

HOUSE RECORD

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

Vol. 33 Concord, N.H. Thursday, November 10, 2011 No. 70
Contains: Retained Bill Reports, Governor's Veto Messages on HB 218, HB 380, HB 474 and HB 542, Hearings, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will be called into Session on **November 30, 2011 at 9:00 a.m.** and on **December 14, 2011 at 10:00 a.m.** To aid you in your personal planning, please note that the House will take a winter break from business the week of February 27 – March 2, 2012.

Chairmen and Vice Chairmen will meet Tuesday, November 15th at 9:00 a.m. in LOB 305-307.

In an attempt to keep spending down, **House Calendars are no longer being mailed.** Printed copies will continue to be available at the State House. If you cannot access the Calendar via the website or do not have an email account, please notify the Clerk's office immediately. All members who have internet access are requested to hold down costs by accessing the Calendar online.

In November and December, we will maintain the same limitation on mileage reimbursement to Tuesdays through Thursdays for travel to Concord for legislative business. Mileage will not be paid on Mondays and Fridays except for statutory committees. The chairmen of legislative committees and subcommittees are required to limit hearings and work session to Tuesdays, Wednesdays and Thursdays of each week.

You are reminded that material is not to be placed in members' mailboxes in the anteroom behind the Chamber unless and until it has been approved for such distribution by House Chief of Staff Bob Mead.

Groups wishing to sponsor events in the State House Cafeteria must first contact Director of Operations Doug Dolcino (271-3323) to avoid conflicts in the schedule. Members should not agree to sign calendar notices for such events unless they are sure this has been done. Your cooperation in this regard is appreciated.

The **LOB parking garage will reopen on November 15th.**

William L. O'Brien, Speaker

NOTICE

The House Calendar will close on Thursdays. Members and staff who need to schedule

meetings should make arrangements with the Clerk's Office for room availability and publication of meeting notices. Please note Calendar **will close on Thursdays at noon.**
CLOSES NOON THURSDAY:
November 17

AVAILABLE FRIDAY:
November 18
Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Wednesday, January 11, 2012

Last day to introduce HBs for 2012 session.

NOTICE

LAID ON TABLE

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. (Pending question: OTP.)

CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. (Pending question: OTP – third reading.)

HB 154-FN-A, increasing a threshold amount for taxation under the business enterprise tax. (Pending question: OTP/A – third reading.)

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

HB 213-FN-A, reducing the rate of the business profits tax. (Pending question: OTP/A – third reading.)

HB 292-FN, relative to securities regulation. (Pending question: adoption of majority committee amendment.)

HB 343-FN, establishing a permanent state defense force. (Pending question: adoption of majority committee report of inexpedient to legislate.)

HB 421, relative to candidates for United States senator. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 484-FN, requiring random drug testing of food stamp program participants. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 485-FN, relative to requiring photo identification for food stamp program participants. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 573, relative to the administration of certain pain relief medications by a school nurse. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 577, relative to the use of foreign languages by retail establishments. (Pending question: adoption of committee report of inexpedient to legislate.)

HCR 13, urging the New Hampshire delegation to support HR 459 and S. 202 requiring a comprehensive audit of the Federal Reserve.

HCR 15, urging our federal senators to vote against the Law of the Sea Convention. (Pending question: adoption of committee report of ought to pass with amendment.)

SB 3-FN-A-L, making comprehensive changes to the state retirement system. (Notwithstanding the Governor's veto shall SB 3 become law.)

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Pending question: adoption of the committee report of inexpedient to legislate.)

SB 88, relative to physical force in defense of a person and relative to the brandishing of a

firearm or other means of self-defense. (Floor Amendment 2011-2235h)
SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Pending question: ought to pass.)

RETAINED BILL REPORTS CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie A Porter for Children and Family Law: This bill would allow a non-accused parent access to third party records (police reports, counseling records) in the possession of DCYF within the context of a parental rights and responsibilities proceeding; under current law, a non-accused parent may petition the court for such records. The committee worked with DCYF to develop language to allow the non-accused parent automatic access to third party records; however, the committee is concerned with the unintended consequences of such a provision, particularly in the area of medical or psychiatric records. The committee notes that the non-accused parent is not without remedy under current law; rather, that he or she must petition the court to do so. The committee further notes that the person involved in the underlying abuse and neglect case which gave rise to this bill would not be remedied by the proposed solution, as he was an accused parent who would have access to the third party records under current law. For these reasons, the committee recommends ITL for this bill. **Vote 12-1.**

HB 506-FN, relative to false allegations of child abuse. **REFER FOR INTERIM STUDY.**

Rep. Marjorie A Porter for Children and Family Law: This bill directs the court to deny parental rights and responsibilities to a parent who has knowingly made a false statement of child abuse and inserts a misdemeanor criminal penalty in RSA 169-C for knowingly making a false statement of child abuse. Current law (RSA Chapter 641 falsification in official matters) provides for criminal penalties (felony and misdemeanor) for perjury, false swearing, unsworn falsification, false reports to law enforcement, witness tampering, and falsification of evidence. The committee examined and received information regarding the Citrus County, Florida, program relating to false allegations of child abuse. While the program appears successful, the committee, as well as DCYF, believes that the program raises many unanswered questions, particularly regarding the use of law enforcement in such matters. The committee also notes that Citrus County is the only county utilizing such a program and that its program did not require statutory changes to implement. The committee also considered the inclusion of a statement regarding false allegations of child abuse when a person makes a report to DCYF. Because everyone in New Hampshire is required by law to report suspected abuse and/or neglect, the committee is concerned that such a statement might have a chilling effect on people making good faith reports. However, the committee feels that such false allegations should not be made with impunity, and the committee felt that interim study would allow for review of possible practical remedies.

Vote 16-0.

HB 587, relative to grounds for divorce for persons with minor children. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for Children and Family Law: This bill permits no fault divorce based on irreconcilable differences only if the parties do not have minor children. The number of divorces in NH to parties with minor children has been steadily declining over the last 10 years from 3,218 in 2001 to 2,335 in 2010, a drop of 27.4%. The vast majority of all divorces are based on irreconcilable differences – the average for the last 10 years is 98.7%. This bill would force parents to “blame” one another in order to obtain a divorce or to force couples with minor children to remain married even though the marriage may be

irretrievably broken. The committee was concerned about the negative consequences that could arise from the implementation of this bill, most notably being the effect on children of forcing one parent to be labeled “the bad parent”, or conversely, the effects of trauma on the child of continuing to live in a household with two parents who do not want to be together. The committee believes that the bill creates a formula for conflict which might serve as a disincentive to marriage; the committee notes recent studies which employ a number of metrics that confirm that children of unwed parents do not fare as well as those of married parents, thus the bill would encourage poorer outcomes for children. The committee was also concerned about the effect a divorce for fault would have on the awarding of alimony – evidence of fault can affect alimony according to RSA 458:19, IV (b). This bill did not have a fiscal note but information from the courts suggests that there would be a fiscal impact. The average divorce trial in a divorce for cause lasted 364 minutes and incurred \$661 in judge costs. Extrapolating only the cost of the judge time for the average number of cases would amount to \$160,900 per year. The committee supports the goal of strengthening marriages for the sake of all involved especially the minor children but we believe the unintended consequences of this bill are not in the best interest of children. **Vote 16-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 96, relative to issuance of individual health insurance policies by health carriers.

INEXPEDIENT TO LEGISLATE.

Rep. Donald H Flanders for Commerce and Consumer Affairs: The intention of this bill was to address a problem that the one health insurance company that sells into the individual and the group market has discovered-that younger and healthier employees who were originally signed up for group insurance were suddenly canceling their participation in the group market and were showing up in the individual market. Although the committee is very concerned about this scheming by employers attempting to regulate this caused more problems and was just not fixable. **Vote 15-0.**

HB 125-FN, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Frederick C Rice for Commerce and Consumer Affairs: The committee recommends interim study to enable an expanded analysis of the issue, to include additional testimony from industry witnesses and to ensure compliance with New Hampshire law. **Vote 12-0.**

HB 126-FN, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: Due to continued federal court activity with the affordable care act and the uncertainty of future federal legislation the committee felt this bill was not ready for prime time. Redundancy with other filed and open New Hampshire legislation was also a factor in this decision. **Vote 12-0.**

HB 171, relative to restrictions on liquor licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill prohibits the liquor commission from imposing restrictions on on-premises licenses relating to clothing or appearance of patrons or employees. This bill allows revocation of on-premises license for violations of law and/or imposition of a fine. **Vote 12-0.**

HB 234-FN-A, relative to food service licensure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: The final version of this bill clarifies the suspension of food service licensure, and removes over burdensome regulations. The bill goes further to establish a committee to study the regulation of food service establishments and licensure requirements. The committee amended the bill to remove the establishment of a dedicated fund thereby negating the fiscal note on the original bill. **Vote 16-0.**

HB 241, relative to insurance coverage. **REFER FOR INTERIM STUDY.**

Rep. Matt J Quandt for Commerce and Consumer Affairs: The bill allows consumers and insurance carriers to create a free market option in health insurance. The committee believes that this bill needs more study in how it affects the states consumer protection negotiations and insurance business practices. **Vote 13-0.**

HB 244, restricting the collection of biometric data by state agencies and private entities. **REFER FOR INTERIM STUDY.**

Rep. Frederick C Rice for Commerce and Consumer Affairs: The intent of this bill is laudable, but it presents numerous potential problems in terms of definitions, specific exemptions, and applicability. Additional work is needed to clarify these issues so that they will stand up to intense scrutiny when implemented. **Vote 15-1.**

HB 247, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: The bill adds exemption to licensure law regarding mortgage bankers and brokers for persons who negotiate no more than three mortgages in a calendar year. It also removes duplicate requirements for licensure for those licensed under various other RSA's. The bill also eliminates conditional language included in SB 28, Chapter 212, 2011 passed earlier in this session, that has been resolved by HUD issued interpretative language of the SAFE act. **Vote 16-0.**

HB 263-FN, relative to the lifetime Medicaid limit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill as amended changes the current law of 60 months limiting payments for the family assistance program by decreasing the number of months to a consecutive 36 month period, and a lifetime limit of 36 months. This will bring New Hampshire in line with other states. The amendment also includes a grandfathering clause of 60 months for persons currently receiving assistance from this program prior to the effective date of this act. **Vote 14-1.**

HB 324, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill exempts goods and services sold, made, and retained in New Hampshire from federal law and regulation. The committee is interested in finding a manufacturer who is interested in implementing this law so the committee decided to keep this bill. **Vote 13-0.**

HB 327-FN, relative to health care choice. **INEXPEDIENT TO LEGISLATE.**

Rep. James F Headd for Commerce and Consumer Affairs: Passage of this bill would establish two sets of rules: The issuing state's rules may conflict with the rules of the state in which the insured resides. This will create an uneven playing field between various insurance enforcement agencies. Each state has its own insurance department and enforces rules peculiar to their state. This bill creates conflict. **Vote 15-0.**

HB 328, relative to New Hampshire domestic liquor and wines. **REFER FOR INTERIM STUDY.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: The committee is pleased to report the New Hampshire liquor commission is working with the New Hampshire wineries to address this issue on their own. Evidence of this can be seen currently in multiple locations. For this reason the committee voted to interim study this bill to continue to monitor these efforts and recommend future legislation should the need arise. **Vote 14-1.**

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This bill expands choices for New Hampshire citizens who have an individual insurance plan, while creating a framework for small group insurance plans to also choose to expand choices for their customers.

