

HOUSE RECORD

First Year of the 162nd General Court Calendar and Journal of the 2011 Session

Vol. 33 Concord, N.H.

Friday, February 18, 2011

No. 15

Contains: Hearings, Meetings, Notices, Reports and Amendments for February 23.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, February 23rd** at 10:00 a.m.

Members are reminded to be courteous to others and to be aware of the distractions posed by use of electronic communication devices on the House floor. Cell phones are not allowed, and I ask that you not use laptop computers on the House floor during Session except as may be necessary to follow the House Calendar and then only in a manner that is not distracting to other members. Thank you in advance for your cooperation.

Please check the Calendar each week to ensure that you do not miss any meetings of your committees. Among your most important functions as a House member is to lend your time and expertise to your committee work. Please arrange your schedules so we can have full attendance at public hearings and executive sessions.

Security pins are now available for House members at the Sergeant-at-Arms office in Room 318 of the State House. Each member is entitled to one pin.

Chairmen and Vice-Chairmen will meet at 9:00 a.m. on **Tuesday, February 22nd** in Rooms 305-307 of the Legislative Office Building.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **February 23** and Thursday, **February 24** at **9:00 a.m.** in Representatives Hall.

Rep. D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **February 23** at **9:00 a.m.** in Rooms 305-307, LOB.

Rep. Terie Norelli, Democratic 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.

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Thursday, February 24, 2011	Last day to act on HBs going to a second committee.
Thursday, March 10, 2011	Last day to report all HBs not in a second committee, except budgets.
Thursday, March 17, 2011	Last day to act on all HBs not in a second committee, except budgets.
Thursday, March 24, 2011	Last day to report all remaining HBs and list of retained HBs.
Thursday, March 31, 2011	Last day to act on House bills.
Thursday, April 28, 2011	CROSSOVER Last day to report SBs going to a second committee.
Thursday, May 5, 2011	Last day to act on SBs going to a second committee.
Wednesday, May 25, 2011	First day to file LSRs for the 2012 session.
Thursday, May 26, 2011	Last day to report all remaining SBs and list of retained SBs.
Thursday, June 2, 2011	Last day to act on Senate bills.
Wednesday, June 8, 2011	Last day to form Committees of Conference.
	Last day to file LSRs for the 2012 session.
Thursday, June 16, 2011	Last day to sign Committee of Conference reports.
Thursday, June 23, 2011	Last day to act on Committee of Conference reports.
Wednesday, November 2, 2011	Last day to report retained bills.

CONSENT CALENDAR

WEDNESDAY, FEBRUARY 23

CHILDREN AND FAMILY LAW

HB 40, relative to the number of children in a licensed foster family home. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M Gargas for Children and Family Law: This bill intended to increase the number of foster children above the six (6) allowed in foster family homes. The division of children, youth and families feels it has considerable capacity with capable families. Many foster children have been neglected or otherwise abused and need a home where they can have the most attention, structure, and nurturing. The committee did not feel this was a necessary change to our statutes. **Vote 14-0.**

HB 281, relative to protective custody of intoxicated or incapacitated individuals under 18 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. David S Robbins for Children and Family Law: The bill provides procedures when a peace officer detains an intoxicated or incapacitated minor who does not require immediate medical treatment. It directs that minor be held in a non-secure area within a police station

until the parent or guardian arrives or the child is referred to department of health and human services licensed childcare agency. The sponsor believes the bill needs further work and clarification and requested the bill be recommended Inexpedient to Legislate. **Vote 14-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 292-FN, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill makes technical changes to our securities law. It changes and clarifies some definitions, improves the procedures for processing and hearing complaints, and increases the penalty for those guilty of crimes under this law. **Vote 16-0.**

HB 509-FN, relative to drinking water at temporary mass gatherings. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill requires an operator of a temporary mass gathering to ensure that safe drinking water is available to participants. The committee felt that the licensing agencies at the local level should be addressing these issues. **Vote 16-0.**

EDUCATION

HB 59, establishing a committee to study modification of the education laws.

INEXPEDIENT TO LEGISLATE.

Rep. Mary Stuart Gile for Education: The committee understands the need for periodic and systematic review of all statutes and is sympathetic to the sponsor's intent. However, there are 1400 pages of education laws with associated rules and policies to be reviewed and a report to be completed by November 2, 2011. The majority of the committee agreed that the scope of the study was too broad. **Vote 15-2.**

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire. **OUGHT TO PASS.**

Rep. Rick M Ladd for Education: Best practices and high academic standards are necessary components of a quality education. The NH board of education approved the common core standards developed through a joint project of the National Governor's Association Center for Best Practices and the Chief State School Officers. As of May 24, 2010, the department of education (DOE) had not yet received unformatted math standards. The state board of education approved the common core standards in principle on July 8, 2010. Eleven states received "Race to the Top" funding totaling \$4.35 billion to implement core standards, while NH received nothing but continues to move forward with the adoption process. NH already has an adopted curriculum framework with academic standards. Yes, those standards may require improvement, but this process should be a result of the NH DOE working closely with local school boards, educators and NH residents. Implementing the new curriculum standards will also be expensive: textbooks, testing design and implementation, teacher training, etc. This bill clearly states that common core standards shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in New Hampshire curriculum frameworks, or used as a measure of an adequate public education without prior approval of the general court. **Vote 17-0.**

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute. **OUGHT TO PASS.**

Rep. Barbara E Shaw for Education: The Upper Valley Educators Institute currently provides an extensive program giving the opportunity for people in trades or the business world to enter the teaching profession. With internship and course studies, graduates would then be allowed further degree-granting subject to the authority of the postsecondary education commission. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill was introduced at the request of the department of justice. RSA 490:28 currently limits the maximum amount of annual and sick leave that employees who transfer, without a break in service, from the judicial branch to either the legislative or executive branch of state government to the amount that employees of the receiving branch may accumulate. These are the current limits for employees who transfer from other branches to the judicial branch. This bill and amendment clarifies that the rate of accrual of these benefits shall also be that of the receiving branch. **Vote 16-0.**

HB 222-FN, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T Hansen for Executive Departments and Administration: While this bill contains a number of worthy components, which may be incorporated in HB 211, it is the committee's belief that the bill requires further research, and requires additional input from the agencies affected in this sweeping and comprehensive legislation. We found the significant time and attention required by this bill to be effective would necessarily impact federal programs, current RSA's, program rules, and would negatively impact these programs during the legislative recess prior to which we feel corrective actions could not be instituted. **Vote 16-0.**

HB 239, prohibiting a state agency from establishing a fee without legislative approval. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: This bill is unnecessary and unworkable. It prohibits a state agency from establishing a fee without legislative approval. Under JLCAR procedures it is unnecessary. Every rule already is vetted for being authorized by legislation. To the extent that the bill would require every fee to be based on legislation specifying a precise fee or an acceptable fee range, it would require multiple bills to authorize existing rules and fees. **Vote 16-0.**

HB 245, establishing a committee to study election of the attorney general by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C Day for Executive Departments and Administration: This bill would establish a study committee composed of three members of the House of Representatives and two members of the state Senate to study the feasibility of amending the New Hampshire constitution to provide for the election of the attorney general. In the last 36 years there have been 17 proposals to change the manner in which the attorney general is selected. All these proposals have been rejected by the Legislature. Politicizing the selection process could infuse the process with the appearance of a conflict of interest. Concerns also would be that the incumbent could spend an undue amount of time campaigning for the position and not focused upon the duties of the position. There is also the issue of accepting campaign donations. Our citizens expect the chief law enforcement person to be above reproach. New Hampshire has a process of checks and balances in place whereby the governor of the state nominates and the executive council confirms the nominee. We do not feel that there is a need to change this process. **Vote 16-0.**

HB 252-L, repealing provisions regarding applications for hawkers' and peddlers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: This bill perfectly illustrates that good intentions can produce bad unintended consequences. It would amend RSA 31:102-a regarding hawkers, peddlers, and itinerant vendors so as to reduce the fees for a local license and would repeal the requirement for a criminal background check. The testimony was overwhelmingly against the bill. Laconia Bike Week uses high fees to pay the

town's costs for running this event. Parents and police demand the ability to do background checks of vendors who are in close contact with young children. **Vote 16-0.**

HB 253, establishing a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M Vita for Executive Departments and Administration: This bill would establish a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. This bill is essentially a committee to study existing boards. As such it is another level of bureaucracy that is of doubtful value to the state. The time and effort spent on staffing this committee would be better spent determining whether there is any benefit at all to the state of licensing. **Vote 14-1.**

HB 272-FN, requiring hearing aid dealers to post a surety bond. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B Schmidt for Executive Departments and Administration: The committee heard persuasive testimony from knowledgeable witnesses that this bill, though well-intentioned, is both unnecessary and unworkable. Several dealers testified that surety bonds of the type mandated by the bill are unavailable in the insurance market. Further, hearing aid warranties are provided by manufacturers, not dealers. Lastly, the type of difficulties which prompted the bill sponsor to bring this legislation all traced back to one franchise operation, which has since gone out of business. **Vote 16-0.**

HB 279, relative to gifts, grants, or donations received by the governor's commission on disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J Winter for Executive Departments and Administration: This bill would permit an expansion of the authority of the governor's commission on disability to advertise for gifts, grants or donations from individuals or corporations. The purposes of the commission are education and awareness outside the disability community. No funds are used for any direct services to or for the disabled. The committee finds the bill unnecessary. **Vote 15-0.**

HB 364, relative to the membership of the state committee on aging. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill amends RSA 161-F:7 in re the state committee on aging membership and duties. (1) It eliminates the provision that no more than 8 of the 15 members appointed by the governor with the approval of the executive council be of the same political party. (2) The amendment provides for the quorum to consist of a majority of the current members eliminating a potential problem in the event of vacancies in the membership, and (3), adds advising the commissioner and advocating solutions to provide for better integration of older persons in the social and economic life of the state to the duties of the committee. **Vote 16-0.**

HB 384, prohibiting the office of energy and planning from requiring social security numbers from applicants of any program administered by the office, except when required under federal law or regulation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H Gould for Executive Departments and Administration: This bill seeks to maintain personal privacy. The sponsor and the ACLU are persuasive on this subject. However, the agency needs to prevent fraud in the use of taxpayer funds. Social security numbers are carefully guarded, but are needed in processing applications for fuel and other utility assistance. The committee wants to protect against fraudulent use of tax dollars. **Vote 16-0.**

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. **OUGHT TO PASS.**

Rep. Mark L Proulx for Executive Departments and Administration: This bill is a request of the department of safety. This bill is a housekeeping bill that transfers certain responsibilities to the proper divisions. The bill transfers responsibility for nuclear emergency response plan to the division of homeland security. It also transfers responsibility for hazardous materials transportation to the advisory committee on

emergency preparedness and security. It will place wartime emergency fire assistance coordination within the purview of the state fire marshal. Finally it establishes an annual reporting requirement for the bureau of EMS. **Vote 14-0.**

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. **OUGHT TO PASS.**

Rep. Mark L Proulx for Executive Departments and Administration: This bill will look to see if there is duplication of duties and possible consolidation of committees that have emergency management duties. **Vote 15-0.**

FINANCE

HB 320, requiring the construction of a clock tower as part of the Hampton seashell complex. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Finance: The sponsor noted that he filed this bill at the request of a constituent but has since decided that we should ITL it. The committee learned that all the funds allotted for the Hampton seashell complex have been expended. There was also some question about whether a clock tower might block view of the stage. Thus, the committee is happy to comply with the sponsor's request for ITL. **Vote 16-0.**

HB 498-FN, relative to weed control along certain state routes. **INEXPEDIENT TO LEGISLATE.**

Rep. Beverly T Rodeschin for Finance: The committee has determined that it is inappropriate to bond operating expenses for roadside work. **Vote 17-0.**

FISH AND GAME AND MARINE RESOURCES

HB 570, relative to licensure of guides by the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H Watters for Fish and Game and Marine Resources: Introduced at the request of the fish and game department, this bill exempts licensed operators of for-hire vessels from licensure as guides, while operating in coastal and estuarine waters. Licensure as a vessel operator includes the training and other qualifications of a guide. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 353-FN, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs: This bill establishes a Medicaid waiver program to try to reduce the sometimes very expensive Medicaid medical payments to support chronically ill and medically fragile children. The waiver allows a parent who wishes to provide nursing support in the home to remain at home and reduces the cost of optional institutional care. One example allows a mother to remain in the home with a stipend of \$28,000 as opposed to the institutional option at \$175,000 per year. This is a program in line with efforts to reduce the Medicaid burden on the state budget. **Vote 16-0.**

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill reestablishes language regarding procedures for receivership of nursing homes and other residential care facilities which was inadvertently repealed on July 1, 2010. The language in HB 479 is crafted to safeguard residents in long term care facilities in the event of bankruptcy or some other emergent event that puts the future of the facility in question. The goal of this legislation is to protect older adults from the disruption and possible adverse health effects that could result from an abrupt or unsuitable transfers. The bill outlines how a receiver for a long term care facility would be appointed. It identifies the qualifications and responsibilities of the receiver as well the financial obligations and eventual termination of

those obligations. This bill becomes more important during a time when the future of some of our long term care facilities is precarious. **Vote 16-0.**

HB 481-FN, relative to the definition of disability for aid to the permanently and totally disabled. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: This bill would take away a safety net for the poorest of our citizens. It would shift costs to city and town welfare departments as a result for those who are either denied Supplemental Security Income (SSI) or have a case pending an appeal. **Vote 16-0.**

JUDICIARY

CACR 2, relating to the tenure of judges. Providing that the general court may specify the term of office served by a judge. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: At present, Article 73, Part II of the Constitution specifies that judges hold their offices during good behavior. This constitutional amendment concurrent resolution would amend Article 73 by vesting in the legislature authority to make exceptions to this rule by statute. While some members of the committee were receptive to the idea of term limits for judges, all agreed that that this resolution was not a suitable vehicle for pursuing this objective. The broad authority this resolution would confer could result, among other things, in different judges on the same court having different terms of office, in individual term limits being legislated with respect to individual judicial appointments, and generally in unduly threatening the independence of the judiciary. **Vote 15-0.**

HB 128, requiring tenants to execute a financial affidavit as part of the eviction process. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman A Tregenza for Judiciary: The purpose of this bill is to mandate that if the court renders a money verdict against a tenant in default, that the tenant shall within 7 days submit a financial affidavit and current address. A tenant would be subject to a \$300 fine for failing to supply this information to the court. The committee felt that this bill exceeded the bar of fair balance between landlord and tenant. **Vote 17-0.**

HB 146, relative to the right of jury nullification. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: This bill would require judges in all court proceedings to “instruct the jury of its inherent right to judge the law and the facts and to nullify any and all actions they find to be unjust.” The committee concluded that, as drafted, this bill would incorrectly instruct the jury to put the law on trial rather than the application of the law in the case actually before it. The committee further concluded that the so-called “Wentworth” instruction, by which the judge instructs the jury that if it finds that the prosecution has proved all of the elements of the crime beyond a reasonable doubt, it should find the defendant guilty, adequately informs the jury of its unquestioned right of nullification without misleading it. **Vote 15-0.**

HB 286, changing district court jurisdiction over the town of Weare. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: This bill would have changed district court jurisdiction over the Town of Weare from the Goffstown district to the Henniker-Hillsborough district. It had been filed at the request of the police chief of Weare, who after the bill had been introduced decided that the change was not needed after all, and requested the sponsors that it be withdrawn. **Vote 15-0.**

HB 297, allowing municipalities to establish municipal courts. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M Peterson for Judiciary: The bill would allow municipalities to create local courts to enforce violation level offenses. The committee felt this would be an extra burden on the towns financially and there was not enough information towards salaries. **Vote 16-0.**

