

HOUSE RECORD

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

Vol. 32	Concord, N.H.	Friday, May 28, 2010	No. 43
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Contains: Proposed Filing Deadlines for 2011, Committee of Conference Statements, House Resolution 26, Reports from the Joint Committee on Address, Hearings, Meetings, and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House session will be held at **10:00 a.m.** on **Wednesday, June 2nd** when the House will take action on Committee of Conference reports, proposed filing deadlines for the 2011 session, revenue estimates and Bills of Address.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **June 1** at **8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **June 2** at **9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **June 2** 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. 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.

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Wednesday, June 2, 2010	Last day to act on Committee of Conference reports
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PROPOSED FILING DEADLINES FOR 2011 SESSION

Proposed by the Rules Committee

Amend House Rule 64 as follows:

Wednesday, September 15, 2010	First day for House incumbents running for reelection to file LSRs with complete information
Friday, October 1, 2010 (3:00 p.m.)	Last day prior to the General election for House incumbents running for reelection to file LSRs with complete information
Monday, November 1, 2010	Last day to file Interim Study reports
Monday, November 15, 2010	First day for all Representatives to file LSRs with complete information. 10 day sign off period begins
Friday, December 3, 2010 (3:00 p.m.)	Last day to file House LSRs with complete information
Wednesday, January 12, 2011 (noon)	Last day to sign off all House LSRs, including petitions, other petitions involving the election or qualifications of a member to serve in the House
Wednesday, February 2, 2011	Last day to introduce HBs etc. and amend House Rules by majority vote.

WEDNESDAY, JUNE 2

COMMITTEE OF CONFERENCE STATEMENTS

SENATE BILLS

SB 59, relative to the renovation and replacement of school buildings.

This bill encourages a more inclusive and flexible planning process for new school construction or substantial renovation by requiring a public hearing, seeking input from municipal boards and departments, and reviewing zoning and master plans. The conferees agreed to one wording change to reinsert “the principles of smart growth” to describe the referenced contents of RSA 9-B.

Rep. Emma L. Rous

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.

The Senate conferees agreed to the House version of this bill.

Rep. Robin P. Read

SB 150, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

The House and Senate conferees agreed to include motorcycles which were mentioned in the House bill, but somehow were excluded in the Senate version. Both House and Senate conferees agree that this may have been an inadvertent clerical error.

Rep. Michael B. O’Brien, Sr.

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

The Senate agreed to the House amendments and all the conferees agreed to further amendments to the bill. The final work product does three things: 1) sets up the procedure for the random selection for candidate name order 2) prescribes the column rotation for the 2010 election and 3) establishes the procedure by which the secretary of state shall rotate ballot column order for elections after 2010.

Rep. David M. Pierce

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.

The existing House position transfers liquor enforcement to the department of safety on July 1, 2011 and establishes a committee to study the administrative structure and adjudicative process at the liquor commission. The House and Senate conferees agreed with the House position with

two changes: 1) The House position already transfers enforcement. The operations of liquor licensing and education will also move to the department of safety as of July 1, 2010. 2) The final report of the study committee established in the bill will be November 1, 2010. The first change will ensure cost effectiveness and efficiency by keeping the three major operations, enforcement, licensing and education together. The second change, the more timely reporting date, coupled with the delay, will allow the new legislature the time and information to file legislation regarding the proposed move and/or other changes regarding the structure of the liquor commission.

Rep. Linda T. Foster

SB 205-FN, making various changes to the criminal statutes.

This bill increases the statutory damage amounts for theft, criminal trespass, willful concealment and shoplifting and for certain crimes involving fraud. It allows the court the discretion to order pre-sentence investigations in felony cases. The Senate has agreed to the House position which increased the damage amounts by 500 dollars.

Rep. David A. Welch

SB 302, relative to notice of driver's license expiration.

The Senate conferees agreed to accept the House version of the bill.

Rep. Brian D. Rhodes

SB 313, extending the repeal date of the state park system advisory council and relative to field purchases and transfers of funds for the state park system and the bureau of trails.

House and Senate conferees agreed to extend the repeal date for the State Park Advisory Council to June 30, 2012. The division of parks may make field purchases up to \$2000 for parks and trails through June 30, 2012. The commissioner of DRED may transfer funds between and among appropriations for the operation of the state park system through June 30, 2012 and also transfer finds between and among the appropriation for TRAILS through June 30, 2012. The commissioner of DRED may immediately begin to accept donations for the use and maintenance of Jericho Mt. State Park and shall require fees for entrance into and use of Jericho Mt. State Park on or before January 1, 2011 and shall require those funds to be deposited into the state park fund. Utility terrain vehicles may be permitted in Jericho Mt. State Park if the do not exceed the weight limit of 1,200 pounds and the width limit of 60 inches. An historic sites fund, distinct from all other funds, will be the repository for all fees, rentals, revenue from operations, retail sales and net profit from concession' operations. The fund will be established in the office of the state treasurer and be non-lapsing, continually appropriated (including principal and interest).

Rep. Patricia M. McMahon

SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

One of the effects of this bill is to allow minors to enter a cigar shop when with an adult who is entering the store for the purpose of purchasing tobacco products. The Senate had questions about the intent of this section of the bill and, when answered, were comfortable agreeing to the House amendment.

Rep. Edward A. Butler

SB 320, relative to occupational exposure to the human immunodeficiency virus.

The House and Senate conferees agreed to adopt a technical amendment to clarify that 1) if HIV testing is performed on an individual who is incapable of giving consent when the reason for testing is an accidental occupational exposure, the cost of the testing shall not be billed to either the individual who is incapable of giving consent or that individual's insurer, and 2) there shall not be testing performed on an individual who is capable of giving consent but does not agree to do so.

Rep. Cindy Rosenwald

SB 357-FN, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

House and Senate conferees agreed that retired judges and spouses under age 65 will be

responsible for the payment of a premium contribution of \$65 per month for each retiree and spouse, not to exceed \$130 per month. The judicial plan shall deduct the payment from the retiree's monthly retirement allowance and remit it to the administrative office of the courts within 14 days, identifying from whom it was made, and use the sum to pay for plan retiree and spouse health care expenses and any administrative costs.

Rep. Patricia M. McMahon

SB 358-FN, relative to whistleblower protection and waste prevention in state government. Pursuant to a request from the attorney general's office, House and Senate conferees agreed to make some clarifying changes to the bill. Procedures for reporting suspected criminal activity to law enforcement were added. A change to Section 2 provides that disciplinary action by an employer, which is not arbitrary and capricious and which results from an employee's conduct unrelated to the employee's complaint, is permissible.

Rep. Sally H. Kelly

SB 383-FN, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

The Senate accepted the House position on the economic revitalization zone tax with changes to the reporting dates.

Rep. William A. Hatch

SB 402-FN, relative to state-owned vehicles.

This bill requires that each state agency reduce its combined in-state travel and fleet operations. The Senate agreed with the bill as passed by the House. At the request of the commissioner of administrative services, the conference committee changed the approval of requests for alterations to or waivers from an approved action plan from the commissioner to the "vehicle utilization committee" established in the bill. The conference committee also amended RSA 260:14 dealing with Records and Certifications to include a new paragraph clarifying that "The accident report, the technical accident reconstruction report, any repair estimate, or any similar document that constitutes a motor vehicle record that is created or received as a result of any accident or collision involving a state-owned or state-leased vehicle shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A."