Insurance companies recognize only medical doctors, nurse practitioners and doctors of osteopathy for reimbursement as "primary care providers," and so naturopathic doctors are

not included in these groups. This bill won't change that, but it will encourage insurance companies to add naturopathic doctors to their groups. This bill will include coverage for naturopathic doctors in individual plans, so individuals will be able to choose a naturopathic doctor as their primary care physician. Naturopathic doctors are licensed physician-level doctors, hold pre-med bachelor's degrees, attend four year medical schools, and receive the same primary care education and training as medical doctors and osteopathic doctors. Importantly, this bill only establishes that insurers shall recognize naturopathic doctors as primary care providers and reimburse for those primary care services that are already covered when an individual sees his or her primary care physician, nurse practitioner or doctor of osteopathy. The majority thinks that consumers in the individual market should have this choice and that insurance companies should consider adding naturopaths to their groups to extend consumer choice and potentially reduce the cost of services. **Vote 16-0.**

HB 394-FN, relative to the regulation of oil heating technicians. **INEXPEDIENT TO LEGISLATE.**

Rep. Frederick C Rice for Commerce and Consumer Affairs: ITL is recommended by the primary sponsor since a similar bill is being processed by the Executive Departments and Administration Committee. **Vote 14-0.**

HB 408, relative to residential mortgage loan transactions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill clarifies the exemption for attorneys from licensing requirements for mortgage brokers or bankers. It allows attorneys to provide advice to their clients so long as they are not the mortgage originator.

Vote 14-1.

HB 440-FN, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: After much deliberation, the committee is convinced that the House position is the correct one. While the list of problems with the affordable care act are lengthy it is not the committee's intention to argue these issues, but only to confirm the house position to join the lawsuit challenging federal health care. **Vote 13-2.**

HB 445-FN, relative to the regulation of electronic tracking devices. **REFER FOR INTERIM STUDY.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: Per the request of the prime sponsor and with the support of the full committee present to vote the bill is recommended for Interim Study for further review due to many issues raised in multiple meetings throughout the year. **Vote 14-0.**

HB 578, relative to payment at time of medical services. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth N Gidge for Commerce and Consumer Affairs: While the committee felt the intention of the bill was rational, as a practical matter it would not work. Simple medical procedures may possibly be accommodated but more complicated procedures would not. Costing of many procedures can be found on websites of the insurance department, health and human services department and the sites of several insurance companies. This should adequately serve the health consumer in New Hampshire. **Vote 16-0.**

HB 619-FN, requiring the state of New Hampshire to opt out of the requirement that individuals purchase health insurance contained in the Patient Protection and Affordable Care Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill would require the commissioner of the department of health and human services to develop a plan to allow the state of New Hampshire to opt out of the Patient Protection and Affordable Care Act which would require a plan comparable, the only difference being that the state would administer it, not the federal government. **Vote 12-0.**

HB 633, preventing prescribing practitioners from owning pharmacies in-state and out-of-state. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill was brought forward with the good intent of correcting some conflicting RSA's regarding ownership of pharmacies. The committee felt that some areas of ownership, such as the status of veterinarians, was not adequately covered and it was felt this bill was not ready to pass at this time. **Vote 12-0.**

HJR 2, prohibiting the implementation of the insurance department rules regarding the New Hampshire Medical Malpractice Joint Underwriting Association. **REFER FOR INTERIM STUDY.**

Rep. James F Headd for Commerce and Consumer Affairs: Although the rules request has been withdrawn, the committee believes that there are several unresolved issues that have not been addressed and wishes to retain the bill for further review. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 127-FN, relative to the definition of oral communication. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill as amended simply clarifies the definition of "oral communication" in the wiretapping and eavesdropping statute, specifying that any expectation of privacy must be reasonable. This had bi-partisan support in response to testimony on incidents of abuse of the wiretapping law in public areas. **Vote 17-0.**

HB 138-FN, relative to the cold case homicide unit. **OUGHT TO PASS.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill repeals the session law inserted by HB 690-FN, Chapter 269, of the 2009 legislative session establishing the cold case homicide unit with a prospective repeal date of July 1, 2013, and establishes the cold case homicide unit and a non-lapsing cold case homicide unit fund within the department of justice. This bill repeals the sunset provision in the original bill and allows the cold case unit to continue for as long as funding allows. **Vote 16-1.**

HB 283-FN, relative to impaired drivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill is the result of a three year study which included HHS, Judicial Branch, law enforcement, treatment providers, victim's advocates and other interested parties. The Multiple Offender Program (MOP) was eliminated in 2010; offenders currently are referred to programs contracted by HHS. HB 283 establishes Impaired Driver Care Management Programs (IDCMP) in which offenders will complete substance use disorder evaluation, comply with a service plan developed by evaluation and complete an impaired driver education program. The offender will be responsible for paying for IDCMP, but indigent offenders may avail themselves of publicly-available programs. Successful completion will allow the offender to seek license restoration. It is important to note that HB 283 requires HHS to approve and monitor all IDCMP's. HB 283 does NOT change underlying DWI penalties. HB 283 also includes the current ignition interlock installation requirement within the aggravated DWI penalty statute to explicitly direct courts to utilize the interlock program. HB 283 will likely save money: The department of health and human services indicates that IDCMP can be implemented with current resources and courts will benefit by receiving and disposing of DWI cases more expeditiously. County corrections facilities will benefit by offenders serving shorter sentences and offenders may receive a suspended sentence in exchange for participation in IDCMP. **Vote 17-0.**

HB 553, relative to the law on wiretapping and eavesdropping. **REFER FOR INTERIM STUDY.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee felt that the intent of the bill, which is to update language in the wiretapping and eavesdropping statute to reflect modern technology, is good. However, we felt that other bills still in play referencing the statute should be decided first. **Vote 17-0.**

EDUCATION

HB 34-FN-L, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph W Fleck for Education: The intent of this bill was satisfied with passage of the education funding legislation during the 2011 session. **Vote 13-0.**

HB 179, establishing a task force to study the formula for determining adequate education grants to school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph W Fleck for Education: The house and senate considered the formula as part of the process leading to the education funding legislation passed by both houses in the 2011 session. The committee received considerable input urging stability and predictability for school district budgeting and believes further changes are not necessary. **Vote 13-0.**

HB 296, relative to procedures for juvenile delinquency petitions filed by a school district or school official. **REFER FOR INTERIM STUDY.**

Rep. Kathleen A Lauer-Rago for Education: The committee believes that this subject needs further study. **Vote 12-0.**

HB 301-FN, amending the home education statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education: There were three bills dealing with home education, even though it was felt that this bill had some good points, the committee decided that HB 545 was the vehicle to use for changing the home education statute. **Vote 14-0.**

HB 318-FN-L, reducing a school district's liability for special education costs. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Balboni for Education: This bill sought to change the catastrophic aid minimum threshold for reimbursement of school district special education costs from 3 ½ times to 2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. It was hoped that by decreasing this threshold, more school districts would receive catastrophic aid. However, the committee determined this would not appreciably increase aid to school districts without a significant increase in the catastrophic aid pool. Distributing a fixed total amount to more special education students would result in even lower reimbursement percentages than we have now. **Vote 14-0.**

HB 545, repealing the department of education's rulemaking authority for home education programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G Boehm for Education: This bill as amended gives the home education advisory council the final say for all rules for home education and allows for one time notification if you are going to home school. It prevents school districts from making policies that are inconsistent or more restrictive than the home education statute and makes the two state representatives and senator non-voting members of the council in order to keep the council fairly balanced. **Vote 13-1.**

HB 604, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education: In 2010, a moratorium was put on school building aid awards in an effort to provide an opportunity to establish needed policy for the review and approval of new and renovation construction, and most importantly, to slow down the long term growth in school building aid costs. There is growing statewide recognition that the state needs to adopt a procedure based upon an annual priority listing of new and renovation construction projects premised upon established criteria and conditions. This bill sets in place a system in which submitted applications for school building aid are rank ordered in accordance with criteria such as: unsafe conditions; obsolete, inefficient or unacceptable facilities or mechanical and building systems; overcrowding and associated influences to instructional areas and programming; enrollment projections and population shifts; and criteria to determine if a school district has made a reasonable attempt to accommodate maintenance and achieve the design life expectancy of building systems and components. Successful application will complete a rigorous review process involving the department of education, administrative appeal if necessary, the school building authority, and the state

board of education. All rules necessary to implement this process shall be adopted pursuant to RSA 541-A. Available resources will determine the number of designated projects to be funded during any one funding cycle. In summary, this bill changes the new and renovation school building aid application and approval process by moving New Hampshire to a priority based model that enables the state to remain in sync with whatever resources are made available in a funding cycle. **Vote 14-0.**

ELECTION LAW

HB 152, relative to the definition of "party" for election purposes other than primary elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Regina M Birdsell for Election Law: This bill modified the definition of "party" for election purposes other than primary elections. This modification would have lowered the requirement from 4% of the vote to 2% of the vote in an election for governor or U.S. senator for a party to retain ballot access. Alternatively, a party would be defined as such by submitting nomination papers. The secretary of state's concern with this bill was that it would increase the costs of printing ballots because of a necessity to add party columns and create the potential for multiple page ballots. The committee will be reviewing a comprehensive ballot reform bill that would help to answer some of the concerns expressed by members of the committee and the secretary of state. **Vote 19-0.**

HB 153, relative to political organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Regina M Birdsell for Election Law: This bill establishes alternative methods for political organizations to be recognized as parties for election purposes other than primary elections while reducing the number of names required to nominate a candidate by nomination papers. A concern expressed by the committee was that only 3,000 voters (or 4% of registered voters) registering as affiliates of a political organization would be needed to qualify as a party. A concern by the secretary of state's office was the potential of multiple organizations attempting to register as the same name (i.e., tea party) and causing voter confusion. The committee will be reviewing a comprehensive ballot reform bill that would help to answer some of the concerns expressed by members of the committee and the secretary of state. **Vote 17-0.**

