for revolving loans, loan loss reserve accounts, energy audits, reporting of data, inspections, and third party administration. The need for New England, and New Hampshire in particular, to focus on energy savings is in the public interest. The effects of this bill could be: less dependence on fossil fuels, cleaner air, less cost to residents and businesses, increase in jobs, and help in meeting the goals of the governor’s climate change action plan by significantly reducing our state’s carbon footprint. The federal department of energy has announced funding

for model PACE (Property Assessed Clean Energy) projects. The office of energy and planning has submitted an application to the US Department of Energy for the retrofit ramp-up program that would seek \$20 million in federal funding, along with \$100 million in leveraged private financing to implement the Beacon Communities Project. Enactment of this legislation will help position New Hampshire to secure federal funding to capitalize financing programs. **Vote 11-6.** Rep. Betsey L Patten for the **Minority** of Municipal and County Government: This bill implements an energy conservation and efficiency initiative using the municipality's ability to borrow money at a lower rate than the private sector. The goal is laudable and would lower energy prices for the taxpayer. Without this initiative the homeowner could search for the lowest interest rate to fund an energy saving project – from insulation to replacement windows to solar panels. Under this program the municipality is able to create an energy district that could encompass a neighborhood, a whole town, or parts of multiple towns. Once a district was established the municipality could look and apply for federal, state, private grants or go out for a municipal bond. If a bond is voted in the affirmative, then a home owner would apply for a loan from \$5,000 to \$35,000 from the town, through the administrator of the program, to complete the proposed project which would then be considered a lien on the property, not on the taxpayer. An energy audit would be required prior to the granting of the loan to show how much energy base would be saved and the home owner would only have to pay the town back at a rate not to exceed what the old energy use would have cost. As written, the municipality would add a special assessment onto the taxpayer's property tax bill or add a surcharge to his or her water or sewer bills. An agreement between the town and the taxpayer would cover the costs of administration, qualification of work proposed, a post-inspection of work completed to ensure that the energy savings was attained, a process to pay vendors or contractors and a disclosure from the town about the property owner's risk related to the failure to make payments and enforcement of the lien imposed. The local municipality was created in order to govern all residents and taxpayers to the best of its ability. The initiative will offer loans to residents or taxpayers at a possible lower interest rate. The minority believes that, even though this is enabling legislation, the municipal government should not be in competition with private industry. The minority would like to remove the municipal funding and use alternative procedures to deal with the initiative.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1242, relative to broadband infrastructure. **REFER FOR INTERIM STUDY.**

Rep. Naida L Kaen for Science, Technology and Energy: This seemingly simple bill would extend bonding authority to municipalities for the purchase or construction of broadband infrastructure in areas served by an existing broadband carrier. The underlying issues, aside from some residents' frustration with lack of access, are far from simple regarding this bill's effects on the entire state's communications structure. Moreover, broader efforts are in process that will produce new information and a comprehensive statewide approach to dealing with the mismatch between citizens' expectations for remote connectivity, the enabling of economic development, and what has actually been offered, given the economics dictated by population density. Because of the sparsity of paying customers in outlying areas, current broadband providers are unwilling to invest in infrastructure out to "the last mile." The state's first broadband director was hired in November 2009 with the expectation that collaborative solutions can be found to address the needs of populations in unserved and underserved areas. A statewide broadband mapping project is underway with results expected in March 2010. FairPoint Communications is in the process of building out by the end of this year service to 85% of the state and, ultimately, to 95% of the state. With the federal government continuing to consider the very same issues, New Hampshire has an opportunity for additional funding for our proposed "backbone" through the "Round 2" applications; those applications are being prepared and are due shortly. The committee plans to use interim study to bring the stakeholders together to find a collaborative solution that best satisfies the needs of as many of the state's citizens and businesses as practicable so as to spur economic development. **Vote 14-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 21, urging all members of Congress who vote in favor of a government run health insurance option to enroll in that option and forgo their right to participate in the Federal Employees Health Benefits Program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kris E Roberts for the **Majority** of State-Federal Relations and Veterans Affairs: There have been major changes in the health care debate at the federal level since HR21 was introduced. Due to these changes, the committee found itself trying to react to something that isn't there. The committee has no idea if there will be a public option and if so how encompassing. The committee has no idea who would be required to have which type of insurance. The committee understood that there was a high possibility that there would be no major overhaul of the health care system at all. Despite the concerns addressed by many of our citizens, the committee felt that in good faith it couldn't act in a positive fashion. The committee felt that it was more important to wait until a more concrete health care reform bill was formulated by congress so it could reach a more informed opinion. **Vote 11-6.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs: HCR 21 is a simple resolution that says if a member of congress who votes in favor of the establishment of a public, federal government run health insurance option, they should agree to participate in such option and forgo their right to participate in the federal employee health benefits program.

HCR 28, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert R Cushing for the **Majority** of State-Federal Relations and Veterans Affairs: The committee heard extensive testimony concerning the possible dangers to our individual rights, our political system and our economy that might be the result of the convening of a convention to revise the U.S. constitution. The bi-partisan majority of the state federal relations committee recognizes that the founders did not allow for a constitutional convention to be limited to one issue, and do not believe it wise to convene a convention open to amend the constitution on issues such as gun ownership, taxes, privacy, and abortion. This amended resolution would rescind the previous resolution calling for a federal constitutional convention that was passed by the legislature over three decades ago and keep secure the constitution that has served our nation well for over two centuries. **Vote 11-4.**

Rep. Frank R Emiro for the **Minority** of State-Federal Relations and Veterans Affairs: The federal government has a history of usurping power from the states. The departments of education, housing and health and human services are examples. Many state legislators wonder what action they can take to rein-in these actions, calling for constitutional convention which would then have the power to reduce the federal government's power. This threat is useful, especially if other states begin to call the convention. Rescinding our request would be a step backward, and an encouragement of more usurpation by the federal government.