Rep. Bernard L. Benn

SB 408, relative to purchasing alliances.

The only change that the committee of conference made was to suspend the insurance department bulletin INS No. 10-008-AB until July 1, 2012. This bulletin was issued to provide further guidance to insurers who have issued or plan to issue health insurance that covers New Hampshire residents who work in New Hampshire for a client company contracting with a PEO.

Rep. Stephen T. DeStefano

SB 411, relative to permitting of large groundwater withdrawals.

The House and Senate conferees agreed to eliminate unnecessary controversial provisions in the House bill and return to the basic purpose of the bill – to reinforce that the issuance of a state large groundwater permit does not relieve applicants of the need to comply with local regulations.

Rep. Judith T. Spang

SB 420, relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

The House and Senate conferees agreed to the removal of Section 1 of the bill, which required that insurers offering prescription drug benefits allow the use of non mail-order pharmacies. Conferees agreed that Section 2, pertaining to the study committee, should remain in the bill.

Rep. Sally H. Kelly

SB 428, establishing a committee to study dispatch times within the enhanced 911 system.

The House and Senate agreed that a study committee to review dispatch times in the enhanced 911 system is appropriate to address current perceptions that response times could be improved. Calls to 911 are received at the central system in Concord, then routed to the appropriate municipality for action. Committee of Conference members agreed on specifying language to

clarify that the time "bookends" of the study would be "from the time the call is placed to the arrival of assistance on scene and all call transfers in between."

Rep. Suzanne Harvey

SB 440, relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

The House agreed with the Senate position on this bill, including an amendment which clarified the process to be used when a complaint is filed in the executive branch.

Rep. Laurie Harding

SB 442, relative to the grant program to administer exotic aquatic plant prevention.

The House and Senate conferees agreed that the extra \$1 on the boat registration fee passed last year should be used for its intended purpose, milfoil prevention. We further agreed that the ongoing research program, unique to our form of milfoil, is vital and should continue to receive funding. We compromised on language which does both these things and allows the program managers and commissioner some latitude in adjusting the precise percentages to annual grant opportunities. The Senate version was passed with this new joint amendment.

Rep. Susan W. Almy

SB 450-FN, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

Statement not available when calendar sent to print.

SB 478, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

This bill, as amended by the House, made 3 changes in RSA 310-A:186. The first change allows appointees to the board of home inspectors to serve less than half of a 5 year term and still serve 2 full terms. The second change moved the plumbers board to the department of safety but allows the board to retain rule making authority. The Senate conferees agreed to these changes as clarified by the House conferees. The third section of the bill affects retired architects and is unchanged from the Senate version.

Rep. Charlotte Houde-Quimby

SB 480, relative to appeals of decisions by the department of environmental services.

This bill creates the position of hearing officer to assist the councils that hear appeals relating to decisions made by the department of environmental services. The hearing officer is designated to be someone experienced in administrative proceedings who will handle the procedural issues, assist with deliberations, rule on questions of law and issue the written decision. The councils will continue to deliberate and rule on questions of fact. The committee of conference made several minor changes to the bill as passed by the House. It clarified that the council may request revisions to the decision drafted by the hearing officer so long as it does not extend the 90 day deadline to issue a decision. It also clarified the extent and limits of the authority of the hearing officer to issue subpoenas. It specified that the attorney general will provide a report on the appeals process and any suggested modifications by April 1, 2011 to the Speaker, the Senate President, and to the chairs of the relevant policy committees. In addition, the effective date and grammatical language changes were made.

Rep. Gary B. Richardson

SB 485-FN-A, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

The Senate conferees agreed to the House position. The committee of conference amended the effective date to July 1, 2010 at the request of the judicial system.

Rep. Bernard L. Benn

SB 486-FN, relative to the school building aid program.

This bill suspends school building aid from June 30, 2010 to June 30, 2011. House and senate conferees agreed to expand the study committee from two to three Senate members, at least one of whom is from the Senate education committee, and from three to four House members, at least

two of whom are from the House education committee; to allow a waiver to any district with a pending legal proceeding related to a vote on a school building project; and to require more than a technical violation of code to qualify for a waiver.

Rep. Emma L. Rous

SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

The Senate conferees raised certain questions regarding the House version of SB 491, but accepted the rationale offered by the House conferees. One aspect gave rise to a joint amendment to further clarify the basis for subsequent agency rulemaking.

Rep. Peter B. Schmidt

SB 497-FN-A, changing the business profits tax deduction for reasonable compensation for partnerships, limited liability companies, and sole proprietorships and modifying the interest and dividends tax statute to follow the definitions of interest and dividends used in the United States Internal Revenue Code.

The conferees were unable to reach agreement.

Rep. William A. Hatch

SB 503, relative to unique pupil identification.

House and Senate conferees agreed to technical corrections to SB 503 which enhance privacy protections and insure that the department of education can fulfill its goal of tracking student achievement data in order to improve instruction and transitions, pre –K to post secondary education.

Rep. Emma L. Rous

SB 520-FN-L, relative to school district liability for special education costs.

The conferees agreed to accept SB 520 as passed by the House.

Rep. Kimberly S. Casey

COMMITTEE OF CONFERENCE STATEMENTS

HOUSE BILLS

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases.

The committee of conference agreed to change the effective date from January 1, 2010 to January 1, 2011.

Rep. Shannon E. Chandley

HB 431, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

The conferees were unable to reach agreement. This bill would have required that all antifreeze sold in the state of New Hampshire contain an aversive agent. All conferees agree that the policy goal of making a common household toxin taste less palatable to children and pets is important, however the House and Senate could not agree as to whether this mandate should release the industry from liability for harm caused by the product because of the inclusion of the aversive agent. The House conferees believe that if the final product is safe, we should not release the manufacturers from liability and if the final product is not safe we should not mandate inclusion of the aversive agent.

Rep. Susi Nord

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder.

The House conferees offered a compromise amendment which would have closely mirrored the recommendations of the RFID study committee. Unfortunately the Senate would not move from its position which had already been rejected by the full House earlier this year.

Rep. Susi Nord

HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness.

This bill is the result of a recommendation by the mental health council for establishing

procedures for identifying criminal defendants who may have a mental illness. The House conferees agreed to an amendment to provide that a pre-trial examination of competency or sanity be performed within 45 days of a court order for such examination for a person incarcerated in a county correctional facility and 90 days for all others, unless a request for an extension is made. The amendment also clarifies House language that a county correctional facility may request a pre-trial examination of a prisoner for the purpose of determining competency and that in instances where a person is incarcerated and an examination has not been provided that the court will review that persons bail status on a monthly basis.

Rep. Robert R. Cushing

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

The Senate amended HB 629 to lower the fines from \$500 for the first offense to \$100 and from \$1000 for a second offense to \$250. The conferees agreed to maintain the Senate position of \$100 for the first offense and set an amount of \$500 that all the conferees agreed to for the second offense.