HB 515-FN, relative to voter registration and relative to procedures for absentee voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M Hoelzel for Election Law: There are many issues in this bill that need further consideration. Information needing attention was not brought forth. The matter of affidavits during voter registration needs further investigation because there have to be alternatives for voters who do not have picture identification. **Vote 19-0.**

SB 190, relative to the duties and membership of the executive branch ethics committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shaun S Doherty for Election Law: This bill changes the number of members present needed to dismiss a complaint brought to the executive branch ethics committee from 5 to 4. This change will help eliminate potential for backlogs of complaints and help the committee better address complaints that are found to have merit. The amendment strikes language that would have removed notification to the accused that an ethics complaint was filed against them. They would only find out in the event the complaint is not dismissed. This language also would have shielded the identity of the complainant from the accused until after the committee's initial review. **Vote 19-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 193, relative to the Mount Washington commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T Hansen for Executive Departments and Administration: The bill, as amended, amends the composition of the Mount Washington commission and requires the commission to submit the master plan to the governor and council every ten years on January 1. It also requires the Mount Washington commission members and the commissioner of the

department of resources and economic development to reevaluate the structure and duties of the commission. There is no financial impact to this bill. **Vote 17-0.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill was retained because its repeal of broad rule-making authority could have widespread unintended consequences, and without further analysis no-one was certain what they would be. With the help of the affected agencies and members from Constitutional Review and Statutory Recodification, 19 instances of overly broad rulemaking authority were repealed completely and 21 more replaced by specific, narrowly focused authority, including specifying fees or the parameters for allowable fees. The committee amendment also ensures that existing rules remain valid and that the programs operating under them – including Medicaid – are not affected by the change in rule-making authority. **Vote 16-0.**

HB 260, relative to the state fire code and the appeal process for decisions of the state fire marshal. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D Pratt for Executive Departments and Administration: The contents of this bill have been incorporated into HB 137 making HB 260 unnecessary. **Vote 12-0.**

HB 310-FN, relative to the use of open data formats and the adoption of a statewide policy regarding open government data standards. **INEXPEDIENT TO LEGISLATE.**

Rep. Randall A Whitehead for Executive Departments and Administration: This bill is not needed held because its content is included in HB 418 which is going through and is presently active in the Senate ED&A Committee. Thus, HB 310 should be killed. **Vote 15-0.**

HB 332-FN, relative to an electronic controlled drug prescription monitoring program. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration: This sponsors of this bill testified that there is a growing problem of prescription drug abuse. Persons are known to travel from doctor to doctor or to hospitals seeking prescription pain killers. This bill would set up a monitoring program which would set up and keep a data base (as exists in neighboring states) gathering information from pharmacies whenever prescription pain killers are dispensed. However there are issues of privacy, determining the extent of the problem, which drugs would be monitored and paying for the program. So regardless of the merits of the bill the committee felt that further study was needed to craft a bill that both accomplishes the goals and meets the concerns. **Vote 16-0.**

HB 350-FN, updating laws relative to the fiscal committee of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill was introduced at the request of the fiscal committee of the general court to streamline the responsibilities of that committee. The amendment (1) reflects changes made in HB 2 in re the dissolution of the postsecondary education commission, (2) reflects changes made in SB 65 transferring the involvement of the fiscal committee in negotiations for court facilities to the department of administrative services, (3) deletes reference to the aid for veterans programs to reflect the fact that any changes made to this program always involve proposed legislation, (4) adds language to ensure that when the supreme court recommends changing part-time status to full-time status for either district court justices or probate judges, "Prior to making its request, there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional....judge." The amendment also removes fiscal committee oversight of the Pease development authority rule-making authority relative to the setting and collecting of fees because current statutes already specify the parameters for setting the fees. **Vote 12-0.**

HB 449-FN, expanding the information available on the state transparency website. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T Hansen for Executive Departments and Administration: This bill insures transparency within the departments and clearly allows the public access to many matters within the state government. The initial intent of this bill was to expand the information available on the state's transparency website. The committee determined that the bill contained elements that were not applicable to NH and that the sheer volume of information proposed to be included in the transparency site was prohibitive. The amendment charges the existing legislative oversight committee to monitor compliance with the requirements of RSA 9-F:1, the state transparency website. The committee will report annually its findings and recommendations for additional needed legislation. In addition it will expand content, insure usefulness of the information, protect privacy and control the costs. **Vote 12-0.** **HB 458-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill establishes a "sunset law" for state of New Hampshire executive agency and judicial programs that are not exempt. It creates a joint legislative committee to review those programs, oversee the "sunset" process, and conduct an ongoing review of legislative oversight procedures. The sunset committee is required to submit a termination schedule for all executive agency and judicial programs by January 1, 2013. Every program is scheduled for review every 8 years. **Vote 15-1.**

HB 480-FN, establishing a state renovation, repair, and painting (RRP) rule program relative to lead-safe practices. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: This bill would create a lead paint program run by the state but effectively under the control of the EPA. The committee recommended ITL because 1) it duplicated the federal program with a state level program; 2) it cost money with no apparent benefit; 3) the industry opposed the bill because most players had already obtained EPA licenses; 4) even the agency seemed less than enthusiastic about the program. **Vote 12-0.**

HB 517-FN, repealing provisions concerning licensure of fuel gas fitters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration: This bill merges the plumbers and the gas fitters boards and updates the administrative procedures of both boards. Licenses will be granted by sub-specialty; rule making, definitions, inspections, and fee structure will be made consistent. This bill was crafted with the cooperation of the fire marshal, the department of safety and industry representatives. **Vote 14-0.**

HB 624, relative to the rulemaking authority of state agencies to establish or increase fees and costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill changes the administrative rules process to prohibit accepting any fee that does not have specific authorization in statute. Since at this time there is no database of fees set in rules, the committee was unwilling to implement it without knowing which fees would be disallowed. A preliminary search found almost 400 statutes that authorize setting fees in rules, and Dartmouth Public Policy Research has accepted the challenge of researching all the rules that set fees. The committee amendment creates a study committee to use this research, analyze the statutes and rules that set fees, consider the process of setting fees in statutes, and develop legislative recommendations for next session, specifying in statute the necessary fees now set in rules. The effective date of the process change is moved to July, 2013 to allow the study committee's recommendations to become law. **Vote 16-0.**

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration: This bill is necessary to bring state statutes into conformity with the requirements of the federal Dodd-Frank Reform Act. Without this bill, New Hampshire residents would not be able to get mortgages from

federally insured institutions after January 1, 2014. The major change accomplished by this bill is the registration of real estate companies. There are several other minor changes such as license terms, reciprocity and updating the organization whose industry standards are to be used. The committee also amended the bill to make the complaint procedures parallel to those of similar professions. **Vote 16-0.**

FISH AND GAME AND MARINE RESOURCES

HB 294, relative to the distance from highways for the taking of moose. **INEXPEDIENT TO LEGISLATE.**

Rep. Elisabeth N Sanders for Fish and Game and Marine Resources: The committee felt that the issue of a few hunters who mistakenly shot a moose less than the lawful 300 feet from the roadway does not warrant any change to existing law. All moose hunters chosen in the lottery system are required to take a special moose hunter course and then they have the opportunity to ask any questions that they may have, including the 300 foot distance requirement. The existing distance should not be reduced as it allows for a balance between the hunting of moose and the observation of moose in the wild. The moose season is only 9 days long in mid-October. **Vote 10-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 493-FN, relative to the certification of integrated residential communities. **REFER FOR INTERIM STUDY.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: Integrated residential communities offer a residential choice for individuals with developmental disabilities, mental illness or traumatic brain injury that is certified and recognized by the department of health and human services as a service delivery alternative to community living facilities and day programs certified under RSA 126-A and residential care facilities licensed under RSA 151. The law and rules as currently constructed do not quite fit this residential classification. It was felt, by the committee, that there is merit in continuing to work on the proposal to be sure there are adequate protections for both the communities and the residents. **Vote 17-0.**

JUDICIARY

HB 151, relative to appointments and reappointments of marital masters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian JX Murphy for Judiciary: Last session the House passed HB 609 (Chapter 88, Laws of 2011) establishing a NH circuit court. This became law on July 1st. The family court division is now a part of the circuit court. In light of this reorganization, HB 151 clarifies the roles and responsibilities of judicial officers presiding over family law matters. The bill specifically provides that no new marital master contracts shall be entered into by the state and no existing marital contracts shall be renewed by the state on or after the date this bill becomes law. **Vote 15-1.**

HB 315, relative to appointment of attorneys by judges, marital masters, and judicial officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for Judiciary: This bill purported to address abuses in the manner in which judicial officers appoint attorneys to represent indigent parties or otherwise unrepresented interests. While the committee appreciated the general concept of the bill it was unable to conclude that there were abuses in the area of appointments such that passing additional legislation was necessary. **Vote 16-0.**

HB 344-FN, establishing a judicial performance review commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H Rowe for Judiciary: This bill was filed to establish an independent commission to evaluate the performance of judges. However, as filed, it would result in an additional and costly independent commission. The committee believed that a more prudent approach would be to improve the current judicial performance evaluation program, making

it more effective. As such the bill has been amended to expand and change the current judicial branch evaluation program by adding non judicial branch members to the current system, and expanding and enhancing the scope of the performance review survey methods so that a greater citizen response will be obtained. Further the amendment authorizes the naming of judges who perform poorly. **Vote 16-0.**

HB 443-FN, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M Peterson for Judiciary: The committee is recommending passage of HB 437, which covers all the same material. Both were not needed. **Vote 17-0.**

HB 527, relative to tort reform. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: This bill would impose limits in awards of non-economic damages, contingent attorney's fees, liability for civil damages of providers of emergency care, and damages for wrongful death. It is a well meaning tort reform proposal crafted after the successful Texas tort reform. It must be stated that our state has never been noted as awarding excessive jury verdicts, just the opposite. The committee has had numerous occasions over recent years to note that New Hampshire does not have the problems noted in other states of frivolous personal injury litigation and excessive verdicts. Moreover, the reforms sought by this bill, which take the form of limitations on plaintiff recoveries, appear to the committee to conflict with Part I, Article 14 of the New Hampshire Constitution, which entitles every person to "a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character...completely, and without any denial..."

Vote 16-0.