HB 346, to incorporate the bar association of the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: The stated purpose of this bill is to incorporate the bar association of the state of New Hampshire. The language proposed in the bill to accomplish the incorporation is the same as that which was actually used to charter the bar association of the State of New Hampshire in 1873, although the name of the organization was changed in 1967 to the New Hampshire bar association. Today, the bar association exists as a private not-for-profit corporation. Passage of this bill would, because of the name change, create a new and parallel bar association. The committee was not persuaded that there is any need for this duplication of effort. **Vote 13-1.**

HB 375, relative to immunity for school personnel using necessary force to protect pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teachers care and supervision. In years past, teachers were not afraid to use reasonable force to control inappropriate or violent student behavior, and generally they would receive parental support. However, in today's litigious society, teachers are afraid to use reasonable force due to lack of parental support and fear of civil and criminal liability. Testimony supported the fact that teachers have been sued and have been criminally charged for acts that were reasonable and were done to control disruptive students. Due to the paralysis caused by legal concerns, disruptive students are controlling classrooms and students are being injured, as teachers are told to call for help when violence erupts. The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others. **Vote 17-0.**

HB 436, establishing a committee to study the guardian ad litem board. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: This bill would establish a committee to study the membership, duties and organizational structure of the guardian ad litem board established under authority of RSA 490-C, and to report to the legislature and governor its findings and recommendations for any proposed remedial legislation. This is one of several bills that have been referred to the committee on the functioning of the various components of the family court system. The committee concluded that HB 614 provides a better, more economical vehicle for undertaking a review of the guardian ad litem board than this bill. **Vote 14-0.**

HB 534-FN-A, relative to nonprofit reporting requirements with the division of charitable trusts, department of justice and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: This bill calls for the appropriation of \$45,000 to the division of charitable trusts of the department of justice for the purpose of paying the startup costs to allow the electronic filing of the reporting forms required under authority of RSA 7:28. The committee was intrigued by the efficiencies such a change could bring about, but concluded that by reason of the budget constraints that this session of the Legislature has made a priority, coupled with the testimony of the assistant director that the activities of the division are already fully funded by the fees charged to regulated trusts, this bill should not be passed this year. **Vote 16-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 270-FN-L, relative to cost recovery for emergency services. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D Copeland for Municipal and County Government: This bill is discriminatory in nature to the general public at large who are not residents of a municipality whose emergency services respond to an incident within that municipality, then charges a fee for services rendered to only non residents of that municipality through a current insurance policy, if insured. This bill could possibly instill fears in people that have knowledge of its existence, if it becomes law, giving people reservations about calling for those services,

generating insurance claims and possible increases in their insurance policy renewals. People should not fear calling for help when in distress or disabled. **Vote 15-0.**

HB 288-FN-L, relative to payment for election services to unincorporated places. **OUGHT TO PASS.**

Rep. Betsey L Patten for Municipal and County Government: Unincorporated places usually have no residents living in them. However, Hales Location in Carroll County now has 136 registered voters and are designed by the secretary of state to vote in the town of Conway. HB 288 would enable the county in which the unincorporated place is located to pay the town where the residents vote the costs of the election. Those costs will be charged to the unincorporated place so this will have no fiscal impact on any other county taxpayers. **Vote 15-0.**

HB 303-FN, relative to the regulation of planned unit developments. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: This bill is unnecessary because the subject is presently well regulated by the municipalities local planning and zoning authority. This bill as written will usurp local planning and zoning regulations by subjecting the final approval of a planned unit development to a popular vote without any method of appeal for the property owner. **Vote 15-0.**

HB 319, relative to the use of clotheslines. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M Stroud for Municipal and County Government: Restrictions on the use of clotheslines contained in the bylaws of co-op, condominium and homeowners' associations are private contracts. These binding contracts are entered into voluntarily, and can be amended by mutual consent of all parties. **Vote 13-0.**

HB 406-L, relative to the additional fee for the licensing and restraining of dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: This bill allows local governing bodies to raise the fee for a dog license up to three dollars over the regular fee set by statute. The committee believes that it is inappropriate to promote increases in fees or taxes at this time. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 44, designating segments of the Oyster River as a protected river. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill designates segments of the Oyster River as a protected river. The Oyster River watershed association held a very successful outreach of the riparian landowners and all four towns the river passes through. Some of this nomination consists of lower than fourth order rivers. With a current strong statewide opposition to some of the comprehensive shoreland protection act (CSPA) rules, the committee amended the bill exempting "all first, second, and third order rivers from CSPA setback requirements", thus protecting all the hard work of the nominating committee, and the wishes of the local residents and communities. The New Hampshire department of environmental services (DES) report to the general court clearly illustrates that the general court should adopt this designation into legislation. **Vote 16-0.**

HB 278, setting the natural high water mark of Ossipee Lake. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C Merrow for Resources, Recreation and Development: In 1933, the natural high water mark of Ossipee Lake was set at 410' Mean Sea Level (MSL). There is no record of how this is set. This is a dammed lake, so the natural high water mark is considerably less. The department of environmental services (DES) is in agreement with this. The 410' MSL mark is causing considerable problems as many lots are below 410' and buildings were constructed prior to the shoreline protection act. As a result of this, building permits are being denied and DES has indicated to some people that they don't own the land their home is built on. Ossipee, Freedom and Effingham get a huge amount of taxes from the lake.

These taxes could be in jeopardy if this were not passed. Selectmen from all three towns support this bill. Extensive testimony indicated that 407.25' MSL was the proper elevation to use. **Vote 15-0.**

HB 336, designating segments of the Mascoma River as a protected river. **OUGHT TO PASS.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill nominates a little over 25 miles of the Mascoma River as a protected river, including 2.8 miles that pass through a portion of the Mascoma Lake. All of this nominated portion is a fourth order river resulting in no additional CSPA setback requirements. This portion is extremely rich in culture, scoring 60 out of a possible 60 points, in this nomination category. Three years of riparian landowner and watershed community outreach resulted in unanimous support for this nomination. The New Hampshire department of environmental services (DES) report to the general court clearly illustrates that the general court should adopt this designation into legislation. **Vote 15-0.**

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river. **OUGHT TO PASS.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill adds the remaining downstream portion of the Exeter/Squamscott River to the tidal segment. This addition is all fourth order river, highly supported by the three towns it passes through and their residents. This addition to the already protected river is only a little over eight miles. **Vote 13-0.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 216, relative to the instructional authority of school boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W Hess for Special Committee on Education Funding Reform: This bill affirms in statute current and recommended practices already followed in many school districts. It reinforces one of the most critical roles our local school boards play in the partnership with the state to provide a quality education to our children. It enshrines at the local level the duty to adopt instructional policies to ensure teacher accountability and implement substantive state standards, guidelines and criteria while retaining local flexibility in carrying out those responsibilities. Finally, the amendment to this bill clarifies that this local school board authority extends to all schools under its jurisdiction, but not to charter schools or home schoolers located within its geographical boundaries. **Vote 13-0.**

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 299-FN, relative to the method of financing for the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Special Committee on Public Employee Pensions Reform: This bill would allow the judicial retirement system RSA 100-C to use a 30 year time period to pay off the unfunded liability that the NH Retirement System uses instead of the Twenty year time period now used. It would result in a \$409,000 per year savings in state payments to the system. **Vote 11-0.**

HB 537-FN, reducing retirement allowances paid by the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J Winter for Special Committee on Public Employee Pensions Reform: Prior to the hearing on this bill, the committee was presented a testimony letter from the NH Retirement System stating that the bill as written was contrary to Internal Revenue Service Code to qualify the plan for favorable tax treatment (a tax exempt plan.) As a result of that information, the committee had no choice other than to recommend ITL for this bill. **Vote 12-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 132, adopting and implementing the United States flag code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H McCarthy for State-Federal Relations and Veterans Affairs: This bill adopts the United States flag code, codified at 4 USC section 1 through 10, as amended, and the provisions of this chapter are herein adopted as the flag code for the state of New Hampshire. This bill will provide uniform guidelines for display, use and handling of the United States flag. The bill also includes additional occasions on which the flag may be flown at half-staff and provides that prohibitions on flying the flag at one's place of residence are unenforceable. **Vote 11-0.**

TRANSPORTATION

HB 285, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W Hinch for Transportation: This bill prohibits smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. The transportation committee was nearly unanimous in its opinion that this bill is unnecessary and unenforceable. Although the sentiment of the committee was that smoking is a severe health issue and we must be concerned about the adverse affects of second hand smoke, law enforcement indicated that such a law would be an enforcement nightmare. **Vote 14-1.**

HB 399, relative to nonresident registration of motor vehicles. **OUGHT TO PASS.**

Rep. John R Cloutier for Transportation: This bill would allow nonresidents who exclusively "garage" or keep their vehicles in New Hampshire to register their vehicles in our state as a nonresident. This bill amends present law which states that nonresidents could register their vehicles in the state as nonresidents if they garaged or kept their vehicles primarily in New Hampshire for at least 350 days per year. Testimony was given at the bill's public hearing that many of our state's city and town clerks believe that present law is unenforceable and costs our municipalities the loss of revenue from uncollected fees. Thus, the city and town clerks support passage of this bill. **Vote 13-2.**

HB 502-FN, relative to low-digit number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A Packard for Transportation: This bill would have every license plate from 1 to 9999 that is currently on a vehicle taken from the owners regardless of how long these people have had these plates - 1 year to 40 or 50 years. It would then set up a lottery system and if you were lucky enough to win a plate it will cost you a minimum of \$250 extra. This is setting up a new category of plates for the rich. The average working or retired person would in most cases be unable to pay the extra fee even if they were lucky in the lottery. This would be an extravagant new fee on thousands of our citizens. **Vote 14-0.**

WAYS AND MEANS

HB 72-FN-A, establishing a state aeronautical fund. **OUGHT TO PASS.**

Rep. Joe Osgood for Ways and Means: This bill establishes a state aeronautical fund and authorizes the commissioner of the department of transportation to accept donations to the fund. The moneys in the fund shall be non-lapsing and continually appropriated to the Department for the purposes of funding maintenance and for planning and implementing capital improvements for the public airport system located within the state. This is especially helpful to airports that receive no federal funds. **Vote 18-1.**

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Abrami for Ways and Means: This bill would establish a study committee to determine if there is a better way in which the legislature can do its revenue estimating. The committee would be charged with investigating if there are more accurate approaches to projecting revenue. The committee would reach out to other state legislatures, corporations, and others to determine whether there are other revenue estimating approaches that have

proven to result in more accurate estimates. The bill was amended to increase the House representation to four on the committee, to broaden the type of economists that the committee would be able to solicit testimony, and to insure that cost would be determined for each alternative revenue projection approach presented. It was the unanimous belief of the committee that it should always attempt to improve upon its revenue projection techniques.

Vote 18-0.

HB 469-FN-A, establishing a credit against the business enterprise tax for operators collecting meals and rooms taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means: This bill would have established a 5 percent credit against the BET for operators collecting meals and rooms taxes on top of the 3 percent commission they currently get. The committee was concerned that the bill would create an unconstitutional special class of taxpayers. A straightforward alternative would have been to simply increase the 3 percent commission now being paid. **Vote 18-0.**

REGULAR CALENDAR

WEDNESDAY, FEBRUARY 23

EDUCATION

HB 172, relative to transporting school children to school and school-supported activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G Boehm for Education: This bill would continue the practice that was in effect until a few years ago. This bill would allow local school districts to transport students in school district vehicles or their contracted vehicles with their own drivers. This bill will save local districts money. **Vote 16-1.**

HB 631-FN-L, repealing the requirement that all school districts offer public kindergarten. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph G Boehm for **Majority** of Education: This bill was introduced because of the questionable constitutional mandate of a couple of years ago. However, since every school district now has kindergarten, this bill would be superfluous. **Vote 12-3.**

Rep. J.R. Hoell for the **Minority** of Education: This bill is not about eliminating kindergarten; this bill is about giving local control to the voters to determine how best to finance and educate the children residing in their district. The previous legislation (2008, Ch. 384, SB 530) specifically bypassed voter approval on creating and expanding school systems at the local level. The town of Hudson in 2009 voted 2046 to 1053 against spending the \$1.2 million on expanding their school system and went to court to oppose this statewide mandate. This bill removes this state mandate and restores back to local control, issues important to the voters regarding the education of the children in their district.

ENVIRONMENT AND AGRICULTURE

HB 417-FN-A, making an appropriation to the milk producers emergency relief fund.

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

Rep. Tara A Sad for the **Majority** of Environment and Agriculture: Over the past four years, our dairy industry in NH has come perilously close to disappearing from our landscape. For much of 2009, our dairy farms lost approximately \$3 per cow per day, so an average farm – 110 milking cows – lost \$330 per day, \$10,230 per month and \$122,760 per year. This is through no fault of their own. Dairy farmers cannot set the price for their milk, but are at the mercy of the Federal Milk Marketing Order, a convoluted system of pricing based on the commodity futures at the Chicago Mercantile Exchange. The US Secretary of Agriculture recognizing the fact that the pricing system is broken, last year appointed a Dairy Industry Advisory Committee to investigate the problem and make recommendations to revamp the system. Unfortunately, this is tied to the next farm bill which has been delayed until 2013. Our farmers cannot wait for help. Let New Hampshire join Connecticut,

Maine, Massachusetts, Vermont and New York in supporting our dairy farmers. The milk producers emergency relief fund was established 2007 and has yet to be funded. The majority feels that it is time we helped our dairy farmers. **Vote 9-6.**

Rep. Robert J Malone for the **Minority** of Environment and Agriculture: This bill appropriates \$2,500,000 to the milk producers emergency relief fund. The state of New Hampshire is in no condition to spend money on bailouts geared towards dairy farming at this point in time. This bill takes money from taxes and fees from struggling individuals and businesses to bailout others that are struggling to turn a profit which doesn't make any sense.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 373, proclaiming June 3 each year in dedication of the sermon by Reverend Samuel McClintock on the commencement of the New Hampshire constitution and relative to the observance of Federal Constitution Days. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The committee most reluctantly makes the ITL recommendation. The entire committee wishes to see our constitutions honored by all our citizenry and to see a time set aside for that purpose. The majority was troubled by several things. The calendar already has such observations and that such a proclamation would be of questionable value. The committee did not want to see something of this importance possibly ignored or shrugged off. The minority feels that the civic and educational value is worth the risk. **Vote 10-3.**

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. **OUGHT TO PASS.**

Rep. Lawrence B Perkins for Executive Departments and Administration: This bill would repeal a decision to eliminate the commission on the status of men. The majority believes that this is an inopportune time for such a hasty decision. The CSM is an unfunded advisory committee that enlightens the legislator on such important issues as mortality rates, prostate cancer and fatherless homes. **Vote 13-2.**

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill came from an ad-hoc study committee over the summer and fall of 2010. It would allow for the consolidation of services of common administrative functions of multiple agencies into one department. There are numerous back office tasks (no contact with the public) that could be handled using a call center in the North Country rather than each agency performing its own back office tasks. This action is also in the governor's budget. **Vote 14-3.**

JUDICIARY

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. **OUGHT TO PASS.**

Rep. Robert H. Rowe for Judiciary: The courts which are the subject of this bill are all located in buildings leased by the state, rather than in state-owned buildings. In the last biennium, these courts were threatened with closure. They were kept open through an agreement whereby the judicial branch absorbed part of the rental costs into its existing budget, and the rest of the cost was absorbed by the host communities. The bill has three components. First, the bill requires the four courts to remain open throughout FY 2012 and 2013, with the costs to be paid by the judicial branch within its operating budget. Second, the bill requires repayment to the host communities for the costs they absorbed in the last biennium in the total amount of \$159,430. The argument in favor of paying this sum is that this charge had been passed down to the communities after they had adopted their budgets, thus causing significant harm to the communities. Concern was expressed by some committee members that whatever the justification, such a disbursement is inappropriate in these financial times. The committee was in general agreement with the policy goal of

keeping the district courts close to the people they serve, so it was decided to pass this bill on the policy issues, and let the finance committee address the question of whether to amend the bill to omit the retroactive funding. Third, the bill establishes a study committee to study the issues surrounding continued utilization of leased facilities. **Vote 12-5.**

HB 538-FN, establishing a reporting system for court decisions relative to the determination of parental rights and responsibilities and the appointment of guardians ad litem.