Rep. William A. Hatch

HB 651-FN, relative to regulations of private investigative agencies and security services. The House conferees agreed to Section 106 F:3-a, the addition of an advisory board but requested term limits, to which the Senate conferees agreed. The House agreed to notification of licensure forwarded to local law enforcement and added “non-issuance” as well. The House agreed to deletion of the provision concerning not precluding the Constitutional right to bear arms. The Senate agreed to change the period of time for notification of arrest for felony from “immediately” to a period not to exceed one working day. In Section 106 F:13-a, I, the House and Senate added new language to this section protecting attorney client privilege. House conferees agreed to a date change for the effective date.

Rep. Charlotte Houde-Quimby

HB 1128 FN-L, relative to the distribution of meals and rooms tax revenues to cities and towns.
Statement not available when calendar sent to print.

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation.

The conferees agreed to the House position that the definition of gross misconduct for purposes of unemployment compensation include “theft of an amount greater than \$500” and have agreed to the Senate position in changing “from work related” to “where such conduct is connected with his or her work.”

Rep. Jeffrey P. Goley

HB 1171, repealing the prohibitions on Sunday business activities.

The conferees were unable to reach agreement. Repealing the prohibition on Sunday business activities would have negatively affected revenue in those towns that charge a fee to businesses operating on Sundays. At a time when revenues are so constrained, the Senate attempted to craft a compromise which would have repealed the religious language but enabled local communities to continue to regulate business activities on Sunday. The House conferees felt that although the religious language was removed, treating Sunday differently for purposes of running a business is still an establishment of religious preference and so felt that maintaining the current language with the existing exemptions and exclusions would be preferable.

Rep. Susi Nord

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements.

This bill originally addressed the issue of timely permitting of several department of environmental services (DES) land development statutes. House conferees approved an amendment allowing deferral of permit action on a project when the applicants have outstanding enforcement actions on any of their properties. The amendment also changed the incentives for DES to approve permits in a timely manner. Instead of refunding part of the permit fee when

statutory deadlines are not met, once the deadline is missed and the applicant requests action, DES must respond within 14 days or the permit will be deemed approved. A third amendment corrects a drafting error in HB 1399 relating to the state water pollution and drinking water revolving funds; and a fourth amends HB 1289 so that school administrators will not be required to conduct evaluations of air quality in their schools, but more appropriately conduct a physical assessment of conditions that might impact air quality.

Rep. Judith T. Spang

HB 1262, relative to disabled parking signs.

The House conferees agree with the Senate to change the fine in this bill from \$100 per day to \$250 once every 120 day period. Also agreed upon is the property owner would be responsible for this fine. This satisfies the need to motivate those who are not in compliance with RSA 265:73A "Parking Signs for the Disabled." The fine encourages compliance and also allows for a grace period of 120 days.

Rep. Michael B. O'Brien, Sr.

HB 1267-L, relative to applications for hawkers and peddlers licenses.

This bill outlines a procedure so that municipalities that wish to can require and obtain criminal records checks for persons who sell products or services door to door. The committee of conference clarified these procedures to be sure itinerant vendors who work temporary special events such as motorcycle week or fairs were not included. There is the option for just a state records check, or both a state and federal criminal records check. The existing statute for hawkers and peddlers was not changed so it does not affect the ability of any municipality to continue whatever procedures they currently use for licensing. The members agreed to create a stand alone definition for this section and to a compromise amendment which includes upgrading the penalty from a violation to a class B misdemeanor.

Rep. Mary R. Cooney

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease

The conferees were unable to reach agreement.

Rep. Barbara C. French

HB 1337, relative to requirement for public forums for the assessing standards board and the equalization standards board.

The House conferees agreed to the Senate version of the bill with an additional phrase added regarding suspension of disciplinary action against persons who make appraisals. This was inadvertently omitted from the Senate version of the bill and the Senate conferees recognized the importance of including it.

Rep. Peter B. Schmidt

HB 1361, relative to procedures for notification of parole hearings.

The House and Senate conferees agreed to disagree on this bill.

Rep. David A. Welch

HB 1364, relative to Medicare unfair trade practices.

This bill deals with Medicare unfair trade practices. The bill designates certain activities, such as bait and switch, as unfair trade practices in the sales of Medicare producers and Medicare supplemental health insurance. The Senate amendment, when understood by the House conferees, was readily accepted as it did not change the intent of the bill

Rep. Paul McEachern

HB 1380-FN, relative to assessing fees by zoning boards of adjustment.

The House conferees agreed with the Senate amendment after it was explained. This bill makes sure that planning boards and zoning boards of adjustment (ZBA) do not overlap in asking for studies and the Senate amendment clarifies the language.

Rep. David H. Kidder

HB 1393, relative to the treatment of New Hampshire investment trusts.

The Senate amendment to the underlying bill was simple language corrections and was quickly agreed to. The more significant amendment is relative to the regulatory oversight of the 5B entities which are pooled risk management programs established for the benefit of political

subdivisions of the state. The secretary of state's office is in the midst of an investigation of the Local Government Center's risk pool. This bill reaffirms the ongoing investigative effort and requires the SOS to report on the investigation, at least every 6 months, to the Senate and House Commerce Committees. Additionally it requires the SOS, the insurance department and an independent actuary to submit to the legislature a recommendation for the appropriate levels of reserves versus surplus for these risk pools. The section relative to the pooled risk management investigation is sunset on 7/1/13..All conferees agreed to the final revisions.

Rep. Edward A. Butler

HB 1417, allowing companion dogs in certain areas of restaurants.

The House would likely have concurred with the Senate amendment earlier but a dependent section was inadvertently omitted. The bill passed by the House enabled food service establishment owners to allow companion dogs in their dining area. The Senate amendment will allow that access only to the dogs of the owners of those establishments. The omission was corrected and the conferees agreed.

Rep. Edward A. Butler

HB 1448, relative to town audits.

This bill outlines procedures and guidelines for municipalities to submit audits to the department of revenue. The committee of conference added a more defined time limit for an audit that was not accepted by the governing body at the time of receipt. If it has not accepted the audit with applicable adjustments within 45 days of its receipt, the audit and an accompanying management letter shall be submitted to the commissioner with the reasons for non-acceptance. The governing body may petition the commissioner for an extension of time for submittal.

Rep. Mary R. Cooney

HB 1459, relative to the board of trust company incorporation.

The House conferees agreed to the minor changes made in the underlying bill relative to the board of trust company incorporation. A more significant amendment, relative to the regulation of independent expenditures made in New Hampshire elections, received much attention and time from the conferees. The final iteration of that amendment, agreed to by all conferees, requires a business or non-profit organization (but not including 501(c)(3) organizations) that engages in political or advocacy advertising to file a statement with the Secretary of State certifying that the advertising has been approved by the organization's governing board. The conferees were very careful to balance the voters' right to know who is involving themselves in New Hampshire elections with an organization's right to otherwise speak freely and to conduct its business. The amendment therefore does nothing to regulate contact with a public official or an organization's shareholders or members, public testimony, fee-free public communications and/or any other communication costing the organization less than \$10,000 in the aggregate in any election cycle. The amendment includes several different enforcement mechanisms, a legislative study committee to investigate these issues further and a sunset provision that terminates these requirements at the end of 2012.

Rep. Edward A. Butler

HB 1461, relative to the municipal regulation of the sale of martial arts weapons.