HCR 29, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: Following the Declaration of Independence, the thirteen colonies formed the Articles of Confederation which was basically a confederation of thirteen sovereign states. Due to the revolution and disagreements between the states to include differing tariff laws and trade restrictions, it took several years before all the states ratified the Articles. The Articles of Confederation provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities, whatsoever. The Articles ensured that Congress could not force the states to adhere to the terms of the Treaty of Paris of 1783, ending the American Revolution, and could not intervene when some states started their own negotiations with foreign countries. The framers of the constitution addressed this problem by getting the thirteen sovereign states to give up their sovereign right to enter into

treaties, in return Article 2 section 2 of the constitution required that all treaties had to be approved by the United States Senate by a 2/3 vote. This was very important because the constitution also stated that the two United States senators were to be appointed by each state, which meant that in some respects that the senators were the state's ambassadors to the federal government when it came to treaties. When it comes to controversial treaties, it may take years for the senate to ratify, if at all, as senators take the necessary time to ensure that the treaty benefits outweigh any potential harm to their states. This due diligence is very important because all treaties become the law of the land. However, to get around the constitutional requirements as stated in Art 2 Section 2, Congress has repeatedly given the President "Fast track authority" stripping away the protections afford to each state. fast track authority limits our senators to an up or down vote within 45 day and no more than 20 hours of debate while providing the House of Representatives a decision, neither stated, nor implied in the constitution. While the committee understands that the constitutionality of prior treaties approved and enacted under fast track authority can only be determined in the court system, HCR 29 clearly states that it is not in the best interest of the State of New Hampshire or its citizens for congress to reauthorize and or enhance fast track authority. **Vote 17-0.**

TRANSPORTATION

HB 1561-FN, relative to off highway recreational vehicle registrations. **OUGHT TO PASS.** Rep. Karen C Umberger for Transportation: This bill provides that registration for off highway recreation vehicles (OHRV) may be issued for a 14 month period to include the months of May and June. The registration fee for these months would be on a prorated basis. OHRV registration is from July 1 to June 30. Currently, if a person purchases an OHRV in May or June in order to register their OHRV they must pay the full yearly registration. This bill allows a person on their initial registration only to register their OHRV's for up to 14 months. **Vote 14-0.**

WAYS AND MEANS

HB 1291-FN, relative to the fuel oil importation fee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Susan G Price for the **Majority** of Ways and Means: The fuel oil discharge cleanup fund administered by the NHDES oil remediation and compliance bureau (bureau) was established in 1993 to address converge gaps in personal and commercial property and casualty insurance policies for releases of fuel oil, also known as home heating oil. A performance audit was conducted in 2009 and identified areas in which the bureau was not operating efficiently or in full compliance with RSA 146-E. The audit identified the following areas of concern: 1) an absence of quality control over work scopes and project documentation resulting in a lack of readily available project documentation and inaccurate work scopes, 2) a lack of project cost documentation that reduces the ability to track the total cost of a project, 3) an absence of a requirement to make contractors submit documentation of actual time worked on a project, 4) weaknesses in allocating program management and administrative costs, tracking outstanding fund liabilities, and to assure revenues collected were accurately recorded, 5) funds were used to pay property restoration costs that are not authorized for payment by statute, 6) the bureau was not in compliance with certain statutes, administrative rules, and policies, 7) the bureau was not complying with rules requiring proof of lack of private insurance coverage and that the responsible party had upgraded their tank system to fire code prior to releasing payment to contractors conducting the clean ups, and 8) the deductible paid by responsible parties was low in comparison to other New England states with similar programs. The cumulative effects of these issues, as well as a decrease in the amount of home heating oil purchased within the state, have contributed to the fund declining below levels sufficient to comply with RSA 146-E. While the bureau has responded to some of the issues identified in the audit, the majority felt that enacting a permanent increase in the environmental fee without first receiving a report of progress on all of the issues identified in the audit, was premature. The bill was amended to allow a temporary two year increase in the fee to alleviate the immediate need for funding and the submission of a progress report to the house ways and means committee no later than December 1, 2011, to allow

the committee an opportunity to evaluate the bureau's corrective actions and to evaluate the need to increase or decrease the fee in the future. **Vote 15-2.**

Rep. Dennis P Vachon for the **Minority** of Ways and Means: The minority believes that the committee amendment represents a violation of separation of powers as embodied in Part 1, Article 37 of the New Hampshire Constitution. The committee amendment would sunset a fee increase in two years and require the oil fund disbursement board to report back to the house committee on ways and means on its administration of the program at that time. Without this amendment, HB 1291 would make permanent a fee increase which the department of environmental services had already justified as necessary to meet the ongoing demands on the program but which the legislature had sunset pending the outcome of a performance audit which revealed no significant problems other than those related to a lack of funding of the program. The minority respectfully submits that in adopting the amendment, the committee is improperly seeking to coerce an executive department to propose a prevention program to address the future release or discharge of fuel oil from faulty or failing home fuel oil tanks rather than to see to the proper application of funds appropriated by the legislature. Although the executive branch of state government is responsible for the implementation of all laws under Part 2, Article 41, it is the responsibility of the general court under Part 2, Article 5 to establish such laws. To sunset the fee increase a second time threatens future protection of ground water that is contaminated when fuel oil is discharged into the environment from a leaking home oil tank. And, it sets a dangerous legislative precedent to sunset fee increases or programs in order to force the executive branch to propose measures which the legislature does not have political will to propose itself.

LAIID ON TABLE

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

HB 1146, eliminating requirements for additional breath tests for blood alcohol content. (Pending question is Ought to Pass.)

HB 1188, relative to nominating a political organization by nomination papers. (Pending question is the Majority report of Ought to Pass with Amendment.)

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.)

HB 1336, relative to health care liability claims. (Pending question is Refer for Interim Study)

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

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.

FINANCE, Rooms 210-211, LOB

1:00 p.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, **HB 1672-FN**, making appropriation additions and revenue reductions for fiscal year 2011.

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 on pending legislation.
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.
12:45 p.m. **SB 344-FN**, relative to employment and retirement benefits of certain non-judicial court employees.
1:15 p.m. **SB 357-FN**, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

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, **HB 1672-FN**, making appropriation additions and revenue reductions for fiscal year 2011.

FINANCE (DIVISION II) JOINT WITH PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Full committee work session on **HB 2010**, relative to the state 10-year transportation improvement program.

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.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 3:00 p.m. Executive session on **HB 1693**, relative to the powers of the joint committee on legislative facilities.

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.

PUBLIC WORKS AND HIGHWAYS JOINT WITH FINANCE (DIVISION II), Room 201, LOB

- 9:30 a.m. Full committee work session on **HB 2010**, relative to the state 10-year transportation improvement program.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Continued public hearing on **HB 2010**, relative to the state 10-year transportation improvement program.
- 10:30 a.m. Full committee work session on **HB 2010**, relative to the state 10-year transportation improvement program.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **SB 375**, relative to the state park system as a self-supporting entity.
- 11:00 a.m. **SB 382**, relative to the New Hampshire natural plant protection act.
- 1:00 p.m. **SB 426**, relative to the classification of Pleasant Lake.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. Continued executive session on **SB 150**, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.
- 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.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Executive session on **HB 271**, relative to relevant information in a workers' compensation claim, **HB 507-FN**, relative to taxes, fees, and credits under the insurance laws, **HB 558-FN**, establishing a procedure for leasing state parks, **HB 626-FN**, relative to voter identification, **HB 630-FN-A**, relative to live racing in New Hampshire, **HB 1129**, relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department, **HB 1239**, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements, **HB 1251**, relative to the sale and transfer procedures for shutdown emissions credits, **HB 1286**, requiring nonpublic schools and public academies to obtain a criminal history records check

on employees and volunteers, **HB 1292**, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility, **HB 1293-FN**, relative to the oil discharge cleanup fund, **HB 1404**, relative to the regulation of real estate brokers and salespersons, **HB 1441**, relative to claimant eligibility for victim's compensation, **HB1513-FN**, relative to fees collected by the secretary of state for checklist information, **HB 1520**, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development, **HB 1534**, relative to the issuance of air permits and certain fees relative to air permits, **HB 1542-FN**, repealing nitrogen oxide emitting generation source requirements, **HB 1613-FN**, relative to the general banking laws of the state.