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

Rep. Joseph M Hagan for the **Majority** of Judiciary: This bill establishes a reporting system for decisions related to determination of custody and other rights and responsibilities and issues relating to guardian ad litem(GAL) processes. The committee was moved by testimony of citizens who feel wronged by the system and strongly believes fundamental reform is needed to address the inequities perpetrated during divorce proceedings. However, the committee also thought this problem would better be addressed by other legislation pending before the House. Additionally, the cost of implementation is prohibitive in these austere times. **Vote 13-3.**

Rep. J. Brandon Giuda for the **Minority** of Judiciary: This bill addresses a problem that has been discussed throughout this session, namely the total lack of transparency in the family division with regard to summarizing and analyzing court decisions that significantly impact citizens' lives. For example, the judicial branch has stated it cannot provide even basic data, such as how many marital master decisions are overturned by judges. This bill requires the judicial branch to track and report the overall statistics as family division cases make their way through the system, in order to provide greater transparency to the public and greater ability to analyze the family court decision making process. The fiscal note for the bill was extremely suspect and when challenged by the bill's sponsor, was unable to be verified. The majority voted to ITL this bill in favor of HB 614, which requires a performance audit of the guardian ad litem board and guardian ad litem services. However, the audit envisioned by HB 614 will only address guardian ad litem issues, and will miss the crux of the issue this bill addresses, as guardians ad litem do not make decisions in the family division. This bill addresses the critical issues missed by HB 614 and will provide transparency to the decision making process, for which marital masters and judges may then be held accountable if the statistics show there is a problem. The minority believes this lack of transparency needs to end.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. **OUGHT TO PASS.**

Rep. Gregory M Sorg for Judiciary: This bill would require the audit division of the legislative budget assistant to conduct a performance audit of the guardian ad litem board and of the delivery of guardian ad litem services. The committee was satisfied with the sufficiency of the evidence presented in the public hearing on this bill and on other bills dealing with the same subject that investigation of the guardian ad litem function is necessary and that the legislative budget assistant is in the best position to perform such investigation well and economically, in the course of its normal audit performance functions. **Vote 10-4.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.

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

Rep. Christopher J Ahlgren for the **Majority** of Resources, Recreation and Development: The majority of the committee feels that, as a policy matter, aquatic resource mitigation is an excellent program. The problem lies with the percentage of assessment (20%) used for the administrative fee. The bill, as introduced, recommends 10%. We as a committee believe the percentage assessment should be revisited, and are aware that this bill will be referred to Ways and Means. The proposed percentage can be evaluated and adjusted as necessary based on the committee's evaluation of the financial data. In addition, the current

percentage will sunset July 1, 2012. This bill establishes a permanent percentage. Having a stable fee percentage will be good for New Hampshire businesses. **Vote 10-3.**

Rep. Judith T Spang for the **Minority** of Resources, Recreation and Development: There was no testimony in favor of this bill from any of the program's users. The aquatic resources compensatory mitigation (ARM) program offers significant advantages to the development community. It promotes development in a time when the real estate market is struggling by giving developers an option to avoid more costly and time-consuming methods of mitigating their wetland impacts. Except for the sponsor, the committee received no testimony the current fee is too high. There was no justification offered for reducing the fees involved, although those fees were established through an exhaustive study by Ways and Means last session. The department of environmental services testified that lowering the administrative fee to 10% would threaten the viability of this valuable program, already facing a \$45,000 deficit due to the inadequate fee charged to date. It is mystifying to the minority that the bill also eliminates the sunset of the fee schedule due to occur next year. Having a year or two more of data upon which to establish the correct fee makes sense. Instead, this bill eliminates that opportunity to try out the current fee before reducing it to an unproven level that risks the viability of a program so advantageous to businesses in NH.

SCIENCE, TECHNOLOGY AND ENERGY

HB 365-FN-A, establishing a commission to encourage broadband development and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. William H O'Connor for Science, Technology and Energy: While high speed internet for everyone may be a worthy goal, the majority felt that spending from the general fund and diverting future communications service tax revenues to lower the cost of high speed internet is not justified. **Vote 12-6.**

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for the **Majority** of Science, Technology and Energy: This bill, as amended, has several provisions. First, it repeals New Hampshire's participation in the Regional Greenhouse Gas Initiative (RGGI) cap and trade program for controlling carbon dioxide emissions. New Hampshire became part of RGGI in 2008 with the passage of Ch. 182, HB1434 which stated that "Carbon dioxide (CO₂) is a significant greenhouse gas that contributes to global climate change. Therefore, the purpose of this subdivision is to reduce greenhouse gas emissions resulting from energy use in New Hampshire." During the House debate in 2008, the then-majority warned that RGGI was necessary due to the imminent dangers of global warming. During the same debate, the then-minority cautioned that the science of climate change was far from settled, and warned that a future legislature may be tempted to raid the RGGI fund to divert to the general fund. Under RGGI, each state is allotted a number of carbon allowances based on historic CO₂ emissions of electric generating power plants of more than 25 megawatts that use coal, natural gas, or oil. There are five such plants in New Hampshire, and three are owned by Public Service of New Hampshire (PSNH). New Hampshire controls 8.62 million carbon allowances. The vast majority of the state's allowances are sold at quarterly RGGI auctions along with allowances from the other nine RGGI states. The affected power plants in New Hampshire are required to buy one carbon allowance at auction for each ton of CO₂ emissions. Costs to the affected sources depend on the price of allowances during each specific auction. Costs of PSNH allowances are allowed to be passed on to PSNH electric ratepayers in their electric bills. Costs incurred by the other two plants may be priced into their go-to-market price for electricity or may simply be incurred as added expense and reduced profits. The proceeds from each RGGI auction are sent back to the member states. So far, New Hampshire has participated in nine RGGI auctions. Total proceeds for New Hampshire amount to over \$28 million. The auction proceeds are then redistributed by the Public Utilities Commission (PUC) in the form of grants to fund projects and programs intended to directly or indirectly

increase energy efficiency and reduce electricity consumption which, by extension, should further reduce CO2 emissions. Second, this bill also clarifies how the monies in the greenhouse gas emissions reduction fund (RGGI fund) may be used in the future. The committee heard testimony from many citizens and stakeholders who were not satisfied with the way the RGGI funds have been used. Most distressing was the raid of the RGGI fund in 2010 by the governor and legislature for \$3.1 million to the general fund. The majority of the committee feels that the RGGI fund balance should be used for its intended purpose: energy efficiency. Therefore, all monies in the RGGI fund as of July 1, 2011 and all monies entering the fund after that date will be allocated to the existing CORE energy efficiency programs already in existence. The majority believes that this is the most cost effective use of RGGI funds. Third, RGGI will not sunset until December 31, 2011 since that will be the end of the first 3 year compliance period, and the affected sources will still be required to fulfill obligations with the Department of Environmental Services (DES) to prove compliance with RGGI's first three year obligations. New Hampshire will still participate in three more RGGI auctions before year end and auction proceeds will be deposited in the RGGI fund to be used as directed in this amended bill. The majority of the committee favors repeal because we believe that RGGI should never have been enacted in the first place. It was clear to us that RGGI was really all about the money and not about the climate. It is not the role of state government to subsidize or prop up private businesses; RGGI created the illusion of free money to those who were fortunate enough to receive funding, and many think that funding should continue indefinitely. The majority believes it is not the proper role of government to create burdensome mandates which take a small amount of money from the many (electric ratepayers), funnel that money through multiple levels of bureaucracy (RGGI, Inc. and NH PUC), and redistribute a large amount of money to the few. The majority believes that RGGI was a stealth tax, hidden in the electric rates of our constituents. RGGI also has added to the size and scope of New Hampshire's state bureaucracy; we need to shrink the size of government. Finally, the majority believes that New Hampshire does not need a complex and expensive multi-state scheme to find solutions to our environmental and energy challenges. New Hampshire has the ability to control emissions and protect our environment by developing uniquely New Hampshire solutions. **Vote 13-5.**

Rep. Naida L Kaen for the **Minority** of Science, Technology and Energy: No fiscal note was provided to the committee prior to the executive session. The hearing, held in representatives' hall, began at 10:00 a.m. and concluded at 6:30 p.m.. Of the sixty or more people who testified on complicated subject matter, a substantial majority spoke against the bill. No subcommittee meeting was held prior to the executive session. The executive session began with an introduction of an amendment not previously provided to committee members for review and which was essentially a rewrite of the original bill. The minority believes that this bill should have been retained in committee for a proper vetting, and to provide a better understanding of the potential consequences of its passage. Some of the possible outcomes of the passage of this legislation, as amended, are likely to be that New Hampshire electric rate-payers will continue to pay at least \$5 million on their electric bills while the State of NH gives up \$13 million annually in proceeds from the Regional Greenhouse Gas Initiative (RGGI) auction. To date more than \$28 million has gone largely to help local municipalities weatherize municipal buildings, thereby reducing local taxes, and to assist families and businesses save money by becoming more energy efficient, all of which reduces our dependence on foreign oil and ultimately reduces all ratepayers' electric rates. The minority believes that modification of the program may be warranted, but that the decision to repeal should be properly reviewed so as to avoid potential damage to NH's economy and to many citizens of the state.

HB 612, establishing a commission to study existing septic systems and potential new septic technologies. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for Science, Technology and Energy: The majority of the committee believes that studying existing septic systems and potential new designs should be done

without establishing a special commission. The objective of this bill could best be accomplished by the lakes management advisory committee which has the expertise. Other concerned parties could be included on an ad-hoc basis. **Vote 17-1.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 208-FN-L, providing additional per pupil funding for pupils in certain public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. David W Hess for Special Committee on Education Funding Reform: The sponsor and supporters of this bill presented persuasive information concerning the diseconomies of scale for our small and very small schools that is consistent with what educational consultants have advised legislative study commissions over the years. However, these same educational consultants have also consistently advised us not to provide supplemental state aid for costs associated with smaller schools. This bill, while well-intentioned, demonstrates the difficulties of quantifying these increased costs by arbitrarily setting the amount of such supplemental aid and by arbitrarily setting the size of the schools to which this aid would be extended. In addition, this bill carries an estimated cost of almost \$8 million with no suggestion to where other education spending can be cut to fund this cost. Finally, the committee believes that this and other bills directed at specific components of state aid to education should be considered within a comprehensive review and discussion of this subject, which is ongoing. **Vote 11-2.**

HB 238-FN-A, relative to the assessment of the education tax by towns and cities.

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

Rep. Andrew Renzullo for the **Majority** of Special Committee on Education Funding Reform: This bill requires municipalities to assess the education tax on residential and commercial property only after applying a \$100,000 exemption to the valuation. This has the intended consequence of shifting the tax burden to higher value properties. According to the sponsors own figures (unverified by the committee), the break-even point would be a house valued at \$600,000. Homes of lesser value would have a lower percentage tax, while homes of greater value would have a higher percentage tax. This is the first step toward a graduated property tax. It is an attempt to shift the tax burden to those who are apparently more affluent, or, in other words, "those who can afford it." On philosophical grounds, this is class warfare and is unacceptable. On a practical level, redistribution of the real estate tax could impose significant unintended hardship. In the southern tier, many homes have doubled, tripled or even quadrupled in value over the years. People who bought moderately priced homes years ago, and are now living on fixed retirements, have homes of high assessed value. They cannot, and should not, be required to pay the taxes of others. And finally, this legislature is looking to makes changes in education funding. The education tax (state wide property tax) may or may not be part of any comprehensive plan. Thus any tinkering with the tax structure is, at best, premature. In this case, the tinkering is ill-advised and would result in negative consequences. **Vote 10-3.**

Rep. Gary B Richardson for the **Minority** of Special Committee on Education Funding Reform: This bill would provide an exemption of \$100,000 from the State Wide Education Property Tax (SWEPT) from the assessed valuation for one principal structure per lot used for residential or commercial purposes. The proposal is revenue neutral meaning that the amount raised by the tax rate from \$2.325 per thousand to \$2.77 per thousand, but would result in a reduction in taxes for small businesses and residents owning property assessed at less than \$625,000, and a minor increase for those residents and businesses assessed at more than \$625,000. For example, a residence or business assessed at \$1 million would see an increase of \$165 annually. The minority believes that this bill would assist people to find basic housing at an affordable cost and encourage small businesses that are the backbone of our economy.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM,

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M Kurk for Special Committee on Public Employee Pensions Reform: The amendment replaces the bill. The bill as amended requires state retirees to pay more for their medical benefits. At present, retirees under 65 pay \$65 per month of the \$910 monthly premium; the state picks up the balance. Retirees over 65, who are on Medicare, pay the state nothing toward the \$353 monthly premium for their Part B Medigap coverage. The statute providing for these benefits, RSA 21-1:30, states that the benefits are subject to appropriations. The bill as amended requires retirees to pay a larger portion of the monthly premiums. It sets up sliding premium scales, so that those with lower monthly pensions pay less toward their medical benefits and those with higher monthly pensions pay more. The sliding premium scales differ for retirees under 65 and those over 65, with those under 65 paying for a greater portion of their medical benefits than those over 65, as the committee believes retirees under 65 have more options available to them to offset the increased premiums. The bill as amended is intended to reduce the state's share of retiree medical benefit costs by approximately 25%, or about \$10 million per year in general funds. Should the increased premiums not save that amount, the department of administrative services is required to reduce the level of plan benefits such that the total of the additional premiums paid by retirees and the lower cost of the reduced plan benefits equals that amount. **Vote 9-4.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 590, declaring unconstitutional under the federal Constitution the offering of federal grants-in-aid relating to matters not included among the defined powers of the federal government and declaring unconstitutional under the New Hampshire constitution their acceptance in such circumstances, and establishing a committee to review state participation in federal grant-in-aid programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven L Cunningham for the **Majority** of State-Federal Relations and Veterans Affairs: The committee determined that this bill brings an appropriate resistance to encroachments on the state of New Hampshire by the federal government in areas exceeding the constitutional powers of the federal government. This will allow New Hampshire, through a joint committee, to review grants-in-aid to determine their constitutionality **Vote 8-2.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: This bill would create a committee to review whether every grant-in-aid program, at every level of state government (municipal, county and, state) that currently exists should be retained and/or funded with town, county or state money rather than federal. By not accepting federal grants-in-aid, towns, counties and the state, wishing to have the respective program in place, would have to increase revenues through an increase in property taxes. The latter would render New Hampshire less competitive and less attractive to companies wanting to locate and/or expand in the Northeast. The legislation also fails to identify any specific program for review. As a result, the jurisdiction of the committee is overly broad and would cause a waste of legislative and executive branch resources. In addition, rather than directing an objective review of grant-in-aid programs, the language of the bill labels grant-in-aid programs as "unconstitutional encroachments" on the sovereignty of New Hampshire that amount "to all intents and purposes of bribing the state of New Hampshire". This language makes it clear that the motivation for the bill is political ideology rather than an objective analysis of grant-in-aid programs.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for the **Majority** of State-Federal Relations and Veterans Affairs:. The Committee feels that this resolution restates and affirms the powers of the States and the people as codified in the Tenth Amendment to the Constitution for the United States. It builds upon the position of James Madison and Thomas Jefferson that it is the states and not the federal government that have the power to interpret the Constitution for the United States; "The government can not be exclusive or final judge of its delegated powers much less those it delegates to itself, for that would makes its own discretion and not the Constitution the measure of its power". It relies upon, draws upon the Constitution of New Hampshire, the Constitution for the United States and Court opinions to reinforce that opinion. It outlines actions by the federal government that are clear usurpations of power or derelictions of duty. It concludes by urging ours sister states to join us in restoring our union by engaging in our duty to enforce the limitations of the Constitution upon the government of the United States. **Vote 10-2.**

Rep. Theodoros V Rokas for the **Minority** of State-Federal Relations and Veterans Affairs: The minority appreciates that this resolution does not deal with succession and respectfully disagrees as to what areas and to what extent the federal government is "over reaching" its' authority. This resolution seeks to reaffirm states rights based on the principles set forth in the Kentucky and Virginia Resolutions of 1798. The minority further affirms that any constitutional acts of congress is well defended by the courts and that the New Hampshire legislature is not the proper tribunal to determine the constitutionality of the laws or powers of the federal government.