HB 574, relative to the taking of private property during a state of emergency. **OUGHT TO PASS.**

Rep. J. Brandon Giuda for Judiciary: The bill repeals the law enacted after September 11, 2001 that allows the government to take private property from citizens during a state of emergency, including such things as food, fuel, vehicles, bedding, medicines, medical supplies, etc. This law represents a tremendous over-reach of government power that contravenes the natural right of citizens to acquire, possess and protect property as guaranteed in Article 2 of the New Hampshire Constitution. This law was passed over the objection of the past-director of the office of emergency management who properly testified that this law represented a major improper transfer of power away from elected leadership to appointed officials. The committee believes that the constitution encourages personal responsibility and as such, believes that citizens who properly prepare for emergencies should not be placed in an inferior position because others, including government officials, have failed to properly anticipate a need. **Vote 16-0.**

HB 599, relative to appointments and reappointments of marital masters.

INEXPEDIENT TO LEGISLATE.

Rep. Brian JX Murphy for Judiciary: This bill sought to create renewable terms for marital masters. Based on the creation of the New Hampshire circuit court, and pursuant to the clarifications regarding marital masters in HB 151A, there is no longer a need to legislate on the appointments and re-appointments of marital masters. **Vote 16-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 236, relative to workers' compensation for illegal aliens. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The title of the bill sounds simple. However, a standing New Hampshire Supreme Court decision combined with a myriad of other issues makes this bill too difficult to write in the time frame given. It was the request of the sponsor to amend the bill to establish a study committee on the issue. The report of the committee is due on 11/1/12. **Vote 13-0.**

HB 420-FN, relative to voluntary registration for independent contractors under workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This bill consolidates the original 12 item criteria established five years ago to a seven item criteria. The change combines some criteria and removes others in an effort to more clearly define which individuals may be clarified as employees and which individuals may be clarified as independent contractors. **Vote 15-0.**

SB 49, relative to tip pooling arrangements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The bill revises the current tip pooling law, creates a new section on tip sharing and defines employer coercion. The original legislative intent that tips are wages and the property of the employees, was left intact. In addition, business owners can now offer advice and mediate disputes at the employees' request regarding tip pooling or tip sharing. **Vote 13-0.**

LEGISLATIVE ADMINISTRATION

HB 357-FN, suspending the payment of travel expenses for legislators and staff.

INEXPEDIENT TO LEGISLATE.

Rep. David H Kidder for Legislative Administration: At a pay rate of \$100/year less taxes and other costs, legislators essentially volunteer their time and energy to serve in the New Hampshire General Court. They are only reimbursed for mileage to and from Concord and to and from statutory committees that they might serve on. A legislator's constituent needs aren't constrained by day, month or season. The capacity, interest and ability of any legislator to act on behalf of their constituents therefore, should never be arbitrarily limited or constrained by process and especially where constituent interests may require more travel and expense than provided pursuant to RSA 14:15-a for attendance on session days in Concord or for attendance at scheduled meetings of committees on which the member sits or before which the member is appearing for legislative business. Suspending payment of travel expenses for legislators and staff therefore would only serve to further to limit the capacity of members to serve their constituents and for staff to serve the needs of the members of the General Court. The capacity of the General Court as a whole to serve the interests of the residents of New Hampshire would be diminished should the policy change desired by this proposal be implemented. This bill should therefore be deemed Inexpedient to Legislate. **Vote 11-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 108, authorizing the town of Hampton to appoint a tree warden. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The original bill was specifically for the town of Hampton and the committee voted to put HB 108 into retained status to create a generic bill for appointing tree wardens by local municipalities. Currently any tree warden is nominated by the governing body and the director of the division of forests and lands within the department of resources and economic development then appoints the tree warden. The division also has oversight authority now to control, acquire, record, and remove trees within any municipality. The amendment allows any municipality to appoint a tree warden and removes the oversight from the division of forests and lands. The full committee agreed to the amendment to give local control regarding tree wardens to the local governing bodies. **Vote 16-0.**

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P Belanger for Municipal and County Government: Current statute provides for a municipally approved tax exemption on property taxes based on financial status and disability as determined by the social security system. It is moot on disabled who are not on the social security system. This bill, as amended, uses the social security criteria to determine disability for those who are not on social security. Municipal approval is still

required and the financial criteria remains the same. This simply corrects an injustice to those who were not on the social security system during their employment, and allows them to apply for the tax exemption with proof of disability using the social security system criteria. **Vote 16-0.**

HB 232-FN, relative to abandoned homes in manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: This bill was an attempt to fix a problem that mobile home parks have had with several towns when they attempted to remove abandoned mobile homes that have little value, when the town will not allow their removal with the payment of all past due taxes and fees. After many suggestions by the proponents of the bill, the committee voted unanimously to recommend inexpedient to legislate because all the solutions proposed would have created new problems. **Vote 16-0.**

HB 250, establishing a committee to study the duties and responsibilities of fire wardens. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W Moore for Municipal and County Government: This bill was to establish a committee to study duties of fire wardens. The statutes cover those areas very well and there is no need at this time for a study committee. **Vote 16-0.**

HB 352, relative to merger of lots or parcels. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P Lockwood for Municipal and County Government: The subject matter of this bill was added to SB 316 and was passed during the last session. Therefore this bill is unnecessary. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 268-FN, relative to the Merrimack tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W Seidel for Public Works and Highways: The committee decided it was not the time to change the toll situation at Exit 12 but to review the overall toll situation at a later date when the state's financial status improves. It may be covered as the ten year highway construction plan is reviewed. **Vote 12-0.**

HB 287-FN-A, making an appropriation for funding disaster relief and hazard mitigation in response to the May 2006 Suncook River avulsion. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Graham for Public Works and Highways: HB 25 (the capital budget) provides money for mitigation and disaster relief in the affected area. This money will also be used to leverage federal funds for the same purpose. The committee retained HB 287 to ensure that there was a vehicle available to fund the required actions in the event that the monies were deleted from the capital budget. Since HB 25 has become law, with the monies intact, this bill is no longer required. **Vote 12-0.**

HB 371-FN-A, relative to capital appropriations to the liquor commission for facilities on Interstate Route 93 in Hooksett and improvements to existing stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G Chandler for Public Works and Highways: This bill, relative to a capital appropriation to the liquor commission for facilities on Route 93 north and southbound in Hooksett, is not needed as the committee agreed with the concept and put the project and a capital expenditure in the capital budget which took effect July 1st. **Vote 12-0.**

HB 638-FN, relative to access to public buildings by brick or stone walkways. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W Seidel for Public Works and Highways: Now is not the time to add new requirements to the construction of public walkways although we are always concerned with the safety and convenience that a smooth sidewalk surface brings to the ability of handicapped individuals to use the walkways. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 256-FN, relative to the administrative appeals process of the department of environmental services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher J Ahlgren for Resources, Recreation and Development: This amended bill makes 2 important changes to enhance the fairness and cost effectiveness of the administrative appeals process at the department of environmental services. At present, appeals are heard by volunteer councils. Further appeal is to the New Hampshire supreme court. The first change, which is the most dynamic, allows aggrieved parties of a DES permitting decision the ability to appeal with an option to mediate. Mediation has proven effective in superior court and the committee heard testimony that nearly half of the DES appeals were being resolved before councils had rendered a finding. Mediation will be a cost saving for the state as well, as the appellants must now bear the cost of preparing and adjudicating the appeal hearing even though it is ultimately settled outside of the hearing process. The second change requires the attorney general to appoint the hearings officer from an independent list maintained by an outside authority such as the office of mediation and arbitration in the judicial branch. This will be very helpful in assuring the perception that the individual appointed acts as an independent and neutral magistrate during the proceeding. Lastly, the bill forms a committee to study the system of administrative appeals for DES. Among the committees charges is to compare our rather unique system to other states systems for cost effectiveness and fairness. **Vote 15-0.**

HB 321-FN, relative to the classification of wetlands as contributing or noncontributing. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter S Bolster for Resources, Recreation and Development: While the issue of determining whether “contributing” and “non-contributing” should receive different regulatory attention is an important subject to consider, the committee found that the science to make this determination was not fully enough available to create careful legislation at this time. NHDES offered that the new NH method for wetland delineation and upcoming discussions with the US Corps of Engineers should provide a basis for addressing this issue in the next legislative session. **Vote 15-0.**

HB 470-FN, repealing the comprehensive shoreland protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill dealt with the same subject matter as a Senate bill, which was passed, making substantial changes to the comprehensive shoreland protection act. This bill was retained should there be a need to make additional changes to the act. No need has presently surfaced. With the agreement of the prime sponsor, the bill is ITL’ed. **Vote 15-0.**

HB 568, relative to smoking within certain areas of New Hampshire state parks and historic sites. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter S Bolster for Resources, Recreation and Development: The intent of this bill was to encourage the NH parks department to address the issue of conflict between smokers and non-smokers and smoking related litter at our state parks. The committee became satisfied that the state parks department could address this issue in a sensitive and non-coercive manner through education and more convenient disposal availability and that legislation was not necessary in this matter. **Vote 13-2.**

SB 19, relative to the definition of "prime wetlands." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S Bolster for Resources, Recreation and Development: This bill seeks to correct agreed upon flaws in the prime wetlands statutes, which have both stalled its utilization and unfairly restricted the rights of land owners to use their own land. The bill provides for greater notification and input from landowners, before important local wetlands are enrolled in the program. It also addresses a more accurate delineation of the poorly drained and very poorly drained soil, which comprises the prime wetland, while leaving the issue of upland buffer to the local voters. The bill received widespread support from property owners, wetlands scientists, local government officials, developers, loggers, farmers, the NH department of environmental services and the environmental community. With the changes

in this bill any future prime wetland designations by local communities will be fairer, more accurate and more in keeping with the wishes of the people of local communities. **Vote 14-1. SB 106**, naming the visitor center at Jericho Mountain state park for Robert Danderson. **OUGHT TO PASS.**

Rep. Yvonne D Thomas for Resources, Recreation and Development: This bill names the newly built visitor center at Jericho Mountain State Park “the Robert Danderson visitor center.” Former Berlin Mayor Robert Danderson was the catalyst behind the acquisition and formation of the Jericho Mountain A.T.V. Park. He worked tirelessly to promote this new attraction in northern New Hampshire as a destination for recreation. The park will be the engine of change and an opportunity to promote the area. **Vote 14-1.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

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. **REFER FOR INTERIM STUDY.**

Rep. David W Hess for the Special Committee on Education Funding Reform: This proposed constitutional amendment, like CACR 12, seeks to reverse the New Hampshire Supreme Court Claremont decisions concerning state aid to education. Unlike CACR 12, which addresses all aspects of the Claremont decisions, this Resolution would specifically overturn that part of the supreme court’s rulings requiring the state to fund an adequate education for all public school students in all local school districts, rich and poor alike. Instead, this Resolution would allow the state to target state aid from dollar one only to those students and school districts which the General Court determines need aid in order to provide an equal opportunity for an “adequate education.” Last spring, in a clear and unequivocal voice, this House voted overwhelmingly to pass CACR 12 as amended to the Senate. At the same time, this committee unanimously recommended retaining this resolution in committee in the event CACR 12 did not proceed expeditiously through the legislative process. As of this writing, CACR 12 remains stalled in the Senate. Consequently, the committee once again recommends that this Resolution be held by this House. A vote for Interim Study would allow this House to take up this issue again at any time after the Motion is adopted, i.e. from January 2012 on. Many on this committee, as in the full House and Senate, believe that this session of the General Court is our best hope since the Claremont decisions were first announced 14 years ago to pass a constitutional amendment that correctly construes Part 2 Article 83 of the Constitution and restores the proper balance and separation of powers between the judicial, executive and legislative branches of government on this critical issue. Indeed, this may be our last best chance to bring such a constitutional amendment before the citizens of New Hampshire. By voting this resolution to Interim Study, we retain it as a potential vehicle for further legislative action should CACR 12 falter. The history of the last seven months strongly suggests that we need this additional “arrow in our quiver.” **Vote 15-0.**

HB 233, restricting judicial review of state education trust fund distributions.