The committee of conference agreed to the Senate language of the bill with one change of description from "regulating the point of sale display and accessibility of martial arts weapons" to "regulating the retail display and accessibility of martial arts weapons." We also changed the effective date from 60 days to "upon passage." The Senate version replaced statute references to weapons with a list of possible weapons which might apply to avoid an overly broad interpretation of weapons or sharp objects.

Rep. Mary R. Cooney

HB 1462, establishing a shoreland advisory committee.

The House passed a very simple bill that enabled the department of environmental services (DES) to create a shoreland advisory council to advise the agency on perceived problems with the Shoreland Protection Act. The Senate returned an exhaustive list of membership, duties and administration. Conferees improved the balance in membership to represent shoreland property

owners, conservationists, professionals involved in shoreland projects, and other experts. Membership was also expanded to be more representative of different water body types, covering a wider geographical area. The title of the group was changed as were its duties, to reflect its advisory role. The sunset date was changed from 2016 to 2013, since this was deemed adequate.

Rep. Frank A. Tupper

HB 1477, relative to checklist information.

The House agreed with the Senate amendments and both committees agreed to further clarifying amendments. In its final form, HB 1477 does two things: (1) permits the printed checklist used on election day to exclude the voters' mailing address (2) responds to the governor's veto on HB 276, relative to challenges of voters. The governor vetoed HB 276 because the effective date of that bill had already passed by the time it reached his desk. The Senate amendment tacked on the language of HB 276 to this bill and fixed the effective date problem.

Rep. David M. Pierce

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

The conferees were prepared to agree with the Senate changes to HB 1486 when, at the last minute, a technical error was discovered. The amendment reinstates the Senate clarification of the House position that local planning boards may continue to accept the installation of fire sprinkler systems as a means of addressing concerns about the adequacy of existing infrastructure to meet the fire protection needs of a particular proposal. In addition, both the House and Senate agreed to add the word "detached" to the description of one- or two- family homes which are the subject of the mandate repeal in the bill.

Rep. Susi Nord

HB 1490, establishing a citizens task force to study state revenues and expenditures.

Statement not available when calendar sent to print.

HB 1512, establishing a deferred retirement option in the judicial retirement plan.

The House conferees were unable to agree with the Senate amendments to HB 1512. The underlying bill pertained to a deferred retirement option in the judicial retirement plan. The first Senate amendments related to a buy in to the NH retirement system for years served by individuals on the UNH police force. The second amendment would allow 3 part time probate judges to receive a death benefit. Conferees agreed to disagree.

Rep. Laurie Harding

HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford and Keene District Courts in fiscal year 2011.

The House agreed to the Senate position. The Senate version provides that the Claremont, Colebrook, Milford and Keene District Courts shall remain open and continue to operate if the communities utilizing the specific courts absorb the rental cost and non-personnel cost of each court. The department of administrative services shall work with Colebrook, Keene, Milford and Claremont District Courts to determine an appropriate cost allocation plan for the affected communities that clearly demonstrates what rent and operating cost will be recovered by the department. The judicial branch shall continue to fund the court security screening cost for all four courts within their existing appropriations

Rep. Benjamin C. Baroody

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

The conferees agreed to adopt the Senate version with an amendment that defines "financial institution" in accordance with the original federal legislation. This will keep the state's costs contained and be consistent with other states with whom we might jointly contract. In addition, the conferees defined the scope of the department of health and human service's report more specifically.

Rep. Robert G. Bridgham

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax. The Senate conferees agreed with the House version of the bill with the following changes: 1) Section 2, III, c use the language from HB 1607 as amended by the Senate to explain the usage of the IRS code 162 adding “as applicable to the tax structure of the State of New Hampshire,” 2) to move the enactment date for the safe harbor of \$50,000 to January 1, 2011 tax year to address the Senate’s concern of revenue loss for this biennium. 3) A study committee was added to review how business taxes are assessed in respect to Hedge funds. 4) Added that income accumulated in an employee benefit plan, or a trust comprised of these plans is not to be taxed under RSA 77:1.

Rep. William A. Hatch

HB 1610-FN, establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire. This bill establishes a New Hampshire commission on Native American affairs to recognize the historic and cultural contributions of Native Americans to our state and to promote and strengthen their heritage and further their needs through state policy and programs. The committee of conference agreed to accept the Senate version of the bill, with a minor amendment to change the sunset date of the legislation from July 1, 2013 to July 1, 2015. Changes made by the Senate to the version approved by the House include removing recognition language, expanding the number of commissioners from 7 to 15, redesigning the duties of the commission, clarifying that the commission does not provide special rights or provisions, and sunseting the commission.

Rep. Robert R. Cushing

HB 1613-FN, relative to the general banking laws of the state.
Conferees were unable to reach agreement.

Rep. Sandra B. Keans

HB 1620-FN-A, establishing state park number plates.

The House conferees agree with the Senate version of the bill, with the only change to be the effective date from July 1, 2010 to January 1, 2011.

Rep. Michael B. O’Brien, Sr.

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

No agreement was reached and the decision was made to agree to disagree. Many issues were identified that could not be resolved in a timely manner.

Rep. Joan H. Schulze

HB 2010, relative to the state 10-year transportation improvement program.

The conferees agreed to the original House version providing legislative oversight of the operating and capital budgets associated with passenger railroad prior to any construction. Compromise language was reached assuring integration of all planning or implementation of mass transit including intra- and inter-city buses, trains and maritime passenger service. The Senate’s position of establishing a statutory commission on the F.E. Everett study was replaced with a requirement of four public hearings in Manchester, Nashua, Bedford and Merrimack. The Franconia Park Study was modified to examine safety improvements in accordance with the existing agreement and federal court order. The conferees agreed to allow the state to issue “federal highway grant anticipation bonds” (GARVEE bonds) for up to \$45,000,000 to replace or repair the Memorial and Sarah Mildred Long bridges between Portsmouth and Kittery, Maine over the next several years. These are the number one and four “red listed” bridges in the state. It was agreed that if New Hampshire was to expend money in advance of Maine, it would do so only with the understanding that New Hampshire’s share not exceed one-half of the cost of both bridges, and that the state of Maine agree to pay back the state of New Hampshire its share with accrued interest. The legislation now requires that Maine agree to the previous terms in writing prior to any expenditure of funds by New Hampshire.

Rep. David B. Campbell

HOUSE RESOLUTION 26

A RESOLUTION affirming revenue estimates for fiscal years 2010 and 2011.
 SPONSORS: Rep. Almy, Graf 11
 COMMITTEE: Ways and Means

ANALYSIS

This house resolution affirms certain revenue estimates for fiscal years 2010 and 2011.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

A RESOLUTION affirming revenue estimates for fiscal years 2010 and 2011.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2010 and 2011 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2010 and 2011.

Committee estimates are based on current rates.