HCR 23, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred P Baldasaro for the **Majority** of State-Federal Relations and Veterans Affairs: The committee disagrees with the use of the shipyard as a political ploy to get one side voting against earmarks to show we do not support the Portsmouth naval shipyard. For the record, we do not know one representative who does not support the funding of the navy ship yard and felt that we will not be used as political pawns by supporting a resolution where the president, U.S. senate and congress all came out against earmarks. The minority wanted us to amend the reference from "earmark" to "funding," but we all know the shipyard is being funded. **Vote 8-3.**

Rep. Theodoros V Rokas for the **Minority** of State-Federal Relations and Veterans Affairs: The minority feels that supporting the Portsmouth naval shipyard is a vital economic interest for the state of New Hampshire and for the national security of the United States. The minority also feels that by not passing this resolution the legislature will be sending the wrong message to congress, that the Portsmouth naval shipyard is not a priority for the citizens of New Hampshire.

HR 8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Daniel J Tamburello for the **Majority** of State-Federal Relations and Veterans Affairs: A constitutional amendment as requested by the bill is unnecessary and politically motivated. If there is an issue that needs to be addressed it should be submitted as a bill that results in a state law and not request a constitutional amendment. **Vote 8-3.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: The issue of money in politics pits fundamental constitutional rights against each other. On the one hand, we have the right to spend our own money to influence voter opinion. But on the other, the voters have an equally fundamental right to cast an educated ballot. An ill-

informed electorate, Thomas Jefferson taught us, puts democracy and self-governance at grave risk. Before the US Supreme Court's opinion in Citizens' United v. FEC, the constitution gave Congress and the states the authority to strike this balance in the voters' favor. Citizens' United stripped the voters of their rights so that corporations can enjoy theirs. After Citizens' United, 2010 campaign spending by outside groups quadrupled over prior years' spending. Some of that new money came from foreign interests because of Citizens' United and the path to American citizenship that it created. Under Citizens' United, foreign special interests need only spend a few hundred bucks to form a US corporation to earn the same right as any other American corporation to spend money to influence our elections. No doubt this is part of the reason why 80% of Americans oppose Citizens' United and want constitutional authority restored to Congress and the states. HR8 simply urges our congressional delegation to work to restore the people's right to free and fair elections.

HR 9, supporting earmarks for public safety. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H McCarthy for State-Federal Relations and Veterans Affairs: Although the committee believes that the safety of communities in New Hampshire is of the utmost importance, the committee is adamantly opposed to the use of earmarks. No evidence was introduced indicating funding in this area is in danger. Also, the committee felt that the issues mentioned in this bill are of less importance in our rural state and issues such as health and education were totally ignored. **Vote 8-3.**

Rep. Theodoros V Rokas for the **Minority** of State-Federal Relations and Veterans Affairs: The minority understands the importance of public safety programs which include not only law enforcement at every level but also impact fire fighters, EMT's and etc. Passing this resolution would ensure the security and social welfare of our constituents.

TRANSPORTATION

HB 539-FN, repealing the state enforcement of OBD II requirements for motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Hikel for Transportation: While this bill was good intentioned, the OBD II (On Board Diagnostic II) emission testing program to date is contractual and has been a success with verified results. Furthermore, EPA threatens highway funding loss for non compliance and the compliance standards are becoming stricter. The repeal will also return the DMV inspection program from electronic back to an antiquated paper system. It would return us to a system where an inspection station could buy thousands of stickers and just sell them without properly doing an inspection. This would affect the safety of our roadways. We all believe in less government and fewer regulations, but when a system is more efficient and effective than the prior system it would be wrong to change it. **Vote 13-1.**

WAYS AND MEANS

HB 36-FN-L, reducing the fee for copies of birth certificates. **OUGHT TO PASS.**

Rep. Keith Murphy for WAYS AND MEANS. In 2010 the legislature increased the fee for a vital record search by \$3 and the fee for a vital record copy by \$2. This bill repeals those increases. The fiscal note liability of \$350,000 is minimal. **Vote 19-0.**

HB 154-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V Sapareto for the **Majority** of Ways and Means: This bill is designed to be nearly revenue neutral. Under testimony last session, the department of revenue administration (DRA) explained that nearly 20,000 returns were ruled under the business enterprise tax with no taxes due. The committee feels that this is a waste of taxpayer time and money as well as the department of revenue administration. By raising the filing threshold from \$150,000 to \$200,000 the largest bulk of those useless filings will be

eliminated and the process streamlined. This change will increase the efficiency of the DRA. **Vote 15-5.**

Rep. William A Hatch for the **Minority** of Ways and Means: The purpose of this bill is to decrease the filing requirements for businesses and reduce the work load for the department of revenues. It would do so by increasing the minimums for the business profits tax required prior to filing to the department of revenue. The minimum gross receipts for a business would be increased to \$200,000 from \$150,000 and the minimum remittance amount would be increased to \$260.00 from \$200.00. It was reasoned by the majority there is little tax paid by businesses that are between \$150,000 and \$200,000 category but it is very costly and time consuming for them to produce the reports the decrease in revenue is justified. When the fact that information required is already prepared for a business to complete a federal return and is transferred to a single page form and considering the fiscal note showed the loss of revenue to be between \$1.6 million and \$6.2 million, the minority reasoned the cost far out weighs any benefit.

HB187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S Azarian for the **Majority** of Ways and Means: The extension of the carry forward period gives business ample opportunity to utilize the credit. The jobs and capital improvements that will be created due to this credit will be beneficial to improving the business climate and economy of the state. This bill will retain existing business and promote new business to make an investment in New Hampshire. **Vote 14-4.**

Rep. William A Hatch for the **Minority** of Ways and Means: This bill would increase the carry-forward period for the business enterprise tax (BET) credit against the business profits tax (BPT) from a five year to a ten year period. This would be accomplished by going back one additional tax year to reduce taxes on business profits every year until we reach a ten-year carry-forward in 2016. It would start to hit our revenue stream in 2013 when the extra tax credits based on 2008 losses from the start of the recession kick in. This is part of the budget being worked on now so it is important to know how much loss there would be, in order to pass a balanced budget. However, there is no way as yet to estimate this. The fiscal note indicates that during the last five years an annual average of 3,264 taxpayers (out of more than 40,000 potential users) applied a BET credit against their BPT liability averaging a total of \$15,888,900 per year. However, this average included only one year in which a small recession (2001) could be used against a good year (2006), so most of this revenue loss is background noise. In the case of FY 13, the start of the great recession will be hitting a recovering year, with unknown but surely larger effect. This effect should grow over the following biennium. In addition, this does not account for the fact that unused credits from each year are added to past years, back to the start of the carry-forward, so as we go back to ten years we will double the potential liability we now carry. The department of revenue administration currently has no way of estimating that liability, and so did not try to guess the full impact in the fiscal note. They are nearly finished installing a new system that will make this estimation easier. A business tax commission was put in place last year with the directive to explore business tax issues of this type starting this year, when the new system would be available. The minority considers that to pass something at this juncture which has the potential to create large unanticipated deficits is irresponsible. The minority considers that to add this cut to others already passed without knowing where and how much spending can be cut and without revenue replacements is unreasonable. The minority is attracted to the idea of helping high-tech start-ups, but fears the majority of the money expected by this cut may go to large box store retailers, and would prefer to find another route that is more efficient to the purpose.

LAID ON TABLE

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the

communications services tax. (Pending question OTP – third reading.)

HB 166-FN-A-L, reducing the rate of the meals and rooms tax. (Pending question OTP/A – third reading.)

COMMITTEE MEETINGS

FRIDAY, FEBRUARY 18

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 100, State House

12:00 p.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

Budget Presentations:

1:00 p.m. Liquor Commission
2:00 p.m. NH Lottery Commission
3:00 p.m. Department of Information Technology
4:00 p.m. Treasury Department

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

10:00 a.m. Regular business.
10:30 a.m. Audits: State of New Hampshire, Department of Labor, financial audit report for the fiscal year ended June 30, 2010.
State of New Hampshire, Department of Corrections, financial audit report for the nine months ended March 31, 2010

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 302-304, LOB

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 206, LOB

11:00 a.m. Subcommittee work session on **HB 407**, establishing a committee to study the rising incidence of autism.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Rooms 205-207, LOB

10:00 a.m. Full committee work session on **HB 337-FN-L**, relative to the calculation and distribution of adequate education grants, **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

11:00 a.m. **CACR 7**, relating to education funding. Providing that the general court shall distribute funds in the manner that it determines will best promote an equal opportunity for an adequate education.

CACR 12, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis.

Executive session may follow.

12:00 p.m. Full committee work session on **HB 337-FN-L**, relative to the calculation and distribution of adequate education grants.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM,

Representatives Hall

- 9:00 a.m. **HB 456-FN**, relative to the calculation of average final compensation for the purpose of determining retirement system benefits.
- 10:00 a.m. **HB 265-FN**, redefining earnable compensation in the retirement system for new and non-vested members in service.
- 11:00 a.m. **HB 463-FN**, relative to the retirement system maximum initial benefit limitation.
- 1:00 p.m. **HB 360-FN**, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system and establishing a committee to study the transition of current employees into the new plan and administration of the new plan.
Executive session may follow.

TUESDAY, FEBRUARY 22

COMMERCE AND CONSUMER AFFAIRS (BUSINESS/BANKING DIVISION), Room 302, LOB

- 9:00 a.m. Banking/Business Division subcommittee work session on **HB 171**, relative to restrictions on liquor licenses.
- 10:00 a.m. Rescheduled public hearing on **HB 248**, establishing a commission to study business regulations in New Hampshire.
- 10:30 a.m. Rescheduled public hearing on **HB 430**, establishing a committee to study the feasibility of establishing a state development bank in New Hampshire.
- 11:00 a.m. Rescheduled public hearing on **HB 405**, relative to dissolving corporations.
- 1:15 p.m. Rescheduled public hearing on **HB 244**, restricting the collection of biometric data by state agencies and private entities.
- 2:00 p.m. Rescheduled public hearing on **HB 317**, relative to fire warning devices and carbon monoxide detection devices in dwellings.
- 2:45 p.m. **HB 398**, relative to service animals.
- 3:15 p.m. Continued public hearing on **HB 262-FN**, relative to beverage manufacturers.
- 3:45 p.m. Continued public hearing on **HB 276-FN**, relative to wine manufacturers.
- 4:15 p.m. Continued public hearing on **HB 328**, relative to New Hampshire domestic liquor and wines.
- Work sessions on these bills may follow the public hearings.

COMMISSION ON HEALTH CARE COST CONTAINMENT (RSA 21-S:2), Department of Insurance Conference Room 21 South Fruit Street, Suite 14, Concord

- 9:00 a.m. Regular meeting.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

- 10:00 a.m. **HB 89**, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.
Executive session may follow.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 8:30 a.m. Subcommittee work session on **HB 127-FN**, relative to the definition of oral communication, **HB 145**, permitting the audio and video recording of any public official while in the course of his or her official duties.
- 10:00 a.m. Executive session on **HB 225-FN**, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime, **HB 434**, relative to procedures for investigating law enforcement officers involved in critical incidents, **HB 453-FN-L**, making persons fleeing to avoid

prosecution or custody or violating parole or probation ineligible to receive certain disability aid, **HB 556**, relative to citizen complaints against police officers, **HB 572-FN**, relative to official oppression, **HB 217-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide, **HB 644-FN**, relative to various state laws pertaining to unlawfully present aliens, **HB 29**, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license, **HB 282-FN**, relative to spitting or urinating in an emergency vehicle, **HB 304**, requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole, **HB 372**, adding cigar blunt wraps to the definition of drug paraphernalia in the controlled drug act, **HB 428-FN**, relative to the procedures for detention and sanctions for default and breach of conditions of bail and recognizances, **HB 432**, limiting traffic violation stops of women at night, **HB 448-FN**, relative to spice incense products, **HB 475-FN**, relative to penalties under the consumer protection act, **HB 478-FN-L**, relative to testimony by video teleconference, **HB 526-FN-L**, requiring the registration of persons convicted of animal abuse, **HB 535**, relative to the committee to study parole boards and parole board procedures.

EDUCATION, Room 207, LOB

- 8:00 a.m. Subcommittee work session on **HB 301-FN**, amending the home education statutes, **HB 545**, repealing the department of education's rulemaking authority for home education programs, **HB 595**, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes.
- 10:30 a.m. **HB 219**, establishing a committee to study the abolishment of the department of education.
- 11:00 a.m. **HB 369-FN-L**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.
- 11:30 a.m. **HB 376**, relative to representative voting on joint boards of school administrative units.
- 1:00 p.m. **HB 386**, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.
- 1:30 p.m. **HB 505-FN**, making charter schools eligible for grants for leased space. Executive session may follow.

ELECTION LAW, Room 308, LOB

- 10:30 a.m. Executive session on **HB 106**, relative to filing for town offices, **HB 152**, relative to the definition of "party" for election purposes other than primary elections, **HB 153**, relative to political organizations, **HB 197-L**, relative to processing absentee ballots, **HB 240**, allowing voters to vote for multiple candidates for an office, **HB 258**, eliminating certain unenforced election laws.
- 11:00 a.m. **HB 264-FN**, relative to political contributions by state contractors and other recipients of state grants or appropriations.
- 11:30 a.m. **HB 251**, relative to absentee ballots.
- 11:45 a.m. **HB 274-FN**, relative to voting procedures.
- 1:00 p.m. **HB 487-FN**, relative to election day registrants.
- 2:00 p.m. **HB 515-FN**, relative to voter registration and relative to procedures for absentee voting.
- 3:00 p.m. **HB 356-FN**, requiring valid photo identification to vote in person. Executive session may follow.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on **HB 325-FN**, relative to the purchase of ill animals from licensed animal vendors and inspections of animal vendor premises by the state veterinarian.
- 1:00 p.m. **HB 495-FN**, relative to the prevention of the use of pesticides on the grounds of child day care facilities, schools, and state parks.
Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 339-FN-A**, allowing the state veterinarian to employ a meat inspection services administrator.
- 10:00 a.m. **HB 491-FN**, relative to divestiture of retirement system assets relating to Sudan.
- 10:30 a.m. **HB 43**, relative to the adoption of forms under the administrative procedures act.
- 11:00 a.m. Rescheduled public hearing on **HB 517-FN**, repealing provisions concerning licensure of fuel gas fitters.

Representatives Hall

- 1:15 p.m. Rescheduled public hearing on **HB 450**, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.
- 2:00 p.m. **HB 446-FN**, repealing the authority for regulation of certain professional occupations.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

Budget Presentations:

- 11:00 a.m. University System of NH.
- 1:00 p.m. Department of Environmental Services.
- 2:00 p.m. Department of Revenue Administration.
- 3:00 p.m. Department of Labor.
- 4:00 p.m. Department of Cultural Resources.