WEDNESDAY, MARCH 17

EDUCATION, Room 207, LOB

10:00 a.m. **SB 312**, conferring degree-granting authority to The American College of History and Legal Studies.

10:45 a.m. Full committee work session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. **SB 463-FN**, relative to regulation of mental health practitioners by the board of mental health practice.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Rescheduled executive session on **HB 1664-FN**, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures and continued executive session on **HB 1672-FN**, making appropriation additions and revenue reductions for fiscal year 2011.

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 437**, relative to the authority of district court justices to issue emergency orders in any district court.

10:30 a.m. **SB 356-FN**, relative to civil actions in the trial courts.

11:00 a.m. **SB 330**, relative to the court accreditation commission and the interbranch criminal and juvenile justice council.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Continued executive session from March 16th if needed.

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.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Rescheduled executive session on **HB 2010**, relative to the state 10-year transportation improvement program.

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.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Informational briefing by the Insurance Department on telemedicine.

11:00 a.m. **SB 368**, relative to notice required under the retail selling statute.

11:30 a.m. **SB 339**, excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage bankers, brokers, or services.

1:00 p.m. **SB 307**, relative to voting by members of voluntary corporations and associations.

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

10:00 a.m. Rescheduled public hearing on **SB 318**, relative to the authority to dispense therapeutic contact lenses.

11:00 a.m. Rescheduled public hearing on **SB 410**, establishing a committee to study New Hampshire's rate of infant mortality and develop proposals for remediation.

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.

11:00 a.m. **SB 424**, relative to the consumer advocate's access to confidential information provided to the public utilities commission.

1:00 p.m. **SB 433**, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission.

1:45 p.m. **SB 327**, relative to disclosure of electric service energy sources and environmental characteristics.

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.

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

10:00 a.m. Regular meeting.

TASK FORCE TO STUDY EMPLOYEE MISCLASSIFICATION (SB 500, Chapter 378:7, Laws of 2008), Room 307, LOB

1:30 p.m. Regular meeting.

MONDAY, MARCH 29

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

1:00 p.m. Regular meeting.

FRIDAY, APRIL 2

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

9:00 a.m. Continued 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.

MONDAY, APRIL 5

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

STATE COMMITTEE ON AGING (RSA 161-F:7), Brown Building, 129 Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, APRIL 6

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **SB 56**, expanding the duties of the commission to study issues relative to groundwater withdrawals.

1:00 p.m. **SB 411**, relative to permitting of large groundwater withdrawals.

THURSDAY, APRIL 8

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, APRIL 9

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.

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.

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

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 12

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

1:00 p.m. Regular meeting.

FRIDAY, APRIL 16

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

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.

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

9:30 a.m. Regular meeting.

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

Carroll County Delegation will meet in Executive Session on Monday, **March 15**, 2010 at 9:00 a.m. to work on the County Budget. The meeting will take place in the Carroll County Administration Building, Delegation Room, at 95 Water Village Road, Ossipee. The Delegation will also consider and act upon any other business that may properly be brought before the meeting. The Executive Committee meeting will be followed by a meeting of the County Convention to vote on any recommendations or other business.

Rep. Karen C. Umberger, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will be meeting on **Friday March 26, 2010** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown, NH.

Rep. Maurice Pilotte, Chairman
Hillsborough 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

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet on Monday, **May 10, 2010** at 9:30 a.m. in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood for the first quarter budget review.

Rep. David A. Welch, Clerk
Rockingham County Executive Committee

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 133, 213, 216, 218, 232, 286, 425, 507, 558, 564, 579, 629, 646, 651, 660, 662, 681, 1128, 1149, 1155, 1166, 1168, 1170, 1281, 1293, 1378, 1428, 1441, 1452, 1495, 1506, 1508, 1513, 1515, 1537, 1541, 1566, 1569, 1586, 1602, 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.

There are boxes in the legislators break room on the first floor of the State House for male personal hygiene items, TP, magazines to be sent to a Marine Unit in Afghanistan. Please bring items for our troops.

Rep. Jordan G. Ulery

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

The Francophone Committee of New England has organized a small ceremony to recognize and celebrate New Hampshire's French heritage in language and culture. Governor Lynch will issue a proclamation and the flag of the International Organization of Francophones will be raised. Dignitaries representing France, Quebec, Switzerland and Canada will attend on Tuesday, **March 16** at 11:00 a.m. in front of the Capital.

Rep. Robert D. Lewis

All Representatives are invited to meet the members of the NH Liberty Alliance at a social reception on Tuesday, **March 16th** from 3:00 to 5:00 p.m. at The Draft, 67 South Main Street in Concord. Please email your RSVP to: chair@nhliberty.org.

Rep. Carol McGuire

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

The members of NAIFA (National Association of Insurance and Financial Advisors) together with the Coalition of Insurance and Financial Producers cordially invite all House members and staff to a reception in the State House cafeteria on Wednesday, **March 24** from 7:30 a.m. to 9:30 a.m. where breakfast will be served. Look forward to seeing you there.

Reps. Mary Jane Wallner and Sherman A. Packard

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

The New Hampshire City and Town Clerk's Association cordially invites all members of the New Hampshire Legislature for a legislative breakfast to be held Tuesday, **April 6** from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria.

Rep. Mary Cooney

University of New Hampshire President Mark W. Huddleston and the UNH Alumni Association are pleased to invite members of the New Hampshire General Court and staff to the Annual UNH Legislative Breakfast on Wednesday, **April 7th** from 7:30 to 9:00 a.m. at St. Paul's Church, Park Street, Concord.

Rep. Marjorie K. Smith

Nominate and Register! On Tuesday, May 11th, The Governor's Conference on Volunteerism will be held at the NH Technical Institute in Concord. The day will be full with registration and coffee time, morning session, luncheon with Keynote Speaker Alex Ray of "The Common Man" restaurants, Governor Lynch's presentation of the Outstanding Volunteer Manager of the Year Award, afternoon session, and new this year - an end of day networking reception. CEU's from NHTI are available. To make a nomination for the Outstanding Volunteer Manager of the Year Award, please visit www.volunteernh.org before **April 16th**. For more conference information, send an email to registration@volunteernh.org with "Governor's Conference 2010" typed in the subject line, or call Voice TTY 1-800-780-8058.