	FY 2010		FY 2011	
GEN'L & EDUCATION TRUST FUND:	Official	Committee	Official	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$313.100	\$313.100	\$317.000	\$317.000
Business Enterprise Tax	189.700	189.700	192.000	192.000
Subtotal	502.800	502.800	509.000	509.000
Meals & Rooms Tax	251.100	231.100	253.200	250.000
Tobacco Tax	217.200	227.300	206.000	211.200
Liquor Sales	117.300	117.300	127.900	127.900
Interest & Dividends Tax	117.000	99.000	125.000	110.800
Insurance Tax	85.800	85.800	86.300	86.000
Communications Tax	82.000	75.000	85.000	78.000
Real Estate Transfer Tax	84.700	84.700	90.700	90.700
Court Fines & Fees	13.900	13.200	14.100	13.200
Securities Revenue	34.000	34.000	34.000	34.000
Utility Consumption Tax	6.000	6.000	6.000	6.000
Board & Care Revenue	19.900	19.700	20.500	20.200
Beer Tax	12.800	12.800	12.800	12.800
Racing & Games of Chance	3.700	2.800	3.700	2.900
Other	67.000	65.400	69.000	68.800
Gambling Winnings Tax	5.900	5.900	7.900	7.900
Tobacco Settlement Funds	49.400	49.400	50.000	50.000
SUBTOTAL	\$1,670.500	\$1,632.200	\$1,701.100	\$1,679.400
Medicaid Enhancement Tax	99.300	98.800	114.600	108.500
Medicaid Recoveries	22.300	18.500	23.100	19.200

	FY 2010		FY 2011	
Lottery Transfers to Education	74.700	74.700	77.700	77.700
Bingo Lucky 7 Transfers to Education	1.300	1.300	1.300	1.300
Utility Property Tax	28.000	28.000	28.000	28.000
Statewide Property Tax	363.000	363.000	363.000	363.000
TOTAL GEN'L & ED TRUST FUNDS	\$2,259.100	\$2,216.500	\$2,308.800	\$2,277.100
HIGHWAY FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll	\$126.500	\$124.500	\$126.500	\$126.500
Motor Vehicle Fees	150.100	145.000	134.800	134.800

Miscellaneous	<u>19.800</u>	<u>23.400</u>	<u>19.800</u>	<u>18.400</u>
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TOTAL HIGHWAY FUNDS	<u>\$296.400</u>	<u>\$292.900</u>	<u>\$281.100</u>	<u>\$279.700</u>
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FISH & GAME FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>
Fish & Game Licenses	<u>\$8.300</u>	<u>\$8.300</u>	<u>\$8.300</u>	<u>\$9.100</u>
Fines & Miscellaneous	<u>2.170</u>	<u>2.200</u>	<u>2.950</u>	<u>2.200</u>
TOTAL FISH & GAME FUNDS	<u>\$10.470</u>	<u>\$10.500</u>	<u>\$11.250</u>	<u>\$11.300</u>

JOINT COMMITTEE ON ADDRESS

HA 1, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS**

Rep. Lucy M. Weber for the **Majority** of the Joint Committee on Address: This bill of address seeks the removal of Michael Garner, a marital master in the judicial branch family division. The basis for his removal is one post-divorce action. In this action, the marital master issued an order requiring a formerly home schooled 10 year old to attend public school in the upcoming school year. The sponsors assert that this order was based on an unconstitutional infringement on the mother's freedom of religion. They further argue on the basis of the orders in this single case that the marital master has a bias against religion, which necessitates his removal from office. Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that "[t]he joint committee shall recommend the Address only if it meets the following three criteria, and shall include such determination in a committee report.

- a. The Address states a reasonable cause for removal.
- b. The reasons for the removal are fully and substantially stated.
- c. The reasons for removal are not grounds for impeachment."

With respect to whether the bill states a reasonable cause for removal, the bipartisan majority finds it does not. The sponsors conceded that the address was brought on the basis of two orders made in a single case. The case is one in which parents who share decision-making responsibility for the child were unable to agree on the appropriate school placement. The mother, who had been home schooling the child, wanted to continue to do so. The father believed that a public school setting was more appropriate. Master Garner noted his reluctance to impose an educational decision on parents, and stated he had the authority to do so only because the parents were unable to agree. He based his decision to order public schooling on the advisability of a child experiencing a wide variety of "experiences, people, concepts and surroundings." The magistrate specifically noted the court's obligation to avoid any consideration of the specific tenets of any of the parties' religion. The court recognized and preserved the right of each parent to provide the child with religious training and to teach the child his or her own religious beliefs. The magistrate's orders reveal not a bias against religion, but, on the contrary, a careful attempt to preserve to each parent their own religious freedom and the right to instruct their child in accordance with their beliefs. A second concern was raised about a possible bias against home schooling. Here again, the magistrate stated that home schooling is an approved method of education in this state. He noted that had the parents agreed on a home school plan, he would have been without any authority to change that decision.

The majority notes that the issues complained of in the decision are ones of first impression in this state, and the decisions are currently on appeal before the Supreme Court. The Supreme Court may ultimately find that the decisions were made in error. In that case, the remedy is reversal of the decision. Any further sanction for the master would be inappropriate. The majority is concerned that the serious nature of an address should not be used as a means by which litigants can express their disagreement or dissatisfaction with the rulings in discrete cases, particularly when significant legal or factual questions exist as to the validity of the

litigant's claims. The majority finds that the requirement that the Address state a reasonable cause for removal is not met.

The second flaw that the majority finds in the bill of address is grounded in the language of Part II, Article 73 of the New Hampshire Constitution, which states that "[t]he governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature..." In 2000, when Michael Garner became a marital master, appointments to the position were made solely by the judicial branch. Michael Garner has continued as an at-will employee of the judicial branch to this day. He has never been commissioned by the Governor and Council. He has never held a commission of any kind. Under the plain meaning of the language of Article 73, he cannot be subject to address. Moreover, the purpose of Article 73 is to allow for the removal, when necessary, of judges who cannot be removed from office except by impeachment or address. This is not the case with marital masters. Under the family division court rules, the administrative judge may at any time respond to a complaint against a marital master and "take whatever action is appropriate, including termination."

Part II, Article 73 also specifies that the grounds for an address "shall not be a cause which is a sufficient cause for impeachment." Part II, Article 38 defines the causes for impeachment as "bribery, corruption, malpractice or maladministration, in office." The relevant definition of "malpractice" in Webster's New World Collegiate Dictionary is "[m]isconduct or improper practice in any professional or official position."

The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the magistrate's regular duties in his official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable.

The minority argues that more time was necessary to consider and discuss the materials presented by the sponsors. The majority is convinced that no amount of delay or discussion could possibly have transformed Marital Master Gardner into a "commissioned officer" as required by the constitution as a condition for address. For all the foregoing reasons, the majority recommends a vote of ought not to pass. **Vote 8-3**

Rep. Robert H. Rowe for the **Minority** of the Joint Committee on Address: A house address is a procedure authorized under Part 2, Article 73 of our Constitution whereby the House and Senate can advise the Governor and Executive Council of an appointed public official that the House and Senate believe is not behaving well and recommend the official be removed. A house address can be a process for the removal of a judge, marital master, attorney general or another public official appointed by the Governor and Executive Council for life or a term of years. In HA 1 the address was against Marital Master Michael Garner. The normal process is for a joint House and Senate committee to be appointed to investigate the behavior of the official, in this case Marital Master Michael Garner. The procedural rule established by the joint committee was to use the first day in the process to allow the sponsors (just like a regular House bill introduction) to present their facts, then the joint committee would hear comments from the public. We established that there would then be a two-week delay after the introduction to allow the named party to prepare and present a rebuttal to the joint committee. On the introduction day, the sponsors and members of the public presented their claim that Marital Master Garner "exceeded his constitutional authority and acted badly, resulting in the failure to preserve the religious rights of a citizen appearing before him ... when he recommended to the presiding justice an order removing a child from an educational setting on the basis of religious prejudice." On the introduction day, the committee was given voluminous material at the start of the hearing, without providing for an opportunity for members to read the material before a motion of "ought not to pass" was offered at the close of presentations. The minority requested time to absorb the material handed out and receive the response from Marital Master Garner, but the committee voted it down.