FINANCE – (DIVISION I), Room 212, LOB

Organizational Briefings:

- 10:30 a.m. Pease Development Authority

FISH AND GAME AND MARINE RESOURCES, Room 303, LOB (Please note room change.)

- 8:30 a.m. Subcommittee work session on **HB 571-FN**, relative to lobster and crab licenses issued by the fish and game department.

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

- 2:00 p.m. Rescheduled regular meeting.

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

- 10:00 a.m. **HB 484-FN**, requiring random drug testing of food stamp program participants.
- 10:45 a.m. **HB 485-FN**, relative to requiring photo identification for food stamp program participants.
- 1:00 p.m. **HB 573**, relative to the administration of certain pain relief medications by a school nurse.
Executive session may follow.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Full committee public hearing on **HB 609-FN**, establishing the New Hampshire circuit court to replace the current probate courts, district courts,

- and judicial branch family division..
- 1:00 p.m. Full committee public hearing on **CACR 11**, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms.
- 1:30 p.m. Full committee public hearing on **HB 344-FN**, establishing a judicial performance review commission.
- 2:00 p.m. Full committee public hearing on **HB 349-FN**, relative to alternative dispute resolution in civil cases.
- 2:30 p.m. Full committee public hearing on **HB 412**, establishing a committee to study issues of judicial standing under federal and state law.
- 3:00 p.m. Full committee public hearing on **HCR 17**, declaring that Copp v. Henniker and the opinions which subsequently relied upon Copp versus Henniker are void and of no force.
- Full committee public hearing on **HCR 18**, declaring Merrill v. Sherburne to be void and of no force.
- 3:30 p.m. Full committee public hearing on **HR 7**, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court.
- Executive session may follow.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:15 a.m. Rescheduled public hearing on **HB 647**, relative to withholding of wages.
- 10:45 a.m. Rescheduled public hearing on **HB 560**, increasing the minimum wage.
- 1:00 p.m. Rescheduled public hearing on **HB 582**, relative to communication between employers and employees during bargaining negotiations.
- 1:45 p.m. Rescheduled public hearing on **HB 589**, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.
- Executive session may follow.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 10:30 a.m. **HB 520-FN**, requiring certain bills to have performance standard notes.
- Executive session may follow.
- 11:00 a.m. Executive session on **HB 135**, relative to state employee reimbursement for use of a personal vehicle, **HB 159**, relative to review of proposed administrative rules by legislative committees, **HB 160**, requiring decisions and actions of the joint committee on legislative facilities to be ratified by the legislature, **HB 350-FN**, updating laws relative to the fiscal committee of the general court, **HB 190**, relative to legislative study committees.
- 1:00 p.m. Subcommittee work session on **HB 114**, establishing a committee to study merging the state heritage collections committee and the joint legislative historical committee.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:00 a.m. Subcommittee work session on **HB 108**, authorizing the town of Hampton to appoint a tree warden.
- 9:30 a.m. **HB 584**, authorizing coastal management provisions in master plans.
- 10:15 a.m. **HB 483-FN-L**, relative to mosquito control.
- 10:45 a.m. **HB 521**, relative to meeting dates for county conventions.
- 11:00 a.m. **HB 530-FN**, relative to state regulation of the septic system installation process.
- 1:00 p.m. **HB 622**, relative to adjustments to the semi-annual collection of property taxes in towns and cities.
- 1:30 p.m. **HB 550-L**, relative to the payment of bills by municipalities.
- 2:00 p.m. **HB 541**, relative to ownership of property placed in trust qualifying for

certain property tax exemptions and credits.
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 583**, relative to including projected sea level rise in planning and implementation of state-funded projects.
- 10:45 a.m. **HB 531**, relative to uniformed presence officers in highway work zones.
- 11:15 a.m. **HB 507-FN**, requiring the department of transportation to establish a storage depot for storing historic bridge parts.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:15 a.m. **HB 379**, relative to late fees charged by utilities.
- 10:35 a.m. **HB 496-FN**, relative to radiological monitoring in nuclear emergency planning zones.
- 11:05 a.m. **HB 608**, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire.
- 11:25 a.m. **HB 374**, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.
- 1:00 p.m. **HB 388-FN**, requiring providers of prepaid wireless services and voice over internet protocol services to pay surcharges for deposit in the enhanced 911 system fund.
- 1:30 p.m. Continued public hearing **HB 381**, authorizing net metering for micro-combined heat and power systems.
- 2:00 p.m. **HB 389-FN-L**, relative to broadband infrastructure.
Executive session may follow.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **HB 549**, relative to driver's license reexaminations.
- 11:00 a.m. **HB 546**, relative to the use of hand-held cellular phones while driving.
- 1:00 p.m. **HB 516-FN-A**, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth.
- 2:00 p.m. **HB 455-FN**, authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HB 564**, relative to the adoption of forms by the department of revenue administration for the filing of taxes.
- 10:30 a.m. **HB 579**, exempting department of revenue administration guidelines from the right-to-know law.
- 11:00 a.m. **HB 447-FN**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.
- 2:00 p.m. **HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.
- 3:00 p.m. **HB 593-FN-A-L**, relative to video lottery and table gaming.
- 3:30 p.m. Continued public hearing on **HB 518-FN-A**, increasing the research and development tax credit and establishing a commission to assess the effectiveness of the credit.
Executive session may follow.

WEDNESDAY, FEBRUARY 23

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

3:00 p.m. Or immediately following the House session, subcommittee work session on **HB 294**, relative to the distance from highways for the taking of moose.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

8:30 a.m. Subcommittee work session on **HB 232-FN**, relative to abandoned homes in manufactured housing parks.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

3:00 p.m. Or fifteen minutes after the House session, subcommittee work session on **HCR 22**, opposing the right of any firm, corporation, or individual to trademark the name Mount Washington.

THURSDAY, FEBRUARY 24

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. **HB 597**, revising the child support guidelines based on an income shares model of calculating child support.

10:00 a.m. **HB 575**, relative to the calculation of child support in cases of shared parenting.

11:00 a.m. **HB 563**, revising the child support guidelines based on foster care reimbursement rates.

1:15 p.m. **HB 512**, relative to education requirements for certification as a guardian ad litem.

2:15 p.m. **HB 395**, establishing a child protection study committee.
Executive session may follow.

COMMERCE AND CONSUMER AFFAIRS (INSURANCE/CONSUMER PROTECTION DIVISION), Room 302, LOB

9:00 a.m. Insurance /Consumer subcommittee work session on **HB 255**, requiring consumer protection for prepaid services.

10:00 a.m. **HB 601-FN**, relative to implementation of federal health care reform.

10:30 a.m. **HB 627-FN**, relative to "essential benefits" under federal health care reform.

11:00 a.m. **HB 629-FN**, relative to the uninsured health care database.

12:00 p.m. Banking/Business Division subcommittee work session on **HB 291**, relative to permissible fireworks.

1:15 p.m. Rescheduled public hearing on public hearing on **HB 309-FN**, repealing certain insurance mandates.
Work session on these bills may follow the public hearings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Rescheduled public hearing on **HB 330-FN**, relative to carrying firearms.

1:00 p.m. Rescheduled public hearing on **HB 378-FN**, inserting an exception to the criminal threatening statute.

1:45 p.m. Rescheduled public hearing on **HB 235**, relative to the right to possess a firearm in one's personal motor vehicle.

2:30 p.m. **HB 544**, relative to state authority over firearms and ammunition.

3:15 p.m. **HB 334**, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, or firearms supplies.
Executive session may follow.

EDUCATION, Room 207, LOB

9:00 a.m. Subcommittee work session on **HB 301-FN**, amending the home education statutes, **HB 545**, repealing the department of education's rulemaking

- authority for home education programs, **HB 595**, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes.
- 10:00 a.m. **HB 542-FN**, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program.
- 11:00 a.m. **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools.
Executive session may follow.
- 11:30 a.m. Executive session on **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools.
- 1:00 p.m. Executive session on **HB 545**, repealing the department of education's rulemaking authority for home education programs, **HB 301-FN**, amending the home education statutes, **HB 595**, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes, **HB 39**, relative to the adoption of the common core state standards in New Hampshire and relative to the substantive content of an adequate education, **HB 179**, establishing a task force to study the formula for determining adequate education grants to school districts, **HB 604**, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation.

ELECTION LAW, Representatives Hall

- 1:00 p.m. **HB 223-FN**, eliminating election day voter registration.
- 2:00 p.m. **HB 176**, relative to eligibility to vote.
Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:30 a.m. **HB 343-FN**, establishing a permanent state defense force.
- 10:00 a.m. **HB 624**, relative to the rulemaking authority of state agencies to establish or increase fees and costs.
- 10:45 a.m. Rescheduled public hearing on **HB 390**, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces.
- 11:30 a.m. **HB 630**, requiring state agencies, boards, and commissions to submit a report to the senate and house finance committees concerning the need for fee increases or new fees.
- 1:00 p.m. **HB 332-FN**, relative to an electronic controlled drug prescription monitoring program.
Executive session may follow.
- 2:00 p.m. Subcommittee work session on **HB 517-FN**, repealing provisions concerning licensure of fuel gas fitters.
- 2:15 p.m. Subcommittee work session on **HB 446-FN**, repealing the authority for regulation of certain professional occupations.
- 2:30 p.m. Subcommittee work session on **HB 450**, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.

FINANCE, Rooms 210-211, LOB

Budget Presentations:

- 10:00 a.m. Judicial Branch.
- 11:00 a.m. Judicial Council.
- 1:00 p.m. Department of Justice.
- 2:00 p.m. Department of Corrections.
- 3:00 p.m. Department of Health and Human Services.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Full committee public hearing on **HB 158**, relative to the misuse of social security numbers.
- 10:30 a.m. Full committee public hearing on **HB 499-FN**, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation.
- 11:00 a.m. Full committee public hearing on **HB 527**, relative to tort reform.
- 11:30 a.m. Full committee public hearing on **HB 532-L**, relative to municipal liability for dog bites.
- 1:00 p.m. Full committee public hearing on **HB 431**, relative to psychiatric evaluations.
- 1:30 p.m. Full committee public hearing on **HB 522-FN**, relative to elder abuse.
- 2:00 p.m. Full committee public hearing on **HB 640-FN**, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians.
- 2:30 p.m. Full committee public hearing on **HB 641-FN**, relative to lien authority for the office of reimbursements within the department of health and human services.
- 3:00 p.m. Full committee public hearing on **HB 305**, relative to the homestead right. Executive session may follow.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 2:00 p.m. Work session on Rep. Michael Brunelle's qualifications to serve subject to Part II, Article 7 of the NH Constitution.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. **HB 594**, relative to the application of procedures for discharge or suspension from county employment.
- 10:00 a.m. **HB 368-FN-L**, relative to workforce housing and the definition of community. Executive session may follow.
- 1:00 p.m. Executive session on **HB 396**, exempting the land and buildings of Masonic temples or building associations from property taxation, **HB 391**, relative to an optional tax credit for service-connected disability, **HB 366**, relative to the jurisdiction of counties concerning retail electric supply, **HB 409**, relative to planning board members, **HB 382**, allowing municipalities discretion to raise and appropriate funds for cemetery fences, **HB 144**, repealing the authorization for energy efficiency and clean energy districts, **HB 367-L**, relative to the election of county commissioners in Carroll County, **HB 393**, repealing the authority for the establishment of certain revolving funds by towns.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. **HB 638-FN**, relative to access to public buildings by brick or stone walkways.
- 10:00 a.m. **HB 621-FN-L**, relative to the authority of the department of transportation. Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

- 10:00 a.m. Presentation regarding Petition 1.

RULES COMMITTEE, Room 303, LOB

- 11:30 a.m. Regular meeting.
Executive session to follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:00 a.m. Executive session on **HCR 22**, opposing the right of any firm, corporation, or individual to trademark the name Mount Washington, **HCR 16**, urging the prohibition of enforcing a particular federal executive order, **HCR 25**, urging

- Congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns.
- 10:30 a.m. **HCR 8**, urging the Transportation Security Administration to terminate recent changes to pat down search procedures and urging Congress and the President to change or discontinue the use of advanced imaging technology at airports.
- 11:00 a.m. **HCR 13**, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system.
- 1:00 p.m. **HCR 14**, applying to Congress to convene a convention proposing amendments to the United States Constitution.
- 1:30 p.m. **HCR 12**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.
- 2:00 p.m. Rescheduled public hearing on **HCR 9**, urging Congress to support H.R. 6416 or similar legislation relative to airport security.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **CACR 6**, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.
- 11:00 a.m. **CACR 10**, relating to establishing a New Hampshire state reserve fund. Providing that the New Hampshire state reserve fund shall be under the authority of the state treasurer and dedicated to offset the business profits tax, business enterprise tax, and the interest and dividends tax for purposes of lowering the rates of such taxes.
Executive session may follow.

FRIDAY, FEBRUARY 25

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

- 9:30 a.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:15 a.m. Banking/Business Division subcommittee work session on **HB 408**, relative to residential mortgage loan transactions.

FINANCE, Rooms 210-211, LOB

Budget Presentations:

- 9:30 a.m. State Employees Association/SEIU.
- 10:00 a.m. Department of Resources and Economic Development.
- 11:00 a.m. Department of Administrative Services.
- 1:00 p.m. Department of Transportation
- 2:00 p.m. Department of Fish and Game.
- 3:00 p.m. Department of Safety

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 201-203, LOB

- 10:00 a.m. **HB 492-FN**, establishing a deferred retirement option in the judicial retirement plan, and relative to benefits related to service of certain judges of

11:00 a.m. probate retiring because of permanent disability.
HB 465-FN, relative to the number of years for calculating average final compensation for retirement system benefits.
Executive session may follow.

SPECIAL COMMITTEE ON REDISTRICTING, Room 308, LOB

2:00 p.m. **HCO 1**, relative to implementing an election pursuant to representative districts established in the order.
2:30 p.m. **HB 592**, apportioning state representative districts, congressional districts, executive council districts, and county commissioner districts.
3:00 p.m. **HB 224-FN**, establishing an independent legislative redistricting commission.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Subcommittee work session on **HB 454-FN-A**, establishing a job creation credit against the business profits tax and the business enterprise tax for small businesses increasing employment in New Hampshire.

MONDAY, FEBRUARY 28

COMMERCE AND CONSUMER AFFAIRS (INSURANCE/CONSUMER PROTECTION DIVISION), Room 302, LOB

10:00 a.m. Insurance /Consumer subcommittee work session on **HB 31**, relative to insurance payments for ambulance services.

JUDICIARY, Rooms 206-208, LOB

10:00 a.m. Full committee public hearing on **HB 329-FN**, requiring parental notification before abortions may be performed on unemancipated minors.
1:00 p.m. Full committee public hearing on **HB 513-FN**, relative to end of life aid in dying for certain persons suffering from a terminal disease.
Executive session may follow.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 1

COMMERCE AND CONSUMER AFFAIRS (BANKING/BUSINESS DIVISION), Room 302, LOB

10:00 a.m. **HB 581**, regulating guaranteed price plans and prepaid contracts for petroleum.
10:30 a.m. **HB 643**, relative to propane sales.
11:00 a.m. **HB 394-FN**, relative to the regulation of oil heating technicians.
11:30 a.m. **HB 577**, relative to the use of foreign languages by retail establishments.
1:15 p.m. **HB 617**, repealing the prohibitions on Sunday business activities.
2:00 p.m. **HB 333-FN**, repealing certain provisions relating to the sale of oleomargarine.
2:30 p.m. **HB 445-FN**, relative to the regulation of electronic tracking devices.
Work sessions on these bills may follow the public hearings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 283-FN**, relative to impaired drivers.
10:45 a.m. **HB 486-FN**, relative to penalties for alcohol ignition interlock circumvention.
11:15 a.m. **HB 628-FN**, making the touching or viewing with a technological device of a person's breasts or genitals by a government security agent without probable

- cause a sexual assault.
- 1:00 p.m. **HB 553**, relative to the law on wiretapping and eavesdropping.
- 1:45 p.m. **HB 552**, establishing a committee to study repealing the revisions to the law implemented by SB 500-FN of the 2010 legislative session.
- 2:30 p.m. **HB 524-FN**, excluding persons convicted of violent crimes from mandatory early release on probation or parole.
- 3:00 p.m. Rescheduled public hearing on **HB 576-FN**, relative to the right to brandish a firearm in defense of one's property.
Executive session may follow.