Rep. Joy K. Tilton

Bring the whole family to the grounds of the NH Fish and Game Department Headquarters, 11 Hazen Drive in Concord on Saturday, **April 17** from 10:00 a.m. to 3:00 p.m. for Discover WILD New Hampshire Day. The annual community conservation education event is being sponsored in conjunction with the NH Department of Environmental Services. It's a free fun-filled day of activities for the whole family, with lots to see – and even more to do. Try your hand at archery, learn to cast a fishing line, or find your way with a map and compass. Build a duck box, tie a fly, do a wildlife craft activity, take a nature walk or learn how to landscape for wildlife. The list is endless. Visit the Discovery Room and see if you can discover the various wildlife mounts including a mother moose and her calf. Meet Smokey Bear, trained falcons, live trout and salmon and numerous types of wildlife. More than 35 exhibitors from an array of nature, environmental and conservation organizations will be on hand, rain or shine, to help you learn about NH's wildlife, habitat and natural resources. Remember: Free admission. For more information call 271-3211 or visit www.wildNH.com

Rep. Robert J. L'Heureux

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>Size/Grade</u>
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	9:00	Stevens High School –German Exchange Students – Claremont	20/HS
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 17

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2010-0594h

Amendment to HB 1248

Proposed by the Minority of the Committee on Commerce and Consumer Affairs - R

Amend the bill by replacing the title with the following:

AN ACT prohibiting the state from doing business with any banking institution that requires fingerprints from any person in order to complete a banking transaction.

Amend RSA 6:7-b as inserted by section 1 of the bill by replacing it with the following:

6:7-b Prohibited Banking Institutions. The state of New Hampshire shall not conduct commercial banking transactions with any banking institution that requires fingerprints from any person in order to complete a banking transaction in New Hampshire.

AMENDED ANALYSIS

This bill prohibits the state from doing business with any commercial banking institution that requires fingerprints from any person in order to complete a banking transaction.

2010-0656h

Amendment to HB 1291-FN

Proposed by the Committee on Ways and Means - R

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

2 Fuel Oil Import Fees. Amend RSA 146-E:3, II to read as follows:

II. A fee of [~~\$0.0125~~] **\$.01** per gallon of fuel oil shall be assessed at the time of importation into this state.

3 Report Required. The oil fund disbursement board shall make a report on or before December 1, 2011 to the house ways and means committee reporting on the administration of the fuel oil discharge clean-up fund, and detailing its adherence to fund guidance documents, departmental rules, and chapter 146-E.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 2012.

II. The remainder of this act shall take effect July 1, 2010.

AMENDED ANALYSIS

This bill:

I. Increases the import fees for the fuel oil discharge cleanup fund.

II. Requires a report from the oil fund disbursement board on the administration of the fuel oil discharge cleanup fund.

III. Repeals the increase in the import fees for the fuel oil discharge cleanup fund effective July 1, 2012.

2010-0662h

Amendment to HB 1335

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

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

AN ACT establishing a local option to authorize the governing body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

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

1 New Section; Interest Rates; Local Option. Amend RSA 76 by inserting after section 13-b the following new section:

76:13-c Interest Rates; Local Option.

I. Any town or city may authorize the governing body to set interest rates as provided for in this section and apply such rates to all applicable statutes requiring the charging of interest on unpaid property taxes, delinquent and subsequent tax payments, and other unpaid taxes, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such town or city may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the authority of the governing body to set interest rates as provided for in paragraph IV. If a majority of those voting on the question vote "yes," the authority for the governing body to set interest rates pursuant to paragraph IV shall take effect immediately and the governing body may set the rate for the town or city applicable to the tax year beginning April 1 following its adoption.

III. A town or city that has adopted the provisions of this section may rescind the authority of the governing body to set interest rates in the manner described in paragraph I. The question to be voted shall specify that the authority of the governing body to set interest rates shall be rescinded. If a majority of those voting on the question vote "yes," the authority for the governing body to set interest rates shall be rescinded and beginning on the April 1 following rescission, the statutory interest rates shall apply.

IV.(a) In lieu of the statutory rate of 12 percent per annum, the governing body may set a rate within the range of 6 percent up to 12 percent.

(b) In lieu of the statutory rate of 18 percent per annum, the governing body may set a rate within the range of 9 percent up to 18 percent.

(c) The rates set by the governing body pursuant to the authority in this section shall apply for assessments of interest beginning April 1 and shall be effective for the entire tax year and until further changed. Any subsequent change in the rates by the governing body pursuant to the authority in this section shall apply beginning on the April 1 for the following tax year.

2 Local Interest Rate; Pease Development Authority Lessees. Amend RSA 12-G:14, II(b)(1) to read as follows:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the due date until such taxes are paid;

3 Excavation Taxes. Amend RSA 72-B:6 to read as follows:

72-B:6 Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 72-B:4 shall bear interest at the rate of 18 percent per year, **or the rate set pursuant to RSA 76:13-c**, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the municipality. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

4 Property Taxes; Interest on Late Payment. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

5 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

6 Current Use; Land Use Change Tax. Amend RSA 79-A:7, II(d) to read as follows:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any taxes not paid within the 30-day period.

7 Discretionary Easements. Amend RSA 79-C:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any consideration not paid within the 30-day period.

8 Discretionary Preservation Easements. Amend RSA 79-D:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any consideration not paid within the 30-day period.

9 Community Revitalization Tax Relief Incentive. Amend RSA 79-E:9, II(d) to read as follows:

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

10 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his **or her** absence, at his **or her** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

11 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county, or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed, and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his **or her** purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his **or her** purchase at the tax sale to be included in his **or her** costs to be paid by

the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

12 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

13 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his **or her** service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

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

AMENDED ANALYSIS

This bill allows municipalities to authorize the governing body of the town or city to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes enforced through the lien procedure.

2010-0504h

Amendment to HB 1356

Proposed by the Majority of the Committee on Judiciary - R

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

1 Right-to-Know Law; Definition of "Public Agency." Amend RSA 91-A:1-a, V to read as follows:

V. "Public agency" means any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision. **"Public agency" shall also include any nonprofit corporation and its affiliates determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) whose annual total revenue exceeds \$100,000 and which is more than 50 percent funded by the state or a political subdivision or subdivisions of the state.**

2 New Section; Notification Required. Amend RSA 91-A by inserting after section 4 the following new section:

91-A:4-a Notification From Certain Nonprofit Corporations Required. Any nonprofit corporation identified as a public agency shall notify the attorney general, director of charitable trusts commencing the year following the effective date of this section that such corporation is subject to the provisions of this chapter. The director of charitable trusts, department of justice shall maintain a list of charities defined to be public agencies under the chapter.

3 New Paragraph; Records Exempt. Amend RSA 91-A:5 by inserting after paragraph IX the following new paragraph:

X. Natural person donor records, client-attorney records, and juvenile records of nonprofit corporations which are determined to be public agencies.

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

AMENDED ANALYSIS

This bill adds certain nonprofit corporations to the definition of “public agency” and requires such corporations to notify the attorney general’s office that they are subject to the right-to-know law.