Subsequently, no opportunity was given for discussion of the prior vote. The issue before the committee was important, and dealt with constitutional rights. It is the opinion of the minority that the committee reached its decision without adequate time to discuss the issues involved. The

process was flawed and the minority oppose the majority motion and request HA 1 be returned to the committee so the matter may be heard on the merits.

HA 2, for the removal of Lucinda Sadler, district court judge, from her said office. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS.**

Rep. Lucy M. Weber for the **Majority** of the Joint Committee on Address: This bill of address seeks the removal of Lucinda Sadler, a judge in the judicial branch family division. The complaint against Judge Sadler is that she approved and signed orders written by Marital Master Philip Cross and Marital Master Michael Garner. The orders complained of are the same orders that were the basis for HA 1 for the removal of Michael Garner and HA 3 for the removal of Philip Cross. The orders all pertain to some of the most highly contested divorce cases in the state. Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that “[t]he joint committee shall recommend the address only if it meets the following three criteria, and shall include such determination in a committee report.

- a. The Address states a reasonable cause for removal.
- b. The reasons for the removal are fully and substantially stated.
- c. The reasons for removal are not grounds for impeachment.”

With respect to whether the bill states a reasonable cause for removal, the majority finds it does not. The bill alleges that Judge Sadler abused her discretion or was negligent or incompetent in the performance of her duties by failing to make due inquiry before approving orders of the marital masters.

The bill alleges that the judge approved an order that held a parent in criminal contempt after a hearing noticed as a civil contempt hearing. There is no finding of criminal contempt. The complaining party concludes that he was held in criminal contempt on the basis of the terms of the order. An alternative reading of the order is that at the hearing, a determination of ability to pay the bail was made, precisely as required in an action for civil contempt.

Another paragraph complains that Judge Sadler approved an order changing a child’s educational placement on the basis of religious prejudice. A reading of orders in that case showed the master was extremely deferential to the religious beliefs of both parents, and made a decision on educational placement only because the parents were unable to agree on an educational placement, and had mutually exclusive desires as to the child’s placement. The orders carefully preserved to both parents the right to instruct the child as to their own religious beliefs, and to provide religious training of their own choice to the child.

Several of the actions stated as grounds for removal have been appealed to the New Hampshire Supreme Court, and have been upheld by that court on appeal. The remaining complaints set out in the bill of address might also, if fully substantiated, be grounds for appeal and possible reversal, but do not, even taken as a group, amount to reasonable cause for removal from office. The exceedingly contentious nature of these specific divorce proceedings has resulted in an elevated number of appeals.

A majority of the Joint Committee has already voted that the orders of the marital masters were not reasonable cause for them to be removed. It follows that the actions of the judge who read and approved those orders are likewise not reasonable cause for removal.

Part II, Article 73 of the New Hampshire Constitution specifies that the grounds for an address “shall not be a cause which is a sufficient cause for impeachment.” Part II, Article 38 defines the causes for impeachment as “bribery, corruption, malpractice or maladministration, in office.”

The relevant definition of “malpractice” in Webster’s New World Collegiate Dictionary is “[m]isconduct or improper practice in any professional or official position.”

The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the judge’s regular duties in her official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable. For all the foregoing reasons the majority recommends a vote of ought not to pass. **Vote 6-4**

Rep. Andrew Renzullo for the **Minority** of the Joint Committee on Address: New Hampshire's founding fathers, when they crafted the New Hampshire Constitution, created a system of checks and balances. As part of that system, it empowered that branch most representative of the people, the Legislative, with the tools to ensure that the Executive and the Judiciary meet the people's high standards of justice and integrity embodied in the Constitution.

It should be noted that the constitution allows the Legislature to employ two modes of removal for judicial officers, a Bill of Address and Impeachment. Part II, Article 38 defines the causes for impeachment as "bribery, corruption, malpractice or maladministration, in office." Part II, Article 73 allows that "The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature." It also specifies that the grounds for an address "shall not be a cause which is a sufficient cause for impeachment." Both by structure and tradition, the legislature has used these tools sparingly. The joint committee heard testimony and accepted submissions concerning the rulings and actions of Judge Lucinda Sadler relative to several cases involving marital masters Philip Cross and Michael Garner. Both marital masters were under the "supervision" of Judge Sadler. The testimony and submissions the committee received, if taken at face value, showed a pattern of conduct inconsistent with the administration of justice. Unfortunately, the judge did not avail herself of the opportunity to counter or clarify these submissions. An argument has been made that statutorily, the judge is only providing the legal authority to enforce a master's ruling and is not ultimately accountable for the master's decision or behavior. However, it is claimed that marital masters are "at-will employees" of the judicial branch. If that is the case, then supervisory responsibilities for the marital master's conduct and work product must inure to the presiding judge.

In addition, the committee received testimony claiming a vastly inordinate number of Supreme Court appeals of Judge Sadler's decisions in comparison to other judges. Again, there was no clarifying rebuttal.

The legislature does not second guess the decisions of judges on a case-by-case basis. However, the legislature should determine whether a judge has behaved properly in hearing his/her cases. To allow this determination, the judge should provide the legislature the necessary information. The interests of justice demands judges to be held accountable. Based on the evidence provided, there is a reasonable argument that a recommendation of impeachment for maladministration could be made. However, lacking that option, the minority recommends the House pass the bill of address.

HA 3, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS**

Rep. Lucy M. Weber for the **Majority** of the Joint Committee on Address: This bill of address seeks the removal of Philip Cross, a marital master in the judicial branch family division. The complaints arise out of three of the most hotly contested divorce cases in the State of New Hampshire.

As a threshold matter, the majority notes the bill of address is grounded in the language of Part II, Article 73 of the New Hampshire Constitution, which states that "[t]he governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature..." Part II, Article 86 provides further clarification regarding commissions, stating, "All commissions shall be in the name of the state of New Hampshire, signed by the governor...." Philip Cross was initially appointed by Governor Benson and the Executive Council in 2004. As the statute requires, he held that commission until September 8, 2007, at which time his commission expired. Philip Cross has continued as an at-will employee of the judicial branch to this day. Under the plain meaning of the language of Article 73, he cannot be subject to address. Moreover, the purpose of Article 73 is to allow for the removal, when necessary, of judges who cannot be removed from office except by impeachment or address. This is not the case with marital masters. Under the family division court rules, the administrative

judge may at any time respond to a complaint against a marital master and “take whatever action is appropriate, including termination.” The majority believes this address should be summarily dismissed because Philip Cross is not a commissioned officer as required by the constitution.