EDUCATION, Room 207, LOB

- 10:30 a.m. **HB 296**, relative to procedures for juvenile delinquency petitions filed by a school district or school official.
- 11:00 a.m. **HB 377-FN**, requiring daily physical education for public school pupils.
- 11:30 a.m. **HB 422**, prohibiting vaccinations in public schools.
- 1:00 p.m. **HB 370**, making changes to the pupil safety and violence prevention act.
- 2:00 p.m. **HB 429**, permitting a child 16 years of age or older to withdraw from school with parental permission.
- 2:30 p.m. **HB 501-FN-L**, requiring the teaching of cardiopulmonary resuscitation in public schools.
Executive session may follow.

ELECTION LAW, Room 308, LOB

- 11:00 a.m. **HB 588**, relative to polling hours and location of polling places.
- 11:15 a.m. **HB 423**, relative to including workplace harassment in the legislative ethics law.
- 1:00 p.m. **HB 598**, prohibiting a candidate from receiving the nomination of more than one party.
- 1:45 p.m. **HB 427-FN**, prohibiting political advertising on public property.
- 2:15 p.m. **HB 421**, relative to candidates for United States senator.
Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 444-FN**, making John Stark Day a New Hampshire state holiday.
- 10:30 a.m. **HB 449-FN**, expanding the information available on the state transparency website.
- 11:00 a.m. **HB 480-FN**, establishing a state renovation, repair, and painting (RRP) rule program relative to lead-safe practices.
- 1:00 p.m. **HB 30**, relative to reciprocity for licensure by the board of veterinary medicine.
- 1:30 p.m. **HB 476-FN**, establishing an independent board of psychologists.
Executive session may follow.

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

- 10:00 a.m. **HB 442-FN**, relative to the use of marijuana for medicinal purposes.
Executive session may follow.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Full committee public hearing on **HB 347**, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.
- 10:30 a.m. Full committee public hearing on **HB 596**, establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park.
- 11:00 a.m. Full committee public hearing on **HB 637-FN**, relative to lowering the legal drinking age for members of the armed forces.

Executive session may follow.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 303, LOB (Please note room change.)

9:30 a.m. Subcommittee work session on **HB 26-FN**, clarifying the definition of gross misconduct for purposes of unemployment compensation.

Room 307, LOB

10:15 a.m. Rescheduled public hearing on **HB 420-FN**, relative to voluntary registration for independent contractors under workers' compensation law.

11:00 a.m. Rescheduled public hearing on **HB 494-FN**, relative to tipped employees who deal card and table games at games of chance venues.
Executive session may follow.

1:00 p.m. Executive session on **HB 133**, relative to the minimum wage, **HB 273**, relative to public or private criticism of employers by employees, **HB 275**, establishing an employers' private right of action to enforce the payment of workers' compensation coverage, **HB 401**, relative to postsecondary training for workers with disabilities.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

8:30 a.m. Subcommittee work session on **HB 232-FN**, relative to abandoned homes in manufactured housing parks.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. **HB 287-FN-A**, making an appropriation for funding disaster relief and hazard mitigation in response to the May 2006 Suncook River avulsion.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:15 a.m. **HB 543-FN**, relative to biomass combined heat and electricity facilities.

1:00 p.m. Continued public hearing on **HB 311-FN**, relative to solar renewable energy.

1:30 p.m. **HB 559**, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and authorizing the development of a solar photovoltaic renewable energy project in Manchester.
Executive session may follow.

TRANSPORTATION, Room 203, LOB

10:00 a.m. **HB 610-FN-A**, establishing number plates supporting New Hampshire public higher education.

10:30 a.m. **HB 540-FN**, relative to motor vehicle inspections.

11:30 a.m. **HB 335-FN-A**, establishing multi-use number plates.

1:15 p.m. **HB 397**, relative to image display devices in motor vehicles.
Executive session may follow.

THURSDAY, MARCH 3

CHILDREN AND FAMILY LAW, Room 206, LOB

12:00 p.m. Subcommittee work session on **HB 52**, relative to grounds for modification of parental rights and responsibilities.

COMMERCE AND CONSUMER AFFAIRS (INSURANCE/CONSUMER PROTECTION DIVISION), Room 302, LOB

9:00 a.m. **HB 351-FN**, relative to insurance reimbursement for doctors of naturopathic medicine.

10:00 a.m. **HB 607**, relative to exemptions under the consumer protection act.

10:30 a.m. **HB 606**, establishing a committee to study the formation of a consumer

- protection working group.
- 11:00 a.m. **HB 359-FN**, prohibiting the use of certain information to underwrite insurance coverage.
- 11:30 a.m. **HB 424**, relative to surplus lines tax collection.
- 1:15 p.m. **HB 345-FN**, relative to insurance payments for ambulance providers.
- 2:00 p.m. **HB 616-FN**, relative to coverage for divorced spouses.
- Work sessions may follow the public hearings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 207-FN**, relative to physical force in defense of a person.
HB 210-FN, relative to the use of deadly force to protect oneself.
HB 567, relative to physical force in defense of a person.
- 1:30 p.m. Rescheduled public hearing on **HB 536-FN**, relative to the natural right to carry a firearm, openly or concealed, without a license.
Executive session may follow.

EDUCATION, Room 207, LOB

- 10:00 a.m. Executive session on **HB 219**, establishing a committee to study the abolishment of the department of education, **HB 220-FN**, relative to the approval of plans and specifications for the construction of school buildings, **HB 290**, relative to staffing exceptions for small schools, **HB 296**, relative to procedures for juvenile delinquency petitions filed by a school district or school official, **HB 369-FN-L**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school, **HB 370**, making changes to the pupil safety and violence prevention act, **HB 376**, relative to representative voting on joint boards of school administrative units, **HB 377-FN**, requiring daily physical education for public school pupils, **HB 386**, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees, **HB 422**, prohibiting vaccinations in public schools, **HB 429**, permitting a child 16 years of age or older to withdraw from school with parental permission, **HB 501-FN-L**, requiring the teaching of cardiopulmonary resuscitation in public schools, **HB 505-FN**, making charter schools eligible for grants for leased space, **HB 528-FN-L**, requiring school districts to develop a facility maintenance and capital improvement program, **HB 542-FN**, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:30 a.m. **HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision.
- 10:15 a.m. **HB 508-FN**, establishing a performance measurement system for state agencies.
- 11:00 a.m. Rescheduled public hearing on **HB 623**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.
- 1:00 p.m. **HB 565**, establishing a dental hygienists committee within the board of dental examiners.
- 1:30 p.m. **HB 452-FN**, establishing the independent regulation of dental hygienists.
Executive session may follow.

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

- 10:00 a.m. Rescheduled public hearing on **HB 493-FN**, relative to the certification of

- integrated residential communities.
- 11:00 a.m. Rescheduled public hearing on **HB 489-FN**, relative to health information exchange.
- 1:00 p.m. **HB 554**, relative to mental health records.
Executive session may follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:00 a.m. Executive session on **HCR 11**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces, **HCR 10**, urging the National Park Service to permit the exhumation of the body of Meriwether Lewis to determine the cause of his death, **HCR 15**, ordering our federal senators to vote against the Law of the Sea Convention, **HCR 9**, urging Congress to support H.R. 6416 or similar legislation relative to airport security, **HCR 8**, urging the Transportation Security Administration to terminate recent changes to pat down search procedures and urging Congress and the President to change or discontinue the use of advanced imaging technology at airports, **HCR 13**, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system, **HCR 14**, applying to Congress to convene a convention proposing amendments to the United States Constitution, **HCR 12**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

FRIDAY, MARCH 4

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

- 9:00 a.m. Continued regular meeting.

COMMERCE AND CONSUMER AFFAIRS (BANKING/BUSINESS DIVISION), Room 302, LOB

- 10:00 a.m. **HB 566**, relative to the identification of dental prosthetic appliances.
- 10:30 a.m. **HB 633**, preventing prescribing practitioners from owning pharmacies in-state and out-of-state.
- 11:00 a.m. **HB 578**, relative to payment at time of medical services.
- 11:30 a.m. **HB 504-FN**, licensing reverse distributors of drugs and requiring manufacturers and wholesalers to report changes in ownership.
- 1:15 p.m. **HB 385-FN**, relative to the applicability of licensure requirements for mortgage bankers and brokers.
- 2:00 p.m. **HB 613**, establishing exemptions from the licensing requirements for first mortgage bankers and brokers.
- 2:30 p.m. **HB 562**, relative to overdraft fees charged by banks.
Work sessions may follow the public hearings.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Room 207, LOB

- 9:00 a.m. **HCR 26**, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches.
Executive session may follow.
- 9:30 a.m. Full committee work session on **CACR 7**, relating to education funding.
Providing that the general court shall distribute funds in the manner that it determines will best promote an equal opportunity for an adequate

education, **CACR 12**, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis.

10:00 a.m. Or immediately following the work session, executive session on **HCR 26**, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches, **CACR 7**, relating to education funding. Providing that the general court shall distribute funds in the manner that it determines will best promote an equal opportunity for an adequate education, **CACR 12**, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis, **HB 337-FN-L**, relative to the calculation and distribution of adequate education grants.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 201-203, LOB

10:00 a.m. **HB 460-FN**, relative to the retirement age for group II members.

11:00 a.m. **HB 462-FN**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

1:00 p.m. **HB 580-FN-L**, relative to the New Hampshire retirement system.
Executive session may follow.

MONDAY, MARCH 7

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Rescheduled public hearing on **HB 611-FN-A**, relative to determination of the reasonable compensation deduction under the business profits tax.

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

9:00 a.m. Rescheduled regular meeting.

TUESDAY, MARCH 8

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 101, LOB

3:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet at the County Complex on Monday, **February 28** at 3:00 p.m. for an informational meeting regarding the Belknap County Economic Development Council.

Belknap County Delegation will meet at the County Complex on Monday, **March 7** at 6:00 p.m. to vote on the County Attorney appointment and at 7:00 p.m. for a public hearing and vote on the budget..

Rep. Alida I. Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Grafton County Executive Committee will meet on Monday, **February 28** at 10:00 a.m. at the County Complex Administration Building in North Haverhill.

Rep. Lyle E. Bulis, Chairman
Grafton County Executive Committee

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **February 25** at 9:00 a.m. at the County Complex in Goffstown.

Rep. Carl W. Seidel, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Monday, **March 7th**, 2011 at 9:00 a.m. in the Lower Level Conference Room located at the McDonnell Building 4 Court Street, Concord, NH. The purpose of the meeting is as follows: 1. 2011 Budget Review/Approval. 2. Any other business that may appropriately come before them.

Rep. David H. Kidder, Chairman
Merrimack County Executive Committee

Merrimack County Delegation, pursuant to RSA 24:23, will hold a public hearing for Merrimack County at 6:00 p.m. on Monday, **March 21**, 2011 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: To consider 2011 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 2011 budget as proposed by the Merrimack County Delegation Executive Committee.

Merrimack County Delegation, pursuant to RSA 24:9-c and RSA 24:14 II, will meet immediately following the public hearing to be held on Monday, **March 21**, 2011 at 6:00p.m., at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: Approval of the 2011 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. David J. Palfrey, Chairman
Merrimack County Delegation

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet at 5:30 p.m. on Tuesday, **February 22** at the Commissioners' Conference Room, Hilton Auditorium, Rockingham County Nursing Home, Brentwood to finalize unfinished business prior to the Delegation meeting.

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

Rockingham County Delegation will meet at 6:00 p.m. on Tuesday, **February 22** at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood to adopt the County Budget for 2011 (storm date February 24).

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following House Bills have a revised fiscal note: HBs 37, 49, 222, 224, 225, 228, 234, 238, 242, 256, 261, 262, 264, 266, 268, 270, 274, 276, 277, 284, 288, 292, 293, 299, 302, 303,

309, 310, 325, 329, 330, 332, 333, 335, 337, 343, 345, 353, 356, 365, 368, 369, 377, 418, 419, 420, 439, 440, 441, 444, 448, 451, 452, 453, 454, 456, 459, 461, 464, 465, 466, 467, 468, 470, 471, 472, 477, 479, 480, 481, 482, 484, 485, 486, 487, 488, 491, 493, 495, 496, 497, 498, 499, 502, 505, 506, 507, 509, 515, 517, 518, 519, 522, 523, 529, 537, 539, 542, 601, 602, 619, 621, 626, 627, 628, 629, 634, 636, 637, 638, 639, 640, 641, 642. SB 1

Karen O. Wadsworth, Clerk of the House

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested. Rep. Ronald J. Belanger, PO Box 415, Salem, New Hampshire 03079-0415
Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

The components of the NH Dental Society will be inviting legislators to events in their area in order to share information regarding oral health issues in New Hampshire. Please watch for invitations in the mail.

Reps. D.J. Bettencourt and Terie Norelli

The Sullivan County Republican Committee will meet next on **February 19th** at Crownpoint Cabinetry, 462 River Road, Claremont, NH at 9:00 a.m.

Rep. Steven L. Cunningham

The Greater Manchester Federated Republican Women and Hesser College invite all legislators to attend a presentation on the state budget and budget process on Monday, **February 21** from 6:00 to 8:00 p.m. at Hesser College's Manchester campus, at 3 Sundial Avenue, just off Queen City Bridge and Exit 4. John Stephen will be keynote on the topic of "Bringing Frugality, Opportunity & Reform to NH's Budget". Guest speakers include NH GOP Chair, Jack Kimball, and NH House Majority Office Leader, Representative D.J. Bettencourt. Hesser College students and faculty will be in attendance. A collection table will be available for donation of items to be sent to soldiers through Mooremart.org.

Homemade children's cards and a poster being made by Canterbury Elementary School students for the soldier's packages will be on display. For more information, contact Rep. Kathleen Cusson-Cail at gmfrw2008@earthlink.net.

Reps. D.J. Bettencourt and Kathleen Cusson-Cail

The New Hampshire House Business Coalition will meet at 4:00 p.m. on Tuesday, **February 22** in Room 202, LOB. Please contact Rep. Laurie J. Sanborn at repsanborn@gmail.com.

Rep. Laurie J. Sanborn

The members of the House Republican Women's Caucus are cordially invited to attend a "Committeewoman's Breakfast Reception" hosted by RNC National Committeewoman Phyllis Woods, at the Upham Walker House on Wednesday morning, **February 23rd** from 8:00 to 9:00 a.m. All Republican women House Reps. are welcome to attend.

Rep. Pamela Z. Tucker

The Natural Rights Council will hold its regular meeting on Wednesday, **February 23rd** at 8:00 a.m. at Caffenio, 84 North Main Street, Concord. All House members welcome.

Rep. Mark Warden

The New Hampshire Order of Women Legislators (OWLs) will meet during the lunch break from session on Wednesday, **February 23** in Room 100 of the State House. Everyone welcome.