2010-0361h

Amendment to HB 1420

Proposed by the Committee on Children and Family Law - R

Amend the bill by replacing section 1 with the following:

1 Parental Rights and Responsibilities; Child Support. RSA 461-A:14, IV is repealed and reenacted to read as follows:

IV. The amount of a child support obligation shall remain as stated in the order until the dependent child for whom support is ordered completes his or her high school education or reaches the age of 18 years, whichever is later, or marries, or becomes a member of the armed services, at which time the child support obligation, including all educational support obligations, terminates without further legal action. If the order involves a disabled child, the court shall specify the duration of the order, which may be beyond the time when the child reaches the age of 18.

IV-a. If the order establishes a support obligation for more than one child, and the court can determine when support will terminate for one of the children as provided in paragraph IV, the amount of the obligation for the remaining children shall also be stated in the order and shall take effect on the date specified without further legal action.

2010-0494h

Amendment to HB 1429

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the inclusion of universal design requirements in the state building code. Specifically, the committee shall determine the feasibility of requiring all new and substantially rehabilitated residential buildings to include design aspects such as: installation of supports within or behind the inner and outer walls, wider doorways, uniform size of steps on stairways, lighting on stairways, and other universal design elements. For one- and 2-family dwellings, the committee shall examine the economic impact of including universal design elements.

2010-0948h

Amendment to HB 1461

Proposed by the Committee on Municipal and County Government - R

Amend RSA 31:39, 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.

2010-0947h

Floor Amendment to HB 1461

Proposed by Reps. Patten and Cunningham

Amend RSA 31:39, I(p) as inserted by section 1 of the bill by replacing it with the following:

(p) Regulating, but not prohibiting, 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, but not prohibit, the point of sale display and accessibility of martial arts weapons and other weaponry excluding firearms.

2010-0051h

Amendment to HB 1475

Proposed by the Minority of the Committee on Commerce and Consumer Affairs - R

Amend RSA 155:64 as inserted by section 1 of the bill by replacing it with the following:

155:64 Purpose. The purpose of this subdivision is to protect the health of the public by ~~[regulating smoking]~~ ***eliminating tobacco use and exposure to secondhand smoke*** in enclosed workplaces and enclosed places accessible to the public, regardless of whether publicly or privately owned~~[-and in enclosed publicly owned buildings and offices]~~. This subdivision also regulates smoking in public housing facilities, health care facilities, public primary and secondary educational facilities, and in public conveyances operating within the state. This subdivision shall not be construed as addressing ~~[airborne]~~ contaminants including toxic, chemical, or biological substances that may be present in indoor air other than tobacco smoke.

Amend RSA 155:65, VI as inserted by section 2 of the bill by replacing it with the following:

VI. "Health care facility" means any enclosed place or portion of such place used for the purpose of providing medical or dental treatment, physical or mental health services, or any combination of such treatment or services. This definition shall include buildings or portions of buildings used exclusively for such purposes and buildings or portions of buildings leased, rented, or otherwise made available for such purposes.

Amend RSA 155:65, XV as inserted by section 2 of the bill by replacing it with the following:

XV. "Workplace" means an enclosed place at which individuals perform any type of a service for consideration of payment under any type or term of employment relationship with, but not limited to, a sole proprietorship, corporation, partnership, company, individual, governing body, government agency, private voluntary agency, and any public nonprofit agency. This definition also includes any enclosed place where individuals perform services in a volunteer capacity for which individuals are ordinarily paid.

2010-0671h

Amendment to HB 1479-FN

Proposed by the Minority of the Committee on Education - R

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

AN ACT requiring that body mass index be assessed for pupils in grades one, 4, 7, and 10.

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

1 Statement of Purpose. The general court recognizes that childhood obesity is increasing at exponential rates and that there are physical, educational, and financial costs to society. Before any recommendations for community action are suggested, the general court finds that it is important to have actual baseline data to better understand the extent of the problem in New Hampshire.

2 New Section; School Health Services; Body Mass Index Assessment. Amend RSA 200 by inserting after section 32 the following new section:

200:32-a Body Mass Index Assessment.

I. In addition to the requirements of RSA 200:32, each school district shall take the height and weight measurements for all pupils in grades one, 4, 7, and 10 and shall calculate the pupil's body mass index (BMI) score using age appropriate BMI-for-age weight status categories as determined by the Centers for Disease Control and Prevention. The school district shall group the aggregate BMI data as follows and shall forward such data to the department of education not later than the school district's end of year reporting date:

- (a) The number of pupils that are below the 5th percentile.
- (b) The number of pupils that are between the 5th percentile but less than the 85th percentile.
- (c) The number of pupils that are between the 85th percentile but less than the 95th percentile.
- (d) The number of pupils that are equal to or greater than the 95th percentile.

II. The pupil's name, unique pupil identifier, or other personally identifiable information shall not be attached to the BMI data forwarded to the department of education.

III. The parent or legal guardian of a pupil may request an exception from participation in the BMI assessment in accordance with school district policy.

IV. Any individual pupil information recording or reporting process shall be at the discretion of the school district.

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

AMENDED ANALYSIS

This bill requires body mass index be assessed for pupils in grades one, 4, 7, and 10.

This bill is a request of the commission on the prevention of childhood obesity established by 2008, 219.

2010-0888h

**Floor Amendment to HB 1479-FN
Proposed by Rep. Stiles**

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

AN ACT requiring that body mass index be assessed for pupils in grades one, 5, and 9.

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

1 Statement of Purpose. The general court recognizes that childhood obesity is increasing at exponential rates and that there are physical, educational, and financial costs to society. Before any recommendations for community action are suggested, the general court finds that it is important to have actual baseline data to better understand the extent of the problem in New Hampshire.

2 New Section; School Health Services; Body Mass Index Assessment. Amend RSA 200 by inserting after section 32 the following new section:

200:32-a Body Mass Index Assessment.

I. In addition to the requirements of RSA 200:32, each school district shall take the height and weight measurements for all pupils in grades one, 5, and 9 and shall calculate the pupil's body mass index (BMI) score using age appropriate BMI-for-age weight status categories as determined by the Centers for Disease Control and Prevention. The school district shall group the aggregate BMI data as follows and shall forward such data to the department of education not later than the school district's end of year reporting date:

- (a) The number of pupils that are below the 5th percentile.
- (b) The number of pupils that are between the 5th percentile but less than the 85th percentile.
- (c) The number of pupils that are between the 85th percentile but less than the 95th percentile.
- (d) The number of pupils that are equal to or greater than the 95th percentile.

II. The pupil's name, unique pupil identifier, or other personally identifiable information shall not be attached to the BMI data forwarded to the department of education.

III. The parent or legal guardian of a pupil may request an exception from participation in the BMI assessment in accordance with school district policy.

IV. Any individual pupil information recording or reporting process shall be at the discretion of the school district.

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

AMENDED ANALYSIS

This bill requires body mass index be assessed for pupils in grades one, 5, and 9.