Turning to the merits of the bill, Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that “[t]he joint committee shall recommend the Address only if it meets the following three criteria, and shall include such determination in a committee report.

The Address states a reasonable cause for removal.

The reasons for the removal are fully and substantially stated.

- a. The Address states a reasonable cause for removal.
- b. The reasons for the removal are fully and substantially stated.
- c. The reasons for removal are not grounds for impeachment.”

With respect to whether the bill states a reasonable cause for removal, the bipartisan majority finds it does not. The numerous actions complained of in the bill of address arise out of only three of the hundreds of divorce cases that Master Cross has heard since his appointment in 2004. The voluminous filings in the bill of address and the testimony of the litigants complaining against Master Cross give some insight into the incredibly difficult task marital masters face in contentious cases. The combined number of docket entries in these three cases total an astounding 2,045 entries as of the week before the bill was heard. On the day after the bill was heard, one of the litigants requested copies of the Joint Committee’s records in the matter with the intent of filing further proceedings in the family court, based on what occurred at the Joint Committee hearing. While members of the majority believed that some of the allegations stated in the bill of address might, if fully proven, give grounds for concern, the allegations were such that the appropriate remedy is an appeal to the Supreme Court for review and possible reversal. The majority finds that the requirement that the address state a reasonable cause for removal is not met.

The bill alleges that the Master issued an order that held a parent in criminal contempt after a hearing noticed as a civil contempt hearing. There is no finding of criminal contempt. The complaining party concludes that he was held in criminal contempt on the basis of the terms of the order. An alternative reading of the order is that at the hearing, a determination of ability to pay the bail was made, precisely as required in an action for civil contempt.

Part II, Article 73 also specifies that the grounds for an address “shall not be a cause which is a sufficient cause for impeachment.” Part II, Article 38 defines the causes for impeachment as “bribery, corruption, malpractice or maladministration, in office.” The relevant definition of “malpractice” in Webster’s New World Collegiate Dictionary is “[m]isconduct or improper practice in any professional or official position.”

The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the magistrate’s regular duties in his official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable.

For all the foregoing reasons, the majority recommends a vote of ought not to pass. **Vote 6-3.** Rep. William B. Smith for the **Minority** of the Joint Committee on Address: The sponsors of HA 3 and members of the public provided evidence to document all actions that they claim prove that Marital Master Cross “exceeded his authority and abused his discretion, resulting in the failure to afford justice to the parties appearing before him...” Of particular concern was evidence presented that MM Cross, 1) on more than one occasion refused to allow one parent’s argument to be heard, 2) changed the purpose of a hearing at the last moment without notice to one of the parties, 3) altered court documents previously signed by the parties without their consent, and 4) recommended conflicting orders that effectively required a parent to be in contempt. Further evidence that Cross was a Marital Master for the Family Courts in Derry and Portsmouth, which each averaged about 11 appeals per year accepted by the Supreme Court (2005-10), compared with an average to two per year for the other 22 courts.

Specifically, he was involved in 31 of 37 accepted appeals from the Derry Family Court. A list of 12 appeals to the Supreme Court (2009-10) of MM Cross's recommended orders were given. Four grievances against MM Cross have been filed with the Judicial Conduct Committee, and another four are under consideration. The appeal process and the grievance process look at one case at a time, and might not reveal a pattern of bad behavior by a Marital Master. Neither is there within the court system a process that would necessarily discover inappropriate actions as listed above. The Bill of Address allows investigation of both patterns and actions, and the minority feels that the legislature has the constitutional authority to recommend removal of a Marital Master. The fair and correct approach would be to have MM Cross appear before the Joint Committee to give his account of the testimony presented, before any determination of removal from office can be made. It is the view of the minority that Marital Master Cross breached his duty to the state and his constitutional obligation to "Behave well" according to Part II, Article 73 in our Constitution. The minority believes the original appointing authority should remove MM Cross.

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

HB 1664-FN, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures. (Pending question is the adoption of the committee amendment.)

SB 154, naming a certain portion of route 18 in the town of Franconia in honor of Corporal Bruce McKay. (Pending question is the committee report of Inexpedient to Legislate)

COMMITTEE MEETINGS

TUESDAY, JUNE 1

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

11:00 a.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

10:00 a.m. Interim study full committee work session on **HB 1388**, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants, **HB 1172**, relative to the labeling of genetically modified seeds

1:00 p.m. Interim study full committee work session on **HB 1456**, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

10:30 a.m. Interim study full committee work session on **SB 399-FN**, allowing the fish and game department to charge fees for the release of department records.

LOCAL AND REGULATED REVENUES, Room 303, LOB

10:00 a.m. Interim study subcommittee work session on **HB 1345**, relative to information for property tax assessments of commercial and industrial properties.

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

1:30 p.m. Regular meeting

THURSDAY, JUNE 3

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Office of Energy and Planning, 4 Chenelle Drive, Concord

1:30 p.m. Municipal energy working group.

LOCAL AND REGULATED REVENUES, Room 303, LOB

10:00 a.m. Interim study subcommittee work session on **HB 484**, relative to the definition of charitable organizations for raffles and games of chance

FRIDAY, JUNE 4

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

9:00 a.m. Continued regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 205, LOB

9:00 a.m. Regular meeting.

MONDAY, JUNE 7

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

9:00 a.m. Regular meeting.

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

1:30 p.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), Plymouth Senior Center, Railroad Square, Plymouth

10:00 a.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Grappone Conference Center, 70 Constitution Avenue, Concord

8:30 a.m. Work session.

WEDNESDAY, JUNE 9

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

1:00 p.m. Rescheduled interim study subcommittee work session on **HB 607-FN**, relative to residential pharmaceutical waste.

FRIDAY, JUNE 11

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), NH PUC, 21 Fruit Street, Suite 10, Room A, Concord

9:00 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Church Landing, Meredith

10:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

TASK FORCE TO DEVELOP A PERFORMANCE-BASED SCHOOL ACCOUNTABILITY SYSTEM (RSA 193-E:3-c), Department of Education, State Board Room, 101 Pleasant Street, Concord

9:00 a.m. Regular meeting.

MONDAY, JUNE 14

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

9:30 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

TUESDAY, JUNE 15

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

10:00 a.m. Interim study full committee work session on **HB 1388**, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants, **HB 1172**, relative to the labeling of genetically modified seeds

1:00 p.m. Interim study full committee work session on **HB 1456**, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:30 a.m. Subcommittee work session on subject matter-licensing.

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

2:00 p.m. Regular meeting.

THURSDAY, JUNE 17

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

9:00 a.m. Regular business.

FRIDAY, JUNE 18

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

9:00 a.m. Regular meeting.

COMMISSION TO STUDY THE DEATH PENALTY IN NEW HAMPSHIRE (HB 520, Chapter 284:1, Laws of 2009), Rooms 206-208, LOB

9:00 a.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.

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.

MONDAY, JUNE 21

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

2:00 p.m. Presentation by NH Department of Transportation (DOT) on bonding and turnpikes.

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

9:00 a.m. Regular meeting

FRIDAY, JUNE 25

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

9:00 a.m. Continued meeting.