INEXPEDIENT TO LEGISLATE.

Rep. Gary L Daniels for the Special Committee on Education Funding Reform: While this bill seeks to support the House position that the legislature should make education funding decisions, the constitutionality of restricting judicial review of state education trust fund payments as dictated by the bill is at best dubious. The courts have constitutional authority to review statutes, and a law to restrict that would not supersede the Judiciary’s right to review future education funding formulae. Furthermore, the House has taken a clear position to resolve the court’s involvement in education funding by passing CACR 12 in 2011. That constitutional amendment would clearly set the boundaries for judicial review in a manner that cannot be abrogated by the courts. **Vote 15-0.**

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A Foose for the Special Committee on Education Funding Reform: After a lengthy process of conferring with experts from other states, review of the reports filed from earlier study committees, and discussion with the department of education, the committee unanimously recommends HB 533. The legislation establishes a cap of \$50 million per year and continues the moratorium on new school building aid through the biennium. The funding for the current biennium will be used to service prior commitments to districts for projects that have already been undertaken. The act directs the department of education to develop a comprehensive prioritization system that can be used to rank proposed projects in the future and present a progress report on its effort to the legislature in November, 2012. The final report is due in November 2013. Since existing projects will consume almost all of the funds allocated, the committee specifically directs any remaining funds to be used for repairs that address life safety concerns. As new funding becomes available it will be allocated on a "first dollar" basis rather than used to pay debt service on new borrowing.

Vote 13-0.

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. **REFER FOR INTERIM STUDY.**

Rep. Laura J Gandia for the Special Committee on Education Funding Reform: While the majority of the committee echoes the sentiments contained in HCR 26 such as the constitutionality of the Claremont decision, the doctrine of separation of powers, the importance of local control, etc., the committee believes that there other pieces of pending legislation that address the issues raised in HCR 26. Therefore, the committee recommends that this bill be referred for interim study. **Vote 14-1.**

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 227-FN, relative to the membership of the retirement system board of trustees.

INEXPEDIENT TO LEGISLATE.

Rep. Stephen J Shurtleff for the Special Committee on Public Employee Pensions Reform: This bill would reduce the membership on the New Hampshire Retirement System Board of Trustees by Group I and Group II Members. Since the same language of this bill was already passed in HB 2 and SB 3, this bill became redundant and unnecessary. **Vote 11-0.**

HB 265-FN, redefining earnable compensation in the retirement system for new and non-vested members in service. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for the Special Committee on Public Employee Pensions Reform: The language in this bill was already passed by the legislature in HB 2 and SB 3, making this bill redundant and unnecessary. **Vote 11-0.**

HB 460-FN, relative to the retirement age for group II members. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Special Committee on Public Employee Pensions Reform: The intent of this bill was accomplished with the passage of HB 2 so it is no longer needed. **Vote 11-0.**

HB 463-FN, relative to the retirement system maximum initial benefit limitation.

INEXPEDIENT TO LEGISLATE.

Rep. John B Sedensky for the Special Committee on Public Employee Pensions Reform: This bill is addressed in SB 3 and HB 2 which are now law. **Vote 11-0.**

HB 465-FN, relative to the number of years for calculating average final compensation for retirement system benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Sedensky for the Special Committee on Public Employee Pensions Reform: This bill is addressed as part of SB 3 and HB 2 which are now law. **Vote 11-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

CACR 4, relating to oaths of civil officers. Providing that persons elected to the United States Senate and House of Representatives shall take the oath of civil officers prescribed by the constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A Vita for State-Federal Relations and Veterans Affairs: The resolution, originally introduced to clarify the necessity for U.S. Senators and/or Representatives to take an oath to uphold the Constitution of the State of New Hampshire, ranked issues regarding redundancy and extent (time). Further, the necessity of such a change was questioned by both the state Senator and Representative contacted as well as the bill's sponsor, in that additional oath would serve no real purpose. **Vote 9-1.**

HCR 2, in support of the Arizona immigration law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucien A Vita for State-Federal Relations and Veterans Affairs: This resolution expresses New Hampshire's support of the legislation enacted by the State of Arizona in its efforts to reduce the number of illegal aliens in Arizona and to relieve the financial burden of incarceration, education and medical treatment being born by the citizens of Arizona. In so doing, the security and safety of the citizens of Arizona will be increased. **Vote 10-0.**

TRANSPORTATION

HB 354, relative to licensure requirements for retail vehicle dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W Hinch for Transportation: This bill provides that certain established place of business requirements shall not apply to retail vehicle dealers who do not have a general distinguishing number. The committee was unanimous in its belief that the changes that this bill seeks to reverse came about after a long study commission; therefore HB 354 is unnecessary. The changes made by HB 354 would allow individuals to be dealers with no normal business hours, no physical structure and no signage. This makes it very difficult for consumers to resolve vehicle issues and complaints. This bill would reverse the ability of smaller dealers to obtain a dealer plate, thus hurting small business in New Hampshire. **Vote 10-0.**

WAYS AND MEANS

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. **REFER FOR INTERIM STUDY.**

Rep. Mary R Cooney for Ways and Means: The committee felt the objectives of the bill are laudable: to give tax relief to lower income property taxpayers and give the state more flexibility in distributing the statewide property tax. This bill reflects the original intent of the SWPT which was to be a uniform tax collected across the state which would be collected by the state and then distributed back to the municipalities on an as needed basis. It also based the need on both the state and the local portions of an individual's education tax in relation to an individual's income. However, the cost and complexity of implementing the bill to both the state and the towns outweigh the benefits at a time when municipalities are stretched as it is. The department of revenue estimated the cost of implementing at about 16 million dollars to transition from municipal billing and collection to state billing and collection. Individual taxpayers would be required to send in their SWPT to the state and local property taxes to the municipality further confusing the taxpayers. Consequently, the committee recommended Interim Study to further analyze the mechanics of the bill. **Vote 19-2.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank V Sapareto for Ways and Means: This bill creates a credit for job creation which is a goal that the committee supports. There is a similar program in effect for Coos County

and its results are questionable at best. The committee feels that this would have an adverse effect on that program with no identified benefit. **Vote 21-0.**

HB 518-FN-A, increasing the research and development tax credit and establishing a commission to assess the effectiveness of the credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V Sapareto for Ways and Means: This bill increases the tax credit for research and development. It also creates a commission to study the effectiveness of such a credit. Some of this work is being done by other committees and reports from them are due out in the coming months. For this reason, the committee has extended the Sunset date to July of 2015 so that a more informed decision can be made. **Vote 21-0.**

HB 611-FN-A, relative to determination of the reasonable compensation deduction under the business profits tax. **REFER FOR INTERIM STUDY.**

Rep. David W Hess for Ways and Means: Last spring, we thought we had addressed the issue of reasonable compensation as a deduction from business income for sole proprietorships, partnerships, limited liability corporations and other small businesses by passing SB 125, Chapter 207, Laws of 2011. Unfortunately, tax preparers and others have reported that DRA may be interpreting SB 125 contrary to the legislative intent of this committee, the full House and the Senate. By sending this bill to Interim Study, we can fully and thoroughly investigate these reports and, if accurate, use HB 611 to unequivocally and unambiguously remedy any misunderstanding of the legislative intent on this article taxation issue for small businesses. **Vote 20-0.**

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 591, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marie N Sapienza for the **Majority** of Children and Family Law: The committee and the subcommittee held several meetings on this bill. Everyone with interest had ample opportunity to speak and provide written testimony. The full committee considered the bill and two possible amendments before deciding that the proposed changes, while having possible merit for a small group, were not a net improvement to the current statute. Existing law contains criteria for determining the “best interest of the child” in parenting disputes that is extensive, encourages co-parenting, and, in the vast majority of cases, is working very well. The bill would change the focus from what is in the best interest of the child to a standard that the majority respectfully felt was, “in the best interest of certain parents.” The majority felt that a small minority of parents, both male and female, believed themselves genuinely, sorely abused by various actions within the family court system. While the committee had empathy for these individuals and does not dispute the validity of their allegations, we believed the revisions they supported were not in the best interests of the majority of children and parents appearing in family court. The committee received what the majority believed was statistically reliable information refuting the allegations made by this group. Specifically, the overwhelming majority of divorces involving children are not contested and the parents agree on a parenting plan. The committee majority believes, supported by the presented testimony, that no statute would fully prevent all contested, acrimonious parenting disputes. The committee majority believes that before making significant changes to the statute we need to develop a matrix and gather hard data on contested parenting plans. The committee informally agreed to make this initiative a part of their work during the current session.” **Vote 11-5.**

Rep. Jeffrey D Oligny for the **Minority** of Children and Family Law: The majority of the

committee refused to support a presumption of equal parenting time for divorcing parents despite considerable efforts to amend the bill and reach consensus. The state has no right to and does not interfere with parents of intact New Hampshire families unless a parent is found guilty of abuse or neglect or a crime. However, divorcing parents are treated differently for current law requires a judge to make subjective judgments to determine which parent is a better parent and allows the judge to divide parenting time based on the judge's subjective judgments, including "any other additional factors the court deems relevant." (RSA 461-A:6(1)). It is those subjective judgments that lead to consternation among good parents who are discriminated against despite having done nothing wrong. This bill seeks to level the playing field and provide the same rights to divorced parents that are enjoyed by married parents. The entire committee agrees that reducing acrimony among parents in divorcing families is best for children. The majority however, fails to acknowledge that removing the goal of "winning" the custody battle will reduce acrimony and be best for children and families. Passing this bill will not only reestablish divorcing parents' rights, but will also reduce prolonged litigation and the accompanying acrimony, while at the same time, reducing litigation and judicial branch expenses (over half of the superior court's docket is family matters). Children will be the clear winners here as they maintain their equal relationship with both fit parents. The minority believes that this bill with amendment 2011-2728h is the New Hampshire way, and is a step forward for New Hampshire's ability to promote strong children and families and economic prosperity.