This bill is a request of the commission on the prevention of childhood obesity established by 2008, 219.

2010-0951h

Amendment to HB 1554

Proposed by the Majority of the Committee on Municipal and County Government - R

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

1 Findings and Purpose. The general court finds that:

I. Energy conservation and efficiency and clean energy improvements to residential, commercial, industrial, and other buildings and facilities are necessary to:

(a) Protect the economic and social well-being of New Hampshire communities by reducing the cost of fuel oil, electricity, natural gas, propane, and other forms of energy, and the risks associated with future escalation in energy prices;

(b) Protect the economic and social well-being of New Hampshire communities by encouraging investment in the development and implementation of energy conservation and efficiency and clean energy improvements; and

(c) Address the threat of global climate change.

II. The upfront cost of energy conservation and efficiency and clean energy improvements prevents many property owners from making such improvements.

III. To achieve the public benefits of reducing the cost of energy use and the risks associated with future escalation in energy prices, encouraging investment in the development and implementation of energy conservation and efficiency and clean energy improvements, and addressing the threat of global climate change, it is necessary to authorize a procedure for enabling property owners, on a voluntary basis, to finance such improvements and make repayments in the form of special assessments on their property tax bills or municipal service bills.

IV. The purposes of this chapter are to authorize municipalities to establish such a procedure and to set forth requirements to ensure that its use will achieve the intended purposes of improving the social and economic well-being of New Hampshire communities and reducing greenhouse gas emissions.

2 New Chapter; Energy Efficiency and Clean Energy Districts. Amend RSA by inserting after chapter 53-E the following new chapter:

CHAPTER 53-F

ENERGY EFFICIENCY AND CLEAN ENERGY DISTRICTS

53-F:1 Definitions. In this chapter:

I. "Clean energy improvement" means the installation of any system on the property for producing electricity for, or meeting heating, cooling, or water heating needs of the property, using either renewable energy sources, combined heat and power systems, or district energy systems using wood biomass (but not construction and demolition waste) or natural gas. Such improvements include but are not limited to solar photovoltaic, solar thermal, wood biomass, wind, and geothermal systems, provided that, to be covered by an agreement with a property owner and financed under this chapter, such improvements shall be qualifying improvements under RSA 53-F:6.

II. "District" means an energy efficiency and clean energy district established under this chapter.

III. “Energy conservation and efficiency improvements” means measures to reduce consumption, through conservation or more efficient use, of electricity, fuel oil, natural gas, propane, or other forms of energy on the property, including but not limited to air sealing, installation of insulation, installation of heating, cooling, or ventilation systems meeting or exceeding ENERGY STAR standards, building modifications to increase the use of daylighting, replacement of windows with units meeting or exceeding ENERGY STAR standards, installation of energy controls or energy recovery systems, and installation of efficient lighting equipment, provided that, to be covered by an agreement with a property owner and financed under this chapter, all such improvements must be permanently affixed to a building or facility that is part of the property and shall be qualifying improvements under RSA 53-F:6.

IV. “Municipality” means any city, town, or village district.

V. “Property owner” means the owner of record of real property within the boundaries of the district, whether zoned or used for residential, commercial, industrial, or other uses.

VI. “Third party lender” means a lender selected by the municipality to provide funds to finance energy conservation and efficiency and clean energy improvements by participating property owners under this chapter. The lender shall be licensed under state laws and regulations. The municipality shall be responsible for ensuring compliance by the third party lender with applicable provisions of this chapter.

53-F:2 Adoption By Municipality. A town or city may adopt the provisions of this chapter in the following manner:

I. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of an annual meeting only by the governing body, and not pursuant to RSA 39:3.

II. In a city or a town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of any such municipality may vote to place the question on the official ballot for any regular municipal election.

III. The language of the question shall designate an energy efficiency and clean energy district, which may cover all or a portion of the area within the municipality, or may designate all or a portion of the area within the municipality as part of an energy efficiency and clean energy district that encompasses all or portions of multiple municipalities.

IV. A municipality may vote to rescind its action in the same manner as it may vote to adopt, provided that all agreements entered into with property owners, liens established, and other legal obligations created prior to its vote to rescind shall remain in effect.

53-F:3 Authority. To achieve the public benefits of protecting the economic and social well-being by reducing energy costs in the community and risks to the community associated with future escalation in energy prices, and addressing the threat of global climate change, any municipality which has adopted the provisions of this chapter and established an energy efficiency and clean energy district may, upon a finding by the executive body of the municipality, after notice and hearing, that the energy conservation and efficiency and clean energy improvements the municipality will finance pursuant to this chapter will serve the public purposes as set forth in this chapter and not primarily be for the benefit of private persons or uses even though such private benefits and uses may incidentally result, do the following:

I. Incur debt for the purpose of providing financing to property owners within the district, including through issuance of municipal bonds, Qualified Energy Conservation Bonds or Clean Renewable Energy Bonds. Any such debt shall constitute a pledge of the municipality’s full faith and credit, and except as may be otherwise provided in this chapter, shall be subject to the provisions of RSA 33.

II. Establish a revolving fund pursuant to RSA 31:95-h using general municipal revenues, bond funds, federal Energy Efficiency and Conservation Block Grant funds, or grant funds from any federal, state, private, or other source, provided that the use of general municipal

revenues shall be pursuant to an appropriation by special warrant article in accordance with RSA 32 and the municipality's appropriation procedures.

III. Finance qualifying improvements by eligible property owners through any other means authorized by state law.

IV. Collect from property owners and remit to third-party lenders payments on assessments used to finance qualifying improvements.

V. Establish reserve accounts.

VI. Participate in state or federal programs providing support for municipal energy efficiency and clean energy finance programs such as those authorized by this chapter, including guarantee, loss reserve, revolving fund, or other state or federal support programs.

VII. Enter into agreements with property owners in which the property owners consent to make energy conservation and efficiency improvements or clean energy improvements to their property and to have the municipality add a special assessment to their property tax bills, or add a surcharge to their bills for water or sewer service or another municipal service, provided that such agreements shall not affect the tax liability or municipal services charges of other participating or nonparticipating property owners in the district.

VIII. Collect charges from participating property owners, third-party lenders, or both, to cover the cost of administration for the district.

IX. Otherwise administer a program for promoting and financing energy efficiency and clean energy improvements within a district in accordance with this chapter, enter into an agreement with a public or private entity to administer such a program on its behalf in accordance with this chapter, and enter into an agreement with one or more other municipalities to share services and otherwise cooperate in the administration of a district or districts in accordance with this chapter.

53-F:4 Agreements with Property Owners.

I.(a) A municipality may make an assessment under this chapter only pursuant to an agreement entered into with the free and willing consent of the owner of the property to which the assessment applies. The assessment shall be included as a separate item on the tax bill for the property sent to the owner pursuant to RSA 76. Any payment of the tax bill shall be applied first to the taxes on the property and any interest, charges or penalties thereon, and the balance shall be applied to the assessment. In the case of any property with multiple owners, an agreement under this chapter shall be signed by all owners.