Rep. Laura C. Pantelakos

Ski NH invites you and your legislative colleagues for our Annual Legislative Ski Day at New Hampshire's own Mount Sunapee Resort in Newbury on **March 7th**. This will be a fun-filled day with many activities, and a great opportunity to enjoy one of New Hampshire's premier ski resorts. There will be a fun race, lunch and a post-race reception where everyone wins! More details will follow from Ski NH but mark your calendar for March 7th at Mount Sunapee. We invite you to come and see for yourself why skiing is New Hampshire's Official State Sport.

Reps. Frank V. Saporeto and Judith T. Spang

On **March 10th** from 11:30 a.m.-1:30 p.m. in the State House Cafeteria, there will be a luncheon honoring "Granny D" Doris Haddock a year after her passing at age 100. There will be a short program starting at 12:10 including a Governor's Proclamation for "Granny D Day 2011," videos, music, and a presentation of her archives. All are welcome. Please join us for lunch provided by the Coalition for Open Democracy and to celebrate the life of a New Hampshire icon who walked across the country at age 89 to bring national attention to the need for campaign finance reform.

Rep. John B. Hunt

The 2011 New Hampshire Poetry Out Loud (POL) program will hold a statewide Championship Competition in Representatives Hall, at the State House on Thursday, **March 17** at 7:00 p.m. (snowdate March 18). Twelve New Hampshire high school poetry

champions will recite great poetry and compete for the opportunity to represent NH at the National Poetry Out Loud Championship in Washington, DC in April. The 12 students are the winning competitors, coming out of four semi-finals. Close to 10,000 NH high school students participated. All legislators and their families are invited. This event, sponsored by the NH State Council on the Arts, is free and open to the public. To see a listing of high schools or for information contact Catherine O'Brien, Arts Education Coordinator, NH State Council on the Arts, 271-0795 or go to: www.nh.gov/nharts.

William L. O'Brien, Speaker

The American Red Cross cordially invites all legislative members and staff to the Annual State House Complex Blood Drive. The blood drive will take place on Tuesday, **March 22nd** from 9:00 a.m. to 3:00 p.m. The American Red Cross state of the art self-contained coach will be parked in front of the State House for this event. Appointments are strongly encouraged. To schedule an appointment, please call the State House Health Services at 271-2757. In the past the Blood Drive has had overwhelming support. Please help to make this year the best ever.

Rep. D.J. Bettencourt

The Main Street Republicans meet on Tuesdays at 8:30 a.m. in Room 104, LOB. All Republican House members are welcome.

Rep. Kenneth H. Gould

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet Tuesdays at 8:00 a.m. in Rooms 306-308, LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

STATE HOUSE VISITATION SCHEDULE

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 **2011**. 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
Feb. 22	9:00	Kimball Walker School – Concord	23/4
Feb. 22	10:30	YMCA Allard Center School Out Program – Goffstown	35/k-5
Feb. 22	1:00	Legislator Historic State House Tour	
Feb. 23	9:00	Broken Ground School – Concord	40/4
Feb. 24	9:00/10:00	Broken Ground School – Concord	80/4
Feb. 24	11:00	Legislator Historic State House Tour	

Feb. 25	9:00	Kimball Walker School – Concord	23/4
Feb. 25	10:00/11:30 SH/SC	Stratham Memorial School	113/4
Feb. 28	10:30	Pioneer Junior Academy – Westmoreland	14/1-8
March 1	10:45/12:15 SH/HM	Appleton Elementary School – New Ipswich	100/4
March 2	9:15	Bedford Church Group	15
March 2	10:30	Hancock Elementary School	13/4
March 2	11:45 SH/HM	Nottingham West Elementary School – Hudson	52/4
March 3	10:30/11:45 SH/HM	Nottingham West Elementary School – Hudson	79/4
March 4	9:15/10:30 SH/SC	Hanover St. School – Lebanon	75/4
March 7	10:00/11:30 SH/Manse	Chester Academy	70/4
March 8	9:45/11:00 SH/HM	Hooksett Memorial School	75/4
March 8	3:30	Bedford Cub Scouts	10
March 9	9:30/11:00 SH/HM	Loudon Elementary School	65/4
March 9	4:00	UNH- Social Welfare Policy class	40/col
March 10	9:45/11:00 SH/HM	Hooksett Memorial School	100/4
March 11	9:30/11:00 SH/SC	Lincoln St. School –Exeter	80/4
March 14	9:30/11:00 SH/SC	Lincoln St. School –Exeter	80/4
March 14	10:15/12:15 SH/HM	Walpole School	90/4&5
March 15	8:45	Bow Elementary School	40/4
March 15	10:15	Lamprey River Elementary School – Raymond	
March 16	9:45/11:00 SH/HM	Derry Village School	82/4
March 16	8:45	Bow Elementary School	20/4
March 16	10:00/11:30 SH/Planet	Cutler Elementary School – Swanzey	80/4
March 16	12:30	Sant Bani School – Sanbornton	16/4
March 17	8:45	Bow Elementary School	40/4
March 17	10:30	Barnstead Elementary School	44/4
March 18	1:00	Kimball School- Concord	45/4

AMENDMENTS
WEDNESDAY, FEBRUARY 23
(LISTED IN NUMERICAL ORDER)

2011-0120h

Amendment to HB 44

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

Amend RSA 483:15, XVII as inserted by section 1 of the bill by replacing it with the following:

XVII. Oyster River:

(a)(1) As a rural-community river immediately downstream of the Hall Road Bridge in Barrington to the upstream side of Old Mill Road in Lee.

(2) As a rural river from the upstream side of Old Mill Road in Lee to the upstream side of Route 155 crossing in Lee.

(3) As a rural-community river from the upstream side of Route 155 crossing in Lee to the upstream side of the Oyster River Dam in Durham.

(4) As a community river from the upstream side of the Oyster River Dam in Durham to the Mill Pond Dam in Durham.

(b) All 1st, 2nd, and 3rd order portions of the Oyster River shall be exempt from the comprehensive shoreland protection act under RSA 483-B.

AMENDED ANALYSIS

This bill designates segments of the Oyster River as a protected river.

This bill exempts 1st, 2nd, and 3rd order portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

2011-0260h

Amendment to HB 132

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

Amend RSA 3-E:3 as inserted by section 1 of the bill by replacing it with the following:

3-E:3 Flag Display. No rule, ordinance, or agreement of any kind by a person, municipality, or other entity shall prohibit the flying of the United States flag from a private residence owned, rented, or used by a private person. Reasonable restrictions regarding the size of the flag or the manner in which the flag is displayed may be adopted and enforced.

Amend RSA 356-B:47-a as inserted by section 2 of the bill by replacing it with the following:

356-B:47-a Flag Display. Pursuant to the Freedom to Display the American Flag Act of 2005, Public Law 109-243, and notwithstanding any provision in the condominium instruments to the contrary, the unit owners' association shall not prohibit the outdoor display of the United States flag in a manner consistent with the United States flag code and RSA 3-E. The association may adopt reasonable rules regarding the size of the flag and the manner in which the flag is displayed. When a flag is flown from the unit owner's balcony or deck, from a bracket, the flag may extend over the vertical line of the unit owner's outboard deck line, which would put the flag into the common area, versus the unit owner's private space.

2011-0049h

Amendment to HB 150

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 490:28, II as inserted by section 1 of the bill by replacing it with the following:

II. Any full-time judicial branch employee who transfers from the judicial branch to state service in the executive branch or the legislative branch, without a break in service, may transfer all earned annual leave, sick leave, longevity pay, and bonus time already accumulated in the judicial branch, to the receiving branch of state government. The maximum amount of accumulated annual and sick leave that may be transferred shall be limited to the amount of annual and sick leave that employees of the receiving branch may accumulate, *the rate of accrual shall be according to continuous years worked and, upon transfer, the employee's rate of accrual shall be the rate of accrual of the*

receiving branch. No leave granted at the outset of service, or without a relationship to the length of employment shall be included in earned leave.

AMENDED ANALYSIS

This bill clarifies that for judicial branch employees who transfer without a break in service from the judicial branch to state service in the executive branch or the legislative branch, the rate of accrual of annual and sick leave shall be according to continuous years worked and, upon the employee's transfer, the rate of accrual shall be the rate of accrual of the receiving branch.

2011-0153h

Amendment to HB 154-FN-A

Proposed by the Majority of the Committee on Ways and Means - R

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

AN ACT increasing a threshold amount for taxation under the business enterprise tax.

Amend RSA 77-E:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Every business enterprise having gross business receipts in excess of ~~[\$150,000]~~ **\$200,000** as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than \$75,000, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

AMENDED ANALYSIS

This bill increases a threshold amount for taxation under the business enterprise tax.

2011-0094h

Amendment to HB 172

Proposed by the Committee on Education - R

Amend RSA 259:96-a as inserted by section 2 of the bill by replacing it with the following:

259:96-a Mixed Use School Bus. "Mixed use school bus" shall mean a ~~[privately owned]~~ vehicle, including a station wagon, suburban, **passenger van**, panel body vehicle, ~~[and vehicles]~~ **or vehicle** converted to a school bus, ~~[but excluding a passenger vehicle,]~~ **which bears a valid state inspection sticker and is** employed principally in transporting schoolchildren to and from school or school activities ~~[by virtue of a contract with a school board authority].~~

2011-0379h

Amendment to HB 209

Proposed by the Committee on Ways and Means - C

Amend subparagraph I(a) as inserted by section 2 of the bill by replacing it with the following:

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

Amend paragraph III as inserted by section 3 of the bill by replacing it with the following:

III. Study the processes, formal structure, and costs that other states have put in place to manage both short and long term economic and revenue forecasting, and compare their records of success with that of New Hampshire.

Amend paragraph V as inserted by section 3 of the bill by replacing it with the following:

V. Solicit information and testimony from individuals and entities with experience or expertise relevant to the study, including:

- (a) The governor's budget director.
- (b) The commissioner of the department of revenue administration.

(c) The commissioner of the department of administrative services.
(d) The heads of other government agencies that contribute substantially to state revenues.

- (e) The legislative budget assistant.
(f) Economists.
(g) Members of the New Hampshire business community.

2011-0207h

Amendment to HB 216

Proposed by the Special Committee on Education Funding Reform - C

Amend RSA 189:1-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Elected school boards shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To accomplish this end, and to support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future.

AMENDED ANALYSIS

This bill requires school boards to be responsible for establishing the structure, accountability, advocacy, and delivery of instruction.

2011-0317h

Amendment to HB 231-FN

Proposed by the Special Committee on Public Employee Pensions Reform - R

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

AN ACT relative to payment of medical benefits for state retirees, their spouses, and dependents.

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

1 State Retiree Medical Benefit for Retiree, Spouse, and Dependents. Amend RSA 21-I:30, I to read as follows:

I. The state shall pay a premium ***toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption*** for:

(a) Each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and

(b) ***Pursuant to the extent of eligibility under paragraph I-a,*** each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living~~[-toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption].~~

I-a.(a) For each calendar year the state shall pay a percentage of the premium for each retired employee, as defined in paragraph II of this section, and his or her spouse, or the retired employee's beneficiary until such retiree, spouse, or beneficiary attains 65 years of age, calculated as follows:

(1) Divide the average annual state retirement annuity income of group I or group II, as the case may be, as of June 30 of the year prior to the

beginning of the calendar year by the annual state retirement annuity income of the retiree,

(2) From the result, subtract .7 and multiply by 100 to express as a percentage; provided that the resulting percentage shall never exceed 100 nor be less than 0.

(b) For each calendar year the state shall pay a percentage of the premium for each retired employee, as defined in paragraph II of this section, and his or her spouse, or the retired employee's beneficiary, from 65 years of age and older, calculated as follows:

(1) Divide the average annual state retirement annuity income of group I or group II, as the case may be, as of June 30 of the year prior to the beginning of the calendar year by the annual state retirement annuity income of the retiree,

(2) From the result, subtract .4 and multiply by 100 to express as a percentage; provided that the resulting percentage shall never exceed 100 nor be less than 0.

(c) The amount of premium paid pursuant to subparagraphs (a) and (b) shall be reduced by the percentage determined by multiplying 1.67 percent by the number of whole years that the retiree's creditable state service is less than 30 years for group I retirees and 2-1/2 percent by the number of whole years that the retiree's creditable state service is less than 20 years for group II retirees. For split benefit retirement under RSA 100-A:19-a – 19-h, the applicable percentage and years of creditable state service shall be proportionally adjusted according to the amount of service in each group.

I-b. The total cost to the general fund for the benefit provided in subparagraph I(b) and calculated under paragraph I-a shall not exceed \$30 million, including the administrative costs of the department, in each fiscal year of a biennium. If in any calendar year the total general fund cost of the retiree medical benefit as calculated pursuant to paragraph I-a is projected to exceed that amount, the commissioner of the department of administrative services shall, with the prior approval of the fiscal committee of the general court, adjust the plan design of the group hospitalization, hospital medical care, surgical care and other medical benefits plan or the self-funded alternative to reduce the cost of the benefit to that amount.

I-c. Funds appropriated for ~~this~~ the purpose described in this section shall not be transferred or used for any other purpose.

2 New Paragraph; Medical Benefits; Deduction Authorized. Amend RSA 21-I:30 by inserting after paragraph V the following new paragraph:

VI. If the cost of the premium for any retired employee, spouse, or beneficiary entitled to benefits under this section shall exceed the maximum amount payable by the state, the excess cost shall be paid by the retiree or qualified spouse or beneficiary and shall be deducted from retirement benefits. The state shall require, as a condition for coverage, that such excess cost be deducted from retirement benefits. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount.

3 New Section; Medical Benefit Subsidy. Amend RSA 100-a by inserting after section 53-e the following new section:

100-A:53-f Limitation of Medical Benefit Subsidy. Notwithstanding any provision of this subdivision to the contrary, the maximum amount payable by the retirement system pursuant to this subdivision on account of each eligible person shall not exceed the amount determined under RSA 21-I:30 for any state retiree, his or her spouse, or such retired member's beneficiary.

4 Repeal. RSA 100-A:54, III, relative to the deduction from retirement allowances of a premium contribution amount, is repealed.

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

AMENDED ANALYSIS

This bill provides that the payment by the state of the premium for the medical benefit for state retirees, their spouses, and dependents shall be calculated according to a formula and subject to a limit on total state general fund cost.

2011-0297h

Amendment to HB 278

Proposed by the Committee on Resources, Recreation and Development - C

Amend RSA 271:20, III as inserted by section 1 of the bill by replacing it with the following:

III. The natural high water mark of Ossipee Lake as set by the general court is 407.25 feet above mean sea level.

2011-0196h

Amendment to HB 292-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Definitions. Amend the introductory paragraph of RSA 421-B:2 to read as follows:

421-B:2 Definitions. When used in this chapter, unless the context *of the section within which the term is used* otherwise requires:

2 Definitions. Amend RSA 421-B:2, IV-b to read as follows:

IV-b. "Bureau" means the bureau of securities regulation within the department of state.

IV-c. "Common enterprise" means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a third party, or other investors.

~~[IV-b.]~~ ***IV-d. "Complaint" means a written statement submitted within a reasonable time following the incident complained of by a person, association, partnership, corporation, state agency (including the staff of the department) or by any other legal entity that sets forth specific allegations and requests administrative action by the department.***

3 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph IX-b the following new paragraph:

IX-c. "Investment contract" means an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor.