COMMERCE AND CONSUMER AFFAIRS

HB 165, establishing a committee to study contract negotiations between health insurance companies and health care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: After further consideration the sponsor of this bill requested the committee to pull this bill and the committee so obliged.

Vote 11-3.

HB 309-FN, repealing certain insurance mandates. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Donald H Flanders for the **Majority** of Commerce and Consumer Affairs: The bill as introduced repealed seven health insurance mandates that were enacted in the last four years. The amendment is the product of a lot of hard work and negotiating by the committee to lessen the impact these mandates have on the small group and individual markets by implementing utilization review by insurance companies to insure the mandate is not abused. In some mandates the amendment changes a "shall" to a "may" so that the insurance companies may continue the mandate if their customers want them. The amendment also includes a study committee to review all mandates that may need to be revised. **Vote 13-2.**

Rep. Andrew J Manuse for the **Minority** of Commerce and Consumer Affairs: This bill, as originally drafted, repeals health insurance mandates for certified midwives, for the cost of testing for bone marrow donation, for continuation of group health insurance in the event of divorce or legal separation, for children's early intervention therapy services, for obesity and morbid obesity, for diagnosis and treatment of pervasive developmental disorder of autism, and for persons having deafness and hearing loss. While the minority certainly thinks that insurance companies should consider developing insurance products that give people the option to purchase coverage for these situations, the minority does not believe insurance companies should be forced by government to provide this coverage for everyone. More importantly, these mandates as written in current law only force coverage on individuals and small employers with 50 or fewer employees. These mandates do not in any way affect the state insurance plan, most county insurance plans or plans defined under the federal ERISA law; specifically, plans for employers of more than 50 employees. To be clear: These mandates drive up the cost of health insurance **ONLY** for small businesses of small groups of 50 or fewer. These businesses are overburdened with costs and struggling to stay afloat, and government mandates on health insurance are one burden that we can remove to help these

businesses, which very well could result in private sector job creation. Hiring new employees often gives small employers pause when they consider the costs of providing health insurance; eliminating these mandates on small businesses will help remove one barrier to hiring. The committee amendment went too far in watering down the intended mandate repeals; so far in fact that the minority could no longer support it. Consensus can sometimes provide for a better bill that benefits everyone involved, but in this case, the majority of the committee supported an amendment that really no one really wants. The minority urges the House to do the right thing for small businesses and job creation and vote down the committee amendment and then support the bill in its original form.

HB 430, establishing a committee to study the feasibility of establishing a state development bank in New Hampshire. **OUGHT TO PASS.**

Rep. Sean M McGuinness for Commerce and Consumer Affairs: This bill proposes to establish a committee to study the concept of a New Hampshire state owned bank.

Proponents argue that a model does exist in North Dakota. The Bank of North Dakota was established in 1919 to promote agriculture, commerce and industry and the BND is the only state owned bank in the United States. Although a primary purpose for creating such a bank in New Hampshire was never immediately clear, the committee found the concept interesting and retained the bill in order to consider all the possibilities. The committee did learn among other facts that the Bank of North Dakota was established 92 years ago under very unique circumstances to meet needs specific to that state. The committee considered the reality of a New Hampshire state bank and determined that such an institution would not solve any particular problem or provide any significant benefit. It would take years to develop and the start up cost could be significant. Further, a state bank would require a huge investment to properly capitalize and its business model, its viability and its very purpose fell into question. Consequently, a bipartisan majority of the committee overwhelmingly determined that establishing a statutory study committee to take on a substantial effort of this kind, for which a positive outcome is suspect or unlikely, was not considered to be a practical or advisable undertaking. **Vote 11-3.**

HB 581, regulating guaranteed price plans and prepaid contracts for petroleum.

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

Rep. Jennifer R Coffey for the **Majority** of Commerce and Consumer Affairs: This bill addresses pre-buy oil contracts. Although the lobbyist for the oil dealers had agreed with the bill and an amendment as proposed by the consumer protection division of the attorney generals office that contained the requirement that only oil dealers (not propane dealers) would have to maintain escrow accounts, the committee turned down the escrow accounts proposal as it would provide a false sense of protection for consumers and would potentially hurt competition from small independent dealers. Commerce is keenly aware that no amount of legislation can stop a business from closing and possibly harming its clients. The committee decided that the most appropriate legislation provides consumer awareness. Therefore the committee amendment repeals current requirements that the AG's office said were ineffective and were enacted just a couple of years ago and replaces them with consumer notification and a buyer beware disclosure statement that must be signed by both the consumer and the business. **Vote 11-3.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: This bill was brought to the legislature at the request of the New Hampshire department of justice because the current law is confusing and inadequate in protecting consumers who enter into the pre-pay contracts. While the minority agrees that no law can stop those intent on committing fraud, the oil council of New Hampshire supported this bill with amendment. It offered clarity to pre-pay contracts and provided 3 ways to secure prepay deposits when companies offer such contracts to their customers, including "escrow accounts." Escrow accounts are a mechanism to protect consumers, and this was strongly supported by oil businesses in testimony before the committee. The minority believes that New Hampshire

citizens deserve more than “buyer beware” legislation, and the consumer protection division of department of justice should have better laws under which to work on our behalf.

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for the **Majority** of Commerce and Consumer Affairs: This bill creates fairness in reporting of health care acquired infections. The majority of the committee agreed this important information gathered for the benefit of the public health welfare and should not be dependent upon the federal government but remained controlled by the state. The committee recognizes there are 99,000 deaths nationwide per year from health care acquired infections. The New Hampshire hospital association supports this legislation and specifically requested not only the support of the legislature but the continuation of the requirement of fees on them as they stated without the state they would have an increased reporting burden and would be concerned about inconsistency in those reports. **Vote 12-2.**

Rep. Andrew J Manuse for the **Minority** of Commerce and Consumer Affairs: The minority agrees with the majority that hospital and ambulatory surgical center borne infections are a serious problem that have touched many of us personally, including this writer, but the solution presented by the committee in its amendment only provides the public with a false sense of security and does not even begin to solve the problem. High among its list of problems, the bill as amended raises a new fee on ambulatory surgical centers, most of which are already owned by the hospitals, which already pay the fee. Since this fee is currently paid by hospitals, the new fee payer will likely pass on the cost to its customers which will likely raise medical costs on insurance premiums. To be fair to hospitals, who will probably will not reduce their charges due to this bill, the better and more cost effective solution would be to eliminate the fee on hospitals and allow HHS to rely on federal funds already collected for the reporting of infections. In the long term, perhaps a private market reporting system can replace the current bureaucratic version, which could be administered by the hospitals or a hospital group itself. Importantly, fairness does not mean raising fees for everyone else who doesn't currently pay them. It could also mean repealing fees for the folks who currently pay them. Also importantly, the bill as amended creates a new dedicated fund called the “health care associated infections fund” to be managed by the Health and Human Services Department. This is a department of our state government that already has too much power to spend the people's money without restraint. A new dedicated fund that takes control away from the legislature and evades the budget process is not what the doctor ordered. While the minority understands the concerns of those who supported this bill, surely another solution that doesn't include a new fee for the ASC, a new dedicated fund and more government bureaucracy would be better than the amendment the committee offered.

SB 160-FN, relative to the definition and regulation of installment loans. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for the Majority of Commerce and Consumer Affairs: This legislation gives consumers a free market choice with regard to their own finances, while ensuring contract law is upheld and consumers enter these contracts with their eyes wide open. Currently companies are offering these loans to New Hampshire residents legally over the internet. Even Wells Fargo has them. However, no New Hampshire company can offer them. With this legislation comes fairness in the marketplace. **Vote 14-2.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: The minority believes that the current 36% cap on payday loans is good public policy. While this bill identifies this product as “installment loans,” the only company that expressed an interest in offering these in New Hampshire is the largest payday lender in the country. This same company has paid out \$18 million to settle a lawsuit in one state and has suits pending against it in at least 11 others. This bill allows such companies to reap up to 400% APR on loans with no requirement to determine the ability of the borrower to repay the loan. In

addition, a loophole in the bill would allow what is advertised as a short term loan to become long-term debt. The minority rejects the argument that since people can get illegal loans on the internet New Hampshire should legalize payday loans. The committee learned of one bank that offers a credit builder program for small low interest loans. Rather than invite back predatory lending, New Hampshire should let market competition bring new products to the public. By making these high interest loans legal, consumers will no longer have any legal remedy to assist them if they become trapped in a cycle of bad debt.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill would allow a person to bypass the district court if appealing a decision by the licensing authority who has denied the issuance of a concealed weapons license. Currently RSA 159:6-c states a person so denied can petition the district court to determine if such person is qualified. The court shall conduct a hearing within 14 days after receipt of the petition. During this hearing the burden of proof is on the issuing authority to demonstrate by clear and convincing proof why such person is not qualified. Further the court must issue its decision no later than 14 days after the hearing. The superior court which is the subject of this bill may not be in session and unless the person is pro-se, a lawyer would be required and the costs to the person and the town or city will increase with no certainty of a quick solution. **Vote 11-6.**

HB 162-FN, relative to capital murder for purposely causing the death of another. **OUGHT TO PASS.**

Rep. Phil J Greazzo for Criminal Justice and Public Safety: The majority of the committee believes the lives of ordinary citizens are just as important as any public official. The majority further believes in equality under the law to include the murder of any citizen without exception. The cost associated with a lengthy sentence of life in prison is not comparable to the expense of imposing a death sentence on an individual who chose to take the life another however the cost of receiving justice in this circumstance is priceless! This bill only gives the option of seeking a death penalty and is not mandatory. **Vote 11-6.**

HB 217-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill would include "fetus" in the definition of "another" for the purpose of first and second degree murder, manslaughter and negligent homicide. There are 36 states in this country that recognize the unlawful killing of a fetus as homicide in at least some circumstances. Of these 36 states that currently recognize the "fetus" as a homicide victim, 25 of those apply this principle throughout prenatal development. These laws do not apply to legally individual abortions. In 2004, Congress passed and President Bush signed the Urban Victims of Violence Act, which recognized the child in utero as a legal victim if he or she is injured or killed during the commission of 68 crimes of violence. It is time New Hampshire joined those 36 states who recognize how important it is to protect every citizen, including the unborn. **Vote 12-4.**

HB 334, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, or firearms supplies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Mark Warden for the **Majority** of Criminal Justice and Public Safety: The bill as amended adds knives to RSA 159:26 which currently prohibits restrictions on firearms. Further, it codifies that the general court shall have exclusive authority and jurisdiction over the sale, ownership, transportation and use of firearms and knives. It prohibits any political subdivision or agency or committee from prohibiting or regulating firearms or knives in the state. **Vote 11-6.**

Rep. Stephen J Shurtleff for the **Minority** of Criminal Justice and Public Safety: This bill mandates that cities and towns can not ban weapons on property they own. However, there is a provision of the bill as amended that allows a town to have authority to ban weapons on its property. The minority feels that this provision violates the equal protection clause of the New Hampshire Constitution, in so far as it denies our state's thirteen cities this same right. Furthermore, the bill denies entities that lease space from the state the right to ban weapons from their leased space. Having a day care facility in the city of Concord that leases space from the state, this provision is of grave concern to the minority. The provisions of this bill also apply to state property, thereby, allowing guns at the places where they would not be appropriate such as UNH, community colleges, the Soldiers Home, etc.