(b) An agreement with a property owner shall provide that the owner shall contract for qualifying improvements with one or more qualified contractors, purchase materials to be used in making qualified improvements, or both, and that, upon submission of documentation required by the municipality, the municipality shall disburse funds to those contractors and vendors in payment for the qualifying improvements or materials used in making qualified improvements. An agreement with a property owner shall require that the property owner report post-installation energy use data for program evaluation purposes over a period determined by the municipality.

II. The municipality shall disclose to participating property owners the risks associated with participating in the program, including risks related to their failure to make payments and the risk of enforcement of the liens imposed under the agreements.

III. At least 30 days prior to entering into an agreement with a municipality under this chapter, the property owner shall provide to the holders of any existing mortgages on the property notice of his or her intent to enter into the agreement.

IV. An agreement with a participating property owner under this chapter shall be filed by the municipality for recording in the county registry of deeds and shall be disclosed to potential buyers prior to transfer of property ownership.

V. Any personal financial information provided to a municipality or an entity administering a program under this chapter on behalf of a municipality by a participating property owner or potential participating property owner shall be confidential and shall not be

disclosed to any person except as required to administer the program and only on a need-to-know basis.

53-F:5 Eligibility of Property Owners.

I. A municipality may enter into an agreement under this chapter only with the legal owner of real property.

II. Prior to entering into an agreement with a property owner, the municipality shall determine that all property taxes and any other assessments levied with property taxes are current and have been current for 3 years or the property owner's period of ownership, whichever is less; that there are no involuntary liens such as mechanic's liens on the property; and that no notices of default or other evidence of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever is less; and that the property owner is current on all mortgage debt on the property. The municipality shall adopt additional criteria, appropriate to property-assessed clean energy finance programs, for determining the creditworthiness of property owners.

53-F:6 Qualifying Improvements.

I. Improvements financed pursuant to an agreement under this chapter shall be based upon an audit performed by a person who has been certified as a building analyst by the Building Performance Institute or who has obtained other appropriate certification as determined by the public utilities commission or another appropriate New Hampshire-based entity. The audit shall identify recommended energy conservation and efficiency and clean energy improvements; provide the estimated energy cost savings, useful life, benefit-cost ratio, and simple payback or return on investment for each improvement; and provide the estimated overall difference in annual energy costs with and without recommended improvements. Financed improvements shall be consistent with the audit recommendations. The cost of the audit may be included in the total amount financed under this chapter.

II. Improvements shall be permanently affixed to an existing building or facility that is part of the property. An agreement between a municipality and a qualifying property owner may not cover projects in buildings or facilities under new construction.

III. Improvements shall be made by a contractor or contractors, which may include a cooperative or not-for-profit organization, determined by the municipality to be qualified to make the energy efficiency or clean energy improvements in the agreement. A municipality may accept a designation of contractors as qualified made by an electric or gas utility program or another appropriate New Hampshire-based entity. Any work requiring a license under any applicable law shall be performed by an individual holding such license. A municipality may elect to permit the financing pursuant to an agreement under this chapter of improvements made by the owner of the property, but shall not permit the value of the owner's labor to be included in the amount financed.

IV. A municipality shall require, prior to disbursement of final payments to any contractor or vendor pursuant to an agreement with a property owner, submission by the property owner in a form acceptable to the municipality of:

(a) A post-installation report, based on an independent inspection acceptable to the municipality, certifying that improvements have been installed properly and verifying that they are performing satisfactorily; and

(b) Documentation of all costs to be financed and copies of any required permits.

53-F:7 Financing Terms.

I. Improvements shall be financed pursuant to an agreement under this chapter only on terms such that the property owner experiences a positive cash flow impact during the first year and the total energy cost savings realized by the property owner and the property owner's successors during the useful lives of the improvements are expected to exceed the total cost to the property owner and the property owner's successors of the improvements. In determining the amount that may be financed pursuant to an agreement under this chapter, the total amount of all rebates, tax credits, grants, and other financial assistance received by the owner on account of the improvements shall be deducted from the cost of the improvements.

II. Financing for improvements in a district may be provided either by a municipality or by a third-party lender and shall in either case meet the requirements of this chapter. A municipality that provides financing shall establish a loss reserve account and maintain funds in such account at a level that meets generally accepted standards for property-assessed clean energy finance programs.

III. The total amount of assessments for a property under this chapter shall not be less than \$5,000 and shall not exceed \$35,000 in the case of a single-family residential property or \$60,000 in the case of a commercial, industrial, or multifamily residential property, or 15 percent of the assessed value of the property multiplied by the municipality's current equalization ratio, whichever is less. The combined amount of assessments under this chapter, any outstanding mortgage obligations for the property, and any other outstanding debt attached to the property shall not exceed 85 percent of the assessed value of the property multiplied by the municipality's current equalization ratio. A property owner who escrows property taxes with the holder of a mortgage on a property subject to an agreement under this chapter may be required by the holder to escrow amounts due under the agreement and the mortgage holder shall remit such amounts to the municipality in the same manner that property taxes are escrowed and remitted.

IV. The maximum term of finance provided pursuant to an agreement under this chapter shall be 20 years. The term shall in no case exceed 85 percent of the average expected useful life of all improvements, weighted by cost. Expected useful lives used for all calculations under this chapter shall be consistent with the expected useful lives of energy conservation and efficiency and clean energy measures approved by the public utilities commission for utility or other programs.

53-F:8 Liens.

I. An assessment levied pursuant to this chapter, and the interest and any charges or penalties thereon, shall constitute a lien against the property on which it is made until it is paid. The lien shall be evidenced by the agreement recorded in the registry of deeds for the county under this chapter. Except as otherwise provided in paragraph IV, payment of a past due balance from the loss reserve established under this chapter shall not relieve a participating property owner from the obligation to pay that amount or cause the lien against the property to be modified or released.

II. A municipality shall release a participating property of the lien on the property against which the assessment under this chapter is made upon full payment of the value of the assessment. Notice of the release of the lien shall be filed by the municipality for recording in the county registry of deeds.

III. Except as otherwise provided in paragraph IV, in the event of a delinquency in payments due pursuant to an agreement under this chapter, the municipality may enforce the lien as otherwise provided by law for collection of overdue property taxes pursuant to RSA 80 or the municipality may defer the collection of past due balances until the time of a transfer of property ownership; provided that, in the case of a delinquency in payments on a property subject to a mortgage that was in effect at the time the lien was placed on record at the county registry of deeds, the tax collector of the municipality shall be paid from the loss reserve account under this chapter and shall exercise the right to collect the delinquent amounts under RSA 80 only if and to the extent that the balance in the loss reserve account is insufficient to cover such amounts. In any case, at the time of collection, only the past due balances of the assessment under this chapter, together with any interest, charges, or penalties, shall be due for payment and future payments shall continue as a lien on the property. Except as otherwise provided in paragraph IV, but notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure, collection by the municipality shall be limited to any past due balances and future payments shall continue as a lien and shall neither be accelerated nor extinguished by foreclosure.