4 Definitions. Amend RSA 421-B:2, XX(a) to read as follows:

XX.(a) "Security" means the investment of money or money's worth including goods furnished and/or services performed in the risk capital of a venture with the expectation of some benefit to the investor where the investor has no direct control over the investment or policy decisions of the venture. "Security" shall include any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit sharing agreement; membership interest in a limited liability company; partnership interest in a registered limited liability partnership; partnership interest in a limited partnership; collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; investment metal contract or investment gem contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under such a right, title or lease; or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment

policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

5 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph XXII the following new paragraph:

XXIII. "Willful" or "willfully," especially in connection with RSA 421-B:24, but not limited thereto, means an intentional act or omission to perform an act in that the person was aware of what he or she was doing or failing to do. However, evil motive, scienter, intent to violate this title, or knowledge that this title was being violated is not required.

6 Sales and Purchases. The introductory paragraph of RSA 421-B:3, II is repealed and reenacted to read as follows:

II. For purposes of paragraph I(c), to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, shall include but not be limited to:

7 Criminal Penalty. Amend RSA 421-B:24 to read as follows:

421-B:24 Criminal Penalty.

I. Any person who willfully, ***as defined in RSA 421-B:2, XXIII***, violates any provisions of RSA 421-B:3, ***421-B:3-a***, 421-B:4, 421-B:5 or fails to comply with an order from the secretary of state to cease and desist or for an injunction issued pursuant to RSA 421-B:23, or who fails to comply with an order to pay a fine, penalty, rescission, restitution, or disgorgement greater than \$10,000 pursuant to RSA 421-B:10, 421-B:23, or 421-B:26, or who violates RSA 421-B:19 knowing that the statement was false or misleading in any material respect, shall be guilty of a class B felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

II. Any person who willfully violates RSA 421-B:6, 421-B:11 or 421-B:20 shall be guilty of a ~~[class A misdemeanor if a natural person, and guilty of a]~~ ***class B*** felony ~~[if any other person]~~. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. ~~[For any subsequent offense, any person shall be guilty of a class B felony.]~~

III. [Repealed.]

IV. Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute.

V. The crimes established in paragraphs I and II of this section are public welfare offenses.

8 Hearing Procedures. Amend RSA 421-B:26-a, XXI-XXVIII to read as follows:

XXI. Within a reasonable time after the hearing, the presiding officer shall issue a written decision stating the action to be taken by the department and may set forth findings of fact, conclusions of law, and disposition. All decisions shall be reached upon the basis of a preponderance of the evidence. ~~[The decision of the presiding officer shall be construed as the decision of the secretary of state.]~~

XXII. Any party to whom notice has been forwarded pursuant to and in accordance with these rules who fails to appear shall have a default judgment rendered against him.

XXIII.(a) Within 30 days after a final decision or disposition of a motion for reconsideration by the presiding officer:

(1) Any party, including the bureau staff, may file an appeal of the presiding officer's decision to the secretary of state; or

(2) Upon his or her own motion, the secretary of state may elect to review a presiding officer's decision.

(b) In either case, the procedure for such proceeding shall be the same as in paragraph XXVI.

(c) The secretary of state may elect to conduct the proceeding de novo, on the record, with or without allowing the parties to supplement the record. In the latter case, the procedure shall be the same as that provided for in paragraph XVII.

(d) At the conclusion of the proceedings, by written decision, the secretary of state may accept or reject the presiding officer's decision, in whole or in part, substitute his or her own findings of fact and conclusions of law, or return the case to the original presiding officer, or to a substitute presiding officer, for action consistent with the secretary's instruction.

XXIV. The presiding officer may take judicial notice.

~~[XXIV.]~~ **XXV.** Where the interests of justice will be better served without prejudice to the substantial rights of any party, a presiding officer may sever one case from another or may consolidate 2 or more cases, preserving to all parties the right of appeal from the single or several decisions rendered.

~~[XXV.]~~ **XXVI.** Once a hearing notice has been issued commencing an adjudicatory proceeding, no party shall communicate with the presiding officer or the secretary of state concerning the merits of the case except upon notice to all parties nor shall any party cause another person to make such communications.

~~[XXVI.]~~ **XXVII.** Within 30 days after ~~[a]~~ ***the presiding officer's*** final decision, any party ***including the bureau's staff***, may ***but is not required to*** file a motion for reconsideration which shall serve as a petition for rehearing under RSA 541. No distinctions shall be made between the terms "reconsideration" and "rehearing." A motion for reconsideration shall:

~~[(1)]~~ **(a)** Identify each error of law, error of reasoning, or erroneous conclusion contained in the final order which the moving party wishes the ~~[secretary of state]~~ ***presiding officer*** to reconsider.

~~[(2)]~~ **(b)** Concisely state the correct factual finding, correct reasoning, and correct conclusion being advocated.

~~[(3)]~~ **(c)** Include any memorandum of law the petitioner wishes to submit.

~~[XXVII.]~~ **XXVIII.** Within 30 days after a final decision, the presiding officer may reconsider, revise or reverse any final action on the presiding officer's own motion. If reconsideration is based upon the existing record, prior notice shall not be given to the parties. If the presiding officer believes further information or argument should be considered, the parties shall be provided with an appropriate notice and opportunity to be heard before any revision is made in the previous action.

~~[XXVIII.] The filing of a motion for reconsideration shall not operate as a stay of any order or decision, but a motion for stay may be combined with a motion for reconsideration.]~~

XXIX. During the process outlined in this section, any preliminary order, such as a summary cease and desist order, shall remain in full force and effect. Further, during the process of reconsideration or appeal, any order or decision shall not be stayed. However, the presiding officer or the secretary before whom the case is may consider a motion for stay.

9 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill makes various changes to securities regulation laws, including increasing criminal penalties.

2011-0140h

Amendment to HB 299-FN

Proposed by the Special Committee on Public Employee Pensions Reform - C
Amend the bill by replacing section 1 with the following:

1 Method of Financing; Unfunded Accrued Liability. Amend RSA 100-C:13, III(d) to read as follows:

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity

accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the “unfunded accrued liability”. On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

2011-0160h

Amendment to HB 353-FN

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

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

3 Funding Source. In each year of the biennium ending June 30, 2013, the department of health and human services shall use existing appropriations to the department to fund the pilot program established in section 2 of this act. Notwithstanding any provision of law to the contrary, the department may transfer funds between and among PAU's within the department as may be necessary to fully implement the program with state funds pending the availability of federal matching funds.

2011-0318h

Amendment to HB 364

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 161-F:7, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a state committee on aging which shall consist of 18 members. The governor shall appoint 15 members with the approval of the **executive** council. Those appointed by the governor shall include at least one member from each county. The committee shall also include a legislator appointed by the chair of the oversight committee on health and human services, one representative appointed by the speaker of the house, and one senator appointed by the president of the senate. Each of the members shall serve for a term of 3 years except the legislative members' terms shall be co-terminous with their 2-year legislative terms. At least 8 members shall be 60 years of age or older at the time of their appointment~~[-, and not more than 8 members shall be of the same political party. Nine].~~ **A majority of the current** members shall constitute a quorum. No member shall serve more than 2 consecutive terms, and no member shall have a material financial interest in any agency receiving federal or other funds administered by the ~~[division]~~ **bureau** of elderly and adult services.

2011-0157h

Amendment to HB 375

Proposed by the Committee on Judiciary - C

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

AN ACT relative to immunity for school personnel using reasonable force to protect pupils.

Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) A teacher or person otherwise entrusted with the care or supervision of a ~~[minor for special purposes]~~ **pupil** is justified ~~[on the premises]~~ **during the care and supervision of the pupil** in using ~~[necessary]~~ **reasonable** force against any such ~~[minor]~~ **pupil**, when the ~~[minor]~~ **pupil** creates a disturbance, or refuses to leave the premises, or when it is necessary for the maintenance of discipline. **A teacher or person otherwise entrusted with the care or supervision of a pupil shall be immune from any civil or criminal liability for any act or omission performed in good faith and in accordance with this paragraph.**

2011-0269h

Amendment to HB 468-FN

Proposed by the Majority of the Committee on Resources, Recreation and Development - R

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Repeal. The following are repealed:

- I. 2010, 16:3, relative to payment for freshwater and tidal wetlands loss; version effective July 1, 2012.
- II. 2010, 16:5, relative to payment for stream or shoreline losses; version effective July 1, 2012.
- III. 2010, 16:7, relative to rulemaking; version effective July 1, 2012.

AMENDED ANALYSIS

This bill modifies the percentage rate of certain administrative assessments related to aquatic resource compensatory mitigation.

2011-0291h

Amendment to HB 479-FN

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

Amend RSA 151-H:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A receiver shall not be required to honor any lease, mortgage, or secured transaction entered into by the licensee of the facility if the court finds that the lessor, lender, or secured party entered into the agreement with the lessee for a fraudulent purpose or to hinder or delay creditors or the agreement is unrelated to the operation of the facility. If the court finds that the rental, price or rate of interest required to be paid under the agreement is in excess of a reasonable market-based rent, price or rate of interest at the time the agreement was entered into based on the specific circumstances of the licensee and the facility, the receiver shall not be required to pay the excess amount.

Amend RSA 151-H:6, II as inserted by section 1 of the bill by replacing it with the following:

II. The state shall have a lien for any loan under RSA 151-H:4, VII upon the following property: the building in which the facility is located; the land on which the facility is located; and any fixtures, equipment or goods used in the operation of the facility. Such lien shall be prior to any mortgage or lien which the court finds does not have to be honored by the receiver because it has been obtained for a fraudulent purpose, hinders or delays creditors or is unrelated to the operation of the facility, as provided in RSA 151-H:5, I. Such lien shall also be prior to a mortgage or lien held by any person with an ownership interest in the facility; or any person which controls or has the ability to directly or indirectly control to any significant degree the management of policies of the licensee or the facility; or any person related to the licensee or to the facility by any significant degree of common ownership or common control. The receiver shall cause notice of any lien created hereunder to be duly filed.

2011-0324h

Amendment to HB 519-FN

Proposed by the Majority of the Committee on Science, Technology and Energy - R

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

1 Powers and Duties of Commissioner; Reference Deleted. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III ~~[and allowance requirements of RSA 125-O:21 and RSA 125-O:22]~~, and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to

maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

2 Rulemaking Authority. Amend RSA 125-O:8 to read as follows:

125-O:8 Rulemaking Authority.

[F.] The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

~~[(a)]~~ **I.** The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

~~[(b)]~~ **II.** The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

~~[(c)]~~ **III.** Emissions ~~[and allowance]~~ monitoring, ~~[tracking,]~~ recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

~~[(d)]~~ The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations.

~~[(e)]~~ Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances.

~~[(f)]~~ Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers.

~~[(g)]~~ The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22.

~~II.~~ The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23.]

3 Compliance Dates. Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, ~~[and the subdivision for CO₂ emissions, RSA 125-O:19 through RSA 125-O:28,]~~ by December 31, 2006.

4 Non-Severability. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy ~~[or RSA 125-O:1 through RSA 125-O:18]~~ of this chapter, and to this end, the provisions of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter are not severable.

5 Compliance. The repeal of the regional greenhouse gas initiative program on January 1, 2012 under this act shall not affect each affected CO₂ source's obligation to satisfy the program's requirements for the compliance period ending December 31, 2011, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

6 Utility Cost Recovery. All prudently incurred costs of complying with the requirements of the former regional greenhouse gas initiative program by an owner of an affected CO₂ source that is a public utility pursuant to RSA 362:2 that provides electric distribution service pursuant to RSA 374-F shall be recoverable through the utility's default service charge in a manner approved by the public utilities commission.

7 Use of Funds. Notwithstanding the provisions of RSA 125-O:23, all moneys in the greenhouse gas emissions reduction fund as of July 1, 2011, and all subsequent moneys deposited into the fund, shall be allocated by the commission as an additional source of funding to electric distribution companies for CORE energy efficiency programs that are funded by system benefits charges.

8 Repeal. The following are repealed:

I. RSA 6:12, I(b)(272), relative to moneys deposited in the greenhouse gas emissions reduction fund.

II. RSA 125-O:3, III(d), relative to carbon dioxide cap.

III. RSA 125-O:19 through 125-O:28, relative to the regional greenhouse gas initiative.

9 Effective Date.

I. Sections 1-4, 6 and paragraphs II and III of section 8 shall take effect January 1, 2012.

II. Sections 5 and 7 of this act shall take effect upon its passage.

III. Paragraph I of section 8 of this act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill repeals New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. This bill also clarifies how the moneys in the greenhouse gas emissions reduction fund may be used.

2011-0408h

Floor Amendment to HB 519-FN

Proposed by Rep. J. Garrity

Amend the bill by deleting section 6 and renumbering the original sections 7-9 to read as 6-8, respectively.

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Sections 1-4 and paragraphs II and III of section 7 shall take effect January 1, 2012.

II. Sections 5 and 6 of this act shall take effect upon its passage.

III. Paragraph I of section 7 of this act shall take effect January 1, 2013.

2011-0067h

Amendment to HB 570

Proposed by the Committee on Fish and Game and Marine Resources - C

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2, respectively.

AMENDED ANALYSIS

The bill exempts persons licensed as operators of for-hire vessels for recreational fishing in coastal and estuarine waters from requirements from licensure as a guide.

This bill is a request of the fish and game department.

2011-0293h

Amendment to HB 590

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

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

AN ACT expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

AMENDED ANALYSIS

This bill expresses the position of the New Hampshire general court that federal grants-in-aid relating to matters not delegated to the government of the United States by Article I, Section 8 of the federal Constitution is an unconstitutional exercise of federal authority and that acceptance by the state of New Hampshire an unconstitutional surrender of its sovereignty contrary to Part First, Article 7 of the New Hampshire constitution. The bill also establishes a committee to review state participation in federal grant-in-aid programs.

2011-0277h

Amendment to HCR 23
Proposed by the Minority of the Committee on State-Federal Relations and
Veterans Affairs - R

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

A RESOLUTION urging the New Hampshire congressional delegation to support funding for the Portsmouth Naval Shipyard and to support the designation of a permanent line item in the regular defense budget for such funding.

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

Whereas, the Portsmouth Naval Shipyard is the oldest operating shipyard in the country; and

Whereas, the Portsmouth Naval Shipyard employs nearly 4,500 employees from New Hampshire, Maine, and Massachusetts; and

Whereas, as a major employer in the area, the Portsmouth Naval Shipyard is essential to the economic wellbeing and development of the seacoast; and

Whereas, failure to assist the Portsmouth Naval Shipyard with federal funds could damage this staple of the community; and

Whereas, the Portsmouth Naval Shipyard is a critical element in the country's defense infrastructure as one of the few places that nuclear submarines can be repaired; and

Whereas, the Portsmouth Naval Shipyard is one of only 4 nuclear facilities and at the present time it is impossible to site more; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring

That the house of representatives of the state of New Hampshire hereby urges the New Hampshire congressional delegation to support funding for the Portsmouth Naval Shipyard and to support the designation of a permanent line item in the regular defense budget for such funding; and

That copies of this resolution be forwarded by the house clerk to the members of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This resolution urges the New Hampshire congressional delegation to support funding for the Portsmouth Naval Shipyard and to support the designation of a permanent line item in the regular defense budget for such funding.

2011-0276h

Amendment to HR 9
Proposed by the Minority of the Committee on State-Federal Relations and
Veterans Affairs - R

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

A RESOLUTION supporting funding for public safety.

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

Whereas, the safety of communities in New Hampshire is of the utmost importance; and

Whereas, public safety programs are vital to maintaining the safety of communities in New Hampshire; and

Whereas, public safety programs and services such as first responders and street sweepers are necessary to maintain safe communities in New Hampshire; and

Whereas, certain funding in the federal budget has helped preserve public safety programs and services in New Hampshire; and

Whereas, such funding is in danger of being cut from the federal budget; now, therefore, be it

Resolved by the House of Representatives:

That federal funding for public safety programs and services be maintained in the federal budget; and

That the house clerk deliver copies of this resolution to the members of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This resolution supports federal funding for public safety programs.