HB 448-FN, relative to spice incense products. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: The committee feels any attempt to stay ahead of manufacturers of herbal incense products would create an arms race of chemical compounds. To circumvent any regulations we put in place manufacturers will slightly modify their compounds and the unintended consequence could be more potent or dangerous compounds that are untested and not fully understood. **Vote 14-3.**

HB 475-FN, relative to penalties under the consumer protection act. **OUGHT TO PASS.**

Rep. Robbie L Parsons for Criminal Justice and Public Safety: The attorney general's office wanted this brought forward. The law currently allows only misdemeanor charges under the consumer protection act against an individual, regardless of the value of the goods or services involved in the crime. The committee believes it is appropriate to let the punishment better fit the crime by allowing a charge of class B felony for values between \$1,000 and \$1,500 and a class A felony for a value of more than \$1,500. **Vote 14-3.**

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for the **Majority** of Criminal Justice and Public Safety: This bill creates an enhanced penalty for those who violate the alcohol ignition interlock device installed by court order. If convicted of violating the device the court may fine not less than 500 dollars and order an enhanced technology ignition interlock device be installed and for an extended two years. **Vote 15-2.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: The minority has concerns about the loss of privacy inherent in the "enhanced technology" ignition devices mandated by this bill. These devices track the location of a vehicle 24/7, regardless of who is driving. The enhanced interlock devices include GPS locators, video cameras, and cellular communication components, and are monitored by people outside New Hampshire.

HB 536-FN, relative to the natural right to carry a firearm, openly or concealed, without a license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill will increase the length of time between license renewals to five years. This bill will also make the pistol / revolver license optional and allow anyone present in the state to carry a concealed firearm without a pistol/revolver license. **Vote 12-5.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Moe Villeneuve for Criminal Justice and Public Safety: Many people have heard of reported abuses by TSA agents at our nation's airports and train stations. While security is of utmost importance, the maintenance of that security must be conducted in a way that respects citizens' rights and decency. To shine a light on TSA searches and prevent potential abuses during such transportation related searches, this bill as amended would allow citizens to report to a police officer on the scene or the county sheriff about their search and that report will be sent to a designated directory for public viewing with the state police. This bill also allows citizens to video and audio tape their own search to verify their report,

and it requires police officers to be of assistance in the taking of the citizen's report. The record shall be used to determine patterns of abuse and whether further action is needed by a future legislature. **Vote 10-6.**

EDUCATION

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Balboni for the **Majority** of Education: CACR 8 restores the people's right to local control of education and the authority of the legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to strike out certain specific sectarian references" The ballot question included this summary of the original Article 6: "Article 6 authorizes local public taxation for the support of 'Protestant' clergymen only, and promises equal protection of the law solely to 'every denomination of Christians'." The ballot question provided voters with the following explanation of the effect of the proposed amendment: "If the amendment is adopted, ... the above-described sectarian references will be stricken from the state constitution, putting all religious denominations on a basis of equality and removing the present conflict with the U.S. Constitution." Though the voters were told that only the sectarian references were to be removed, the actual amendment language went far beyond this. The amendment also removed and altered several non-religious phrases in the Article, and these changes were not explained to the voters. CACR 8 would give the people the opportunity to restore to their Constitution the non-religious aspects that were removed in 1968. These restorations include the following: the purpose of education as being to teach the fundamental principles of the Constitution so that the people are better able to control their government; empowering the legislature to authorized schools, to create and regulate public schools; providing school districts the exclusive control over the selection of their teachers and their compensation; the school districts control over curriculum which is inherent in the original Article's exclusive control over the selection of teachers; and each school district's responsibility as the first payers of education expense consistent with the exclusive control over teacher selection and compensation and curriculum selection. CACR 8 then proposes two further changes: it ratifies judicial opinions which enable the state to pay for non-religious education at religious schools; and it clarifies the legislature's power to supplement local funding of public education. The first change makes clearly and permanently constitutional the state's current practices such as funding the non-religious education component for special needs students as required, for example, under federal special ed regulations, and the giving of scholarships to nursing students for the non-religious part of their education at religious schools. The second part ensures that the state funding of education will be consistent with the coordinating Articles of the Constitution of New Hampshire, specifically Part I, Articles 12, 28 and 29 and Part II, Articles 2 and 5 which make the legislature the supreme policy body of the state, and the only body capable of determining state spending. CACR 8 can be summed up as restoring the local control of education and the authority of the legislature in regard to education and education funding; thereby returning the people firmly in control of public education. **Vote 10-5.**

Rep. June M Frazer for the **Minority** of Education: Objection 1. State funding of Education. Article 6 states that the parishes, et al, "have the right of . . . contracting with them [their teachers] for their support or maintenance, or both." It does not say that the parishes, et al, have the sole obligation for support or maintenance of their teachers. The amendment to this passage – adding the word "exclusive" before "the right" – takes the state completely out of funding for support and maintenance of teachers. A further amendment statement nails this down and expands "support and maintenance" of teachers to support and maintenance of "schools": "The several political subdivisions for public education, charter schools, parishes, bodies corporate, shall make adequate provision at their own expense [emphasis

mine], for their schools, provided that the legislature may [emphasis mine] supplement that provision in the manner and degree that the Legislature finds most beneficial to the general good. This amendment takes away all obligation for the state to fund public education.

Objection 2. State support of religious schools. The second-to-last sentence of Article 6 states that “no person shall ever be compelled to pay toward the schools of any sect or denomination.” In deleting the word “schools’ and substituting the words ”religious education,” the amendment opens the door to public funding of religious schools, which the constitution emphatically states that no person (i.e., taxpayer) should ever have to do. This amendment allows for state funding of religious schools.

HB 219, establishing a committee to study the abolishment of the department of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: The majority of the committee, after a subcommittee met five times over the summer and two days of the full committee discussion, culminating in an amendment created with much committee input, passed the amendment that principally does two things. First it creates an oversight committee that will be charged to study and review all rules adopted by the state board of education to determine if the rules have an appropriate basis in statutory authority and whether the rules put in effect are in need of revision. Another key provision of the amendment restricts the state board of education to adopt only those rules necessary to comply with federal minimum standards. To exceed those minimum federal requirements, it would be necessary for the state board to receive prior approval by a majority vote of both houses of the legislature. **Vote 12-4.**

HB 595, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph G Boehm for the **Majority** of Education: There were three bills dealing with home education, even though it was felt that this bill had some good points, the committee decided that HB 545 was the vehicle to use for changing the home education statute. **Vote 12-2.**

Rep. J.R. Hoell for the **Minority** of Education: We oppose the ITL recommendation. HB 595 is similar to HB 1580 which almost passed through the house under a democratic majority in 2010. HB 595 provides for equitable treatment for home schools. Under current law a child’s home education program can be terminated in certain cases whereas the child’s public or non-public school program would not be terminated. HB 595 respects a parent’s right to direct the education of his/her child.

ELECTION LAW

HB 212, relative to the definition of conflict of interest for executive branch officials and employees. **REFER FOR INTERIM STUDY.**

Rep. Shaun S Doherty for Election Law: The committee feels it is best to take a further look at the issue of conflicts of interest among employees of the executive branch. During subcommittee meetings, we saw merit in studying a potential conflict arising from an employee of the executive branch accepting compensation from a campaign committee that directly supports the employees. **Vote 15-4.**

HB 356-FN, requiring valid photo identification to vote in person. **REFER FOR INTERIM STUDY.**

Rep. David Bates for Election Law: This bill is a bill that would require voters to show photo identification in order to vote in person. Earlier this year the committee retained this bill at the request of the prime sponsor. After the legislature failed to override the Governor’s veto of SB 129, we turned to HB 356 as a vehicle to develop another approach for voter ID legislation. A subcommittee worked diligently to produce a solution that does not rely upon provisional ballots. Members of the subcommittee created and considered five different amendments including the one the subcommittee adopted the morning of the executive session. The majority of the committee strongly supports the goal of creating and passing

legislation that requires proof of ID when voting. However, the majority did not believe we had arrived at language that was ready to pass. **Vote 10-9.**

ENVIRONMENT AND AGRICULTURE

HB 325-FN, relative to the purchase of ill animals from licensed animal vendors and inspections of animal vendor premises by the state veterinarian. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tara A Sad for the **Majority** of Environment and Agriculture: This bill as amended makes two changes to RSA 437, sale of pets and disposition of unclaimed animals.