IV. In the event of foreclosure on a mortgage on a property subject to an agreement under this chapter that was in effect at the time the lien was placed on record at the county registry of deeds, upon demand by the holder of the mortgage, the municipality shall pay from the loss

reserve account established under this chapter the amount of any delinquent balance due on the assessment. If funds in the loss reserve account are insufficient to pay the delinquent balance, and the property is sold at the foreclosure sale to a third party, all proceeds from the foreclosure sale shall be applied, first, to overdue property taxes and any municipal assessments other than assessments under this chapter as provided by RSA 80 or other applicable law; second, to the obligations due to the holders of mortgages in effect at the time the lien was placed on record at the county registry of deeds; and third, to any delinquent amounts under the assessment under this chapter, whether owed to the collector of taxes or the loss reserve account. If a holder of such a mortgage purchases the property at the foreclosure sale and sells the property for an amount that is more than the amount of the obligation due to it under the mortgage and its out-of-pocket expenses incurred in owning, maintaining, and selling the property, it shall report the sale to the municipality and, to the extent of the excess proceeds, pay the collector of taxes or the loss reserve account any remaining delinquent amounts due under the assessment. If, following a foreclosure sale to a third party or a purchase by the holder of a mortgage under this paragraph and subsequent sale to a third party, any delinquent amount remains unpaid to the collector of taxes or loss reserve account under this paragraph, the municipality shall file a notice in the county registry of deeds waiving its right to payment of such past due balance and the lien under this chapter shall remain in effect to secure only future amounts due under the assessment under this chapter.

3 Financing of Energy Conservation and Efficiency and Clean Energy Improvements by Property Owners. Amend RSA 31:95-h, I(d) and (e) to read as follows:

(d) Creating affordable housing and facilitating transactions relative thereto; ~~[or]~~

(e) Providing cable access for public, educational, or governmental use~~[-]; or~~

(f) Financing of energy conservation and efficiency and clean energy improvements by participating property owners in an energy efficiency and clean energy district established pursuant to RSA 53-F.

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

2010-0867h

Floor Amendment to HB 1561-FN

Proposed by Rep. Hopper

Amend RSA 215-A:21, X as inserted by section 1 of the bill by replacing it with the following:

X. The executive director shall issue to a person applying therefor a 14-month registration to include the months of May and June for an initial registration of an OHRV under RSA 215-A:23, provided that the prorated initial registration fee and the appropriation from each fee shall be as follows:

(a) For an individual resident registration- \$49 for each 2-wheeled trail bike registration or \$60 for each other OHRV registration upon presentation of a valid driver's license issued to a New Hampshire resident 18 years of age or older.

(1) The first \$8.16 of each 2-wheeled trail bike registration or \$19.16 of each other OHRV registration shall be appropriated to the department of resources and economic development for the bureau's grant-in-aid program pursuant to RSA 215-A:23, VI.

(2) From the balance, \$17.86 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in RSA 215-A:23, VII, and \$22.98 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of fish and game for the purposes listed in RSA 215-A:23, VIII.

(b) For an individual nonresident registration- \$72 for each 2-wheeled trail bike registration or \$82 for each other OHRV registration.

(1) The first \$16 of each 2-wheeled trail bike registration or \$26 of each other OHRV registration shall be appropriated to the department of resources and economic development for the bureau's grant-in-aid program pursuant to RSA 215-A:23, VI.

(2) From the balance, \$19.95 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in RSA 215-A:23, VII, and \$36.05 from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of fish and game for the purposes listed in RSA 215-A:23, VIII.

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."

2010-0501h

Amendment to HCR 28

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

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

A RESOLUTION rescinding all requests by the New Hampshire legislature for a federal constitutional convention.

Amend the resolution by replacing all after the resolving clause with the following:

That any and all requests by the New Hampshire legislature for a federal constitutional convention are hereby rescinded and deemed null and void; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the New Hampshire Congressional delegation, and the Administrator of the United States General Services Administration.

AMENDED ANALYSIS

This concurrent resolution rescinds all requests by the New Hampshire legislature for a federal constitutional convention.

2010-0770h

Amendment to HCR 29

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

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

Whereas, Article 2, Section 2 of the United States Constitution makes no provision for the creation of new treaties or agreements among nations without the concurrence of 2/3 of the United States Senate; and

Whereas, fast track authority, also known as trade promotion authority, allows the President of the United States to negotiate trade agreements or treaties; and

Whereas, fast track authority grants the United States House of Representatives authority to approve or disapprove treaties, authority otherwise limited by the United States Constitution to a 2/3 vote of the United States Senate; and

Whereas, fast track authority requires the leaders of both the House of Representatives and Senate to introduce the proposed treaty on the first day their body is in session; and

Whereas, fast track authority prevents the United States Senate and House of Representatives from amending the proposed treaty; and

Whereas, pursuant to the United States Constitution, all treaties approved by the Senate become the law of the land; and

Whereas, fast track authority limits Congress's authority to write implementing legislation; and

Whereas, the Congressional committee must take action on the bill within 45 days or the proposed treaty is automatically discharged to the floor for an up or down vote; and

Whereas, each body is limited to a maximum of 20 hours of floor debate, thereby denying legislators and the public appropriate time to consider the serious long-term ramifications of these trade agreements; and

Whereas the Senate cannot filibuster the proposed treaty, limiting their constitutional authority; and

Whereas, Senators elected to serve the public interest of their state and country have no role in the treaty process except to approve or disapprove the proposed agreement; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges:

I. The President and the Congress of the United States to ensure that all new treaties or agreements among nations receive a 2/3 vote of the United States Senate as required by Article 2, Section 2 of the United States Constitution; and

II. The New Hampshire Congressional delegation use all of its efforts, energies, and diligence to prevent the reauthorization or expansion of fast track authority; and

That the clerk of the house of representatives deliver signed copies of this resolution to the President of the United States of America, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the United States Congress, the presiding officers of each state's legislature and the members of the New Hampshire Congressional delegation so that they may be apprised of the sense of the citizens of New Hampshire in this matter.

AMENDED ANALYSIS

This resolution urges the President and Congress to comply with the United States Constitution in requiring a 2/3 vote of the Senate to approve treaties and urges Congress to revoke fast track authority for approval of international trade agreements.

2010-0970h

Floor Amendment to HCR 29 Proposed by Rep. Vita

Amend paragraph I of the first paragraph after the resolving clause to read as follows:

I. The President and the Congress of the United States to ensure that all new treaties or agreements among nations or supranational bodies meet the test of Constitutional authority and receive a 2/3 vote of the United States Senate as required by Article 2, Section 2 of the United States Constitution; and