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

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, JUNE 28

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Rockingham County Delegation will meet on Wednesday, **June 2** following the House session in Representatives Hall to vote to allow the County to spend money for a benefit not appropriated in the 2010 budget.

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following House and Senate Bills have revised fiscal notes: HBs 133, 213, 216, 218, 232, 286, 425, 507, 523, 558, 561, 564, 569, 579, 598, 626, 629, 646, 651, 660, 662, 681, 1128, 1149, 1155, 1166, 1168, 1170, 1239, 1240, 1279, 1280, 1281, 1291, 1292, 1293, 1334, 1335, 1367, 1378, 1380, 1428, 1441, 1452, 1495, 1506, 1508, 1513, 1515, 1516, 1518, 1519, 1537, 1541, 1544, 1561, 1566, 1569, 1572, 1586, 1602, 1603, 1606, 1607, 1609, 1610, 1611, 1613, 1620, 1643, 1649, 1651, 1653, 1655, 1664, 1668, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683, 1688. SBs 72, 73, 157, 166, 181, 313, 344, 361, 365, 382, 383, 385, 390, 392, 394, 397, 402, 425, 449, 452, 463, 470, 471, 485, 486, 492, 495, 497, 511, 513, 517, 520.

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.

Health Services invites you to participate in the commissioners challenge (in our case the Chiefs of Staff challenge) between **June 1-7** that Governor Lynch will designate Walk NH Week 2010. This is a walking/physical challenge that will be participated in by many state agencies throughout NH. Please stop by to get more information and register in Health Services. We also will give you a tracking tool. We look forward to this fun event and hope you do too.

Rep. Gene G. Chandler

New Hampshire Stonewall Democrats invite our representatives, senators and staff to celebrate the first anniversary of the signing of the equal marriage bill. House and Senate leaders are co-hosting the event. The reception will take place at the New Hampshire Democratic offices, 105 North State Street on Tuesday, **June 1** at 6:00 p.m. A charge of \$10 at the door will help defray costs.

Rep. Edward A. Butler

The Legislative Intergenerational walk will take place on **June 2** during the lunch break. We don't want to miss our work and since the statewide walk week will be on May 26, when we will not be in session, we will do it on June 2. Bring your walking shoes.

Rep. Barbara C. French

All members are invited to join the Belknap County Republicans on the annual Lincoln Day Dinner M/V Mount Washington Cruise on Lake Winnepesaukee on Friday **June 4**, 2010. Great event, beautiful setting, New Hampshire at its finest. Boarding at Weirs Beach at 5:30 p.m. with departure at 6:00 p.m. sharp. Return at 9:00 p.m. Tickets are \$45 and are available from Reps. Alida Millham (524-1278), Frank Tilton (528-8466) and any other Belknap County Republican.

Rep. Alida I. Millham

Legislators are invited to attend the 2nd NH Legislative and Business Summit on Work and Family, Monday, **June 7**, 2010 at the Grappone Conference Center, (Marriott Courtyard), 70 Constitution Ave in Concord. Registration, free to legislators, begins at 8:30 a.m. Cosponsored by UNH Cooperative Extension and the Legislative Task Force on Work and Family, the Summit will feature nationally recognized speakers and the latest research on the changing role of men in work and family, why work/life fit matters in the 21st century and sustainable businesses mean sustainable families. Dr Kristin Smith a demographer with the Carsey Institute will present and release "The First NH Study of Work and Family Life." A panel of NH businesses who best exemplify best work/life employment practices will conclude the day's activities. For planning purposes, legislators wishing to stay for lunch are asked to register at www.nhworkandfamily.org.

Rep. Mary Stuart Gile

The NH Child Advocacy Network (NH CAN), a program of the Children's Alliance of NH, invites you to participate in its Annual Spring Work Groups and End of Session Celebration on Wednesday, **June 9** at the NH Higher Education Assistance Foundation (NHHEAF), 4 Barrell Court in Concord. From 2:30-4:30 p.m. four work groups in child safety and well-being, economic security, education and health and wellness will review the 2010 legislative session and begin the process of developing NH CAN Priorities for 2011. From 4:30-5:30 p.m. you are invited to socialize, network and celebrate your hard work! Please RSVP on-line at www.childrennh.org or by email to dwalsh@childrennh.org.

Rep Mary Stuart Gile

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 **June**. 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

DATE	TIME	GROUP	Group#/Grade
June 1	9:00	Merrimack Middle School	50/8
June 1	10:00	Kensington Elementary School	36/4
June 2	9:00 /10:30 SH/HM	Merrimack Middle School	100/8
June 2	11:00	Lincoln Akerman School – Hampton Falls	41/4
June 3	9:00	Laconia Middle School – Student Council	25/MS
June 3	10:00	Salisbury School & Webster School	40/4
June 4	9:00/10:15 SH/SC	Riddle Brook School – Bedford	65/4
June 4	9:45/11:00 SH/HM	Sandown Central School	80/4
June 7	9:30/11:00 SH/HM	Hillsboro-Deering School	88/4
June 7	10:15	Pelham Elementary School	50/4
June 7	12:00	Conway Elementary School	30/4
June 8	9:15	Sacred Heart School – Hampton	30/4
June 8	10:15	Pelham Elementary School	50/4

June 8	9:45/11:00 SH/HM	Richards Elementary School – Newport	84/4
June 9	9:15	Holy Trinity School – Laconia	11/3&4
June 9	10:15	Pelham Elementary School	50/4
June 9	11:00/12:30 SH/HM	Maple St. School – Hopkinton	60/4
June 9		Mt. Washington Valley Leadership	
June 10	9:00	Benjamin Franklin School _ Keene	40/4
June 10	10:15	Winchester Elementary School	50/4
June 10	11:00	Pelham Elementary School	50/4
June 10	12:30	Pierce School at Bennington	12/4
June 11	9:00/10:15 SH/SC	Riddle Brook School- Bedford	65/4
June 11	11:30	Andover Middle School	20/4
June 14	9:30/11:00 SH/HM	Seabrook Elementary School	85/3
June 15	10:00/11:30 SH/HM	Interlakes School – Meredith	60/4
June 16	10:30	Red Hatters-Manchester/Goffstown	15
June 17	9:45	New Leadership Group- NH Institute of Politics	25
June 18	9:30	Ellis School – Fremont	55/7

NOTICE

The 37th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, June 18** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is \$50 per legislator and legislative staff and \$100 for all others **if paid by June 2nd**. The entry fee increases to \$75 per legislator and legislative staff and \$125 for all others if paid from June 3rd to June 11th. A continental breakfast and barbeque lunch will be provided.

Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 a.m. The format is “Captain and Crew.”

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

Please note that, for planning purposes, payment must be made no later than June 11th. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a refund.

Return your entry and payment no later than June 2nd to Bob Blaisdell to receive the discounted rate and reserve your spot **or** no later than **June 11th** to reserve your spot at the regular rate.

Checks should be made payable to: **NH Legislative Golf Committee**. Mailed to: **Bob Blaisdell, The Demers Group, 72 North Main Street, Suite 301, Concord, NH 03301**
Reps. Mary Jane Wallner and Sherman A. Packard

37th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf Tournament
Beaver Meadow Golf Course
Concord, NH

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____