Currently, in order to satisfy the demand for dogs and cats in the state, thousands of pets are being transported into New Hampshire each year from other states and even other countries (Last year approximately 6,000 dogs were imported into NH). Currently the department of agriculture and the state veterinarian have no way to prevent sick and infected dogs and cats from being introduced into our state upon crossing state lines, and as a result new infectious diseases have been introduced into our existing animal population that were never present in the past. This bill will require a two-day quarantine of any imported dog, cat or ferret in a facility licensed by the department. This quarantine period will bring us into line with requirements in other New England states. In addition, the bill will allow a sick pet to be sold or adopted by a person who is informed of the animal's condition and is willing to accept the responsibility and cost involved in taking the animal. Currently, no sale or transfer is allowed, even to a willing adopter. **Vote 10-2.**

Rep. John T O'Connor for the **Minority** of Environment and Agriculture: We are concerned that the waiver would allow for the transfer of animal with infectious diseases. Our further concern is with the 48 hour holding period in that the location of the licensed facility is too broadly undefined, when as the transferring of the animals could be exposed to the elements.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 137-FN-L, relative to the state fire code and the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill updates references to the most recent version of the codes in the state building code and defines the state fire code. In addition, it authorizes the fire marshal to adopt and enforce a state fire prevention code and clarifies the authority of the fire marshal to inspect and issue permits for state buildings, including those of the university system. This bill revises the membership and duties of the building code review board. Finally, it ratifies amendments to the state building code made by the building code review board from 2010 up to July 1, 2011. **Vote 11-5.**

HB 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill prohibits the state employees' union from collecting "agency fees" from non-members. It goes into the effect only with the next approved contract, and applies only to state employees. **Vote 11-2.**

HB 446-FN, repealing the authority for regulation of certain professional occupations.

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

Rep. Spec Bowers for the **Majority** of Executive Departments and Administration: This bill is a small step toward reducing excessive regulation. New Hampshire requires licensing for 148 occupations, more than almost every other state. New York, for example, licenses only 77 occupations. The ostensible purpose of licensing is to protect the public, but all too often the real purpose is to protect a trade from competition. Economists estimate that the reduced competition increases prices 10-15%, and also contributes as much as 1/2% to unemployment. These costs might be justified if licensing actually protected the public but the evidence is that it does little or nothing - and may even harm - public health and safety. Numerous economists, think tanks, academics, and the Canadian and U.S. governments have found

that compulsory licensing reduces competition and increases costs with little, if any, quality enhancement compared to certification. HB 446 replaces compulsory licensing with voluntary licensing (aka certification) for a small number of occupations. It leaves in place the licensing boards. Those practitioners who want or need a license will get it just as today. They will then be able to label themselves "licensed". Other people will be able to practice without a license but must prominently disclose that fact to potential customers. If a willing provider and a willing, informed consumer decide to do business, the state should not interfere with their voluntary agreement. For customers who prefer the (unwarranted) sense of security from dealing only with licensed practitioners, that option will still be available.

Vote 9-8.

Rep. Peter B Schmidt for the **Minority** of Executive Departments and Administration: This bill has numerous negatives which make it unacceptable to a strong minority of the committee. Chief among these is the clear threat to the public safety and health posed by the practice of the deregulated professions by persons who may have no appropriate training and no demonstrated competence. How some monetary advantage for such practitioners and their risk-friendly customers outweighs the proven benefits of the current regulatory structure not only escapes those of us in the committee minority; it also was contradicted by the overwhelming public testimony of knowledgeable professionals. That is to say: there was no support, much less demand, for this bill. In addition, it would do great harm to existing businesses and their employees, as well as students preparing for a future in these sectors. Insurance requirements for reimbursement for these services would also be violated, leading to further complications for the public and the trades. Not insignificantly, the arbitrariness of the selection of these few professions for deregulation calls completely into question the validity of the alleged benefit of this step for NH and its citizens. In short, this is an ideologically driven bill, a solution in search of a problem, which should be rejected by those who recognize that the legislature's first obligation is to protect the health and safety of our citizens, and, when the issue of a good result is in question, as it is with this bill, to do no harm.

HB 476-FN, establishing an independent board of psychologists. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration: This bill would establish an independent board of psychologists. It would remove them from the board of mental health practice (BMHP) where they are now along with four other mental health practitioner guilds. The BMHP has had an uneven record of handling complaints against psychologists as was detailed in 2004 LBA performance audit. In recent times, governor and council have recognized these difficulties and are in the process of reconstituting the BMHP by filling multiple vacancies. The situation is improving. While the psychologists feel there is a fundamental misfit between them and the BMHP, the committee felt the bill was premature in view of the progress already in evidence. The committee wishes to monitor whether the progress is sustained, to consider working on the bill, and to explore other possible avenues for meeting the concerns of the psychologists. **Vote 14-1.**

HB 625-FN-A, relative to New Hampshire correctional industries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Randall A Whitehead for Executive Departments and Administration: This bill extends GraniteCor, a business enterprise within the state department of corrections for the purpose of reducing inmate recidivism by teaching inmates marketable skills through their involvement in the manufacturing of goods to be sold to the public and private sectors. GraniteCor will not be competing with the private sector, as it will charge market prices for its services and products. This bill exempts GraniteCor from certain competitive selling, bidding and purchasing requirements, thus providing a positive and flexible environment for potential success of the program. By cooperating with the department of safety, GraniteCor will be allocated existing monies from the plate fund and the general fund, with the possibility of being self-funded in the future. This bill does not require any new taxes, and

provides GraniteCor with a line of credit from the state. This bill will allow inmates to return to society as rehabilitated citizens, more able to find meaningful work, armed with marketable job skills and a sense of pride and dignity, lowering the crime rate and saving the taxpayers significant money in the long run. **Vote 8-2.**

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The bill as amended by the senate enables the department of administrative services to invoice current and retired members of the General Court who participate in the state employees group insurance. The amendment provides for adequate notice of potential permanent termination of participation if payment is not made within 60 days of invoice. **Vote 9-0.**

FINANCE

HB 269-FN, establishing a priority based budget system focused on measurable results. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M Ober for Finance: This amends RSA 9:16a to allow agencies to transfer funds within or among all accounting units (AU) within said department. The prior legislation only allowed a transfer of \$2,499 before six levels of approval were required. When transfers reached the level of \$2,500, five signatures, including the fiscal committee chairman and the governor, after the approval of the transfer by the executive council, were required. Transfers above \$25,000 went to the fiscal committee. This legislation provides that transfers of \$75,000 or more shall require prior approval of the fiscal committee of the general court, and the governor and council, and provided that no funds may be transferred in violation of other provisions of RSA 9 or in violation of any restrictions otherwise provided by law or to or from any account, except accounts in the department of health and human services, which is not comprised of the same funding mix. Transfers under \$75,000 may be made as long as they conform to established state statutes and meet the approval of the department of administrative services. Under these established legal statutes, departments may not transfer any monies into or out of personnel, benefits, or out of state travel budget lines. The committee fully examined all transfers that had gone through the six stage process for the prior 39 months to determine the appropriate level of transfer. The committee also examined rules surrounding the signing of contracts, which requires executive council approval, and the purchase of vehicles, which has an elaborate approval process that remains in place. We did that to ensure that unbudgeted vehicles could not be purchased and to ensure that contracts would still go through the required approval process. Since the department of administrative services still must manage all transfer requests and ensure that all state laws are followed, the committee felt that a transfer amount of \$75,000 was appropriate. Not only will this help ensure more government efficiency, but it will remove some of the bureaucratic hurdles facing department heads who must manage both their departments and their budgets. This bill also cleans up state statute to remove the obsolete term PAU and replace with the new budgeting term AU which the LBA testified was merely housekeeping. This bill as amended had bi-partisan support. **Vote 17-4.**

HB 618-FN, requiring state agencies to submit an efficiency level expenditure estimate to the commissioner of administrative services as part of the biennial budget process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M Ober for Finance: This bill repeals the requirement for a maintenance budget while requiring the governor and all departments of the state to develop a budget that will continue to use forms furnished by the commissioner of administrative services. In a number of previous budget cycles, the maintenance budget, which was required by law, was prepared and then a second, and sometimes a third budget was also prepared. This duplicative work wastes times and resources. Having department heads concentrate on the better development of budgets that will be presented to the legislature and used to manage departments in the subsequent biennium will help ensure that more relevant details are available during budget reviews done by the governor, the house and the senate. The budget

process will continue to be directed by the commissioner of administrative services who will continue to provide blank budget forms for use by all departments, ensuring that budgets are developed in a uniform manner across all state departments. Organization charts that identify employers by position number, and indicate whether the position is vacant or filled will be included with budgets. Expenditure estimates for the biennium will also be included. This bill establishes a performance measure system with an oversight commission to assist with development of such measures. Departments will work to develop performance measures that include resources needed and identify core government functions. The committee called other states that currently do performance based budgeting and found that if this effort is to succeed, several development years are needed prior to the establishment of the performance based budgeting requirements. During deliberations on this bill, commissioners testified that they needed three to five years to develop these measures, gather data, improve the measures and then begin to use them as the basis of performance based budgeting. Data gathered from other states and from our department heads was used in developing the performance measurement system. This bill supports and establishes the work to be done to develop these performance measures and allows those departments who used the LEAN process to continue with that development. Departments that did not participate in LEAN will begin to develop performance measures and needed resources. Annual reporting will report findings and any recommendations for proposed legislation. It is expected that during this oversight that legislation that would establish performance based budgeting can be developed. HB 618, as modified, begins this process, provides needed oversight and ensures that New Hampshire can move forward into a better budgeting process. After 5 years the commission is repealed and it is expected that the state will be using performance based budgeting with the performance measures developed in the preceding years. There was bi-partisan support for this bill as amended. **Vote 16-3.**

FISH AND GAME AND MARINE RESOURCES

HB 194, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael J McCarthy for the **Majority** of Fish and Game and Marine Resources: In an effort to make the prosecution of poaching easier, a law was enacted over three quarters of a century ago which made it illegal to have a loaded long gun in one's vehicle. The unintended consequence of this law was to deny people's property rights. For example: it is illegal for a farmer to have a loaded rifle or shot gun on a tractor to shoot pests. The law also denied people's Second Amendment Rights in that it became a crime to have a rifle or shot gun in one's vehicle to defend one's family. To compromise between people's rights and the public safety, HB194, as amended, redefines a loaded weapon as a rifle or shotgun with a round in the chamber. If there isn't a round in the chamber it can't discharge but could still be used for defense. It also allows people to do what they please on their own land. **Vote 7-3.**

Rep. Lyle E Bulis for the **Minority** of Fish and Game and Marine Resources: The minority feels that this amended bill increases the risk for an accidental discharge of a firearm. This bill changes the definition of a firearm that is considered to be loaded or unloaded. If passed, it would become legal to have a magazine or clip inside a weapon as long as there is no bullet in the chamber ready to be fired. All recognized firearm safety and instructional organizations teach that a firearm contains no bullets, no magazine or no clip until it is ready to be used. Existing law has been in place for 74 years. It keeps bullets completely outside of a firearm. The passage of this bill means that the bullet may be inside the gun but not in the chamber, thus one step away from ready to fire. This can become a dangerous situation that should not be casually accepted.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 228-FN, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that

provides abortion services and prohibiting the use of public funds or insurance for abortion services. **INEXPEDIENT TO LEGISLATE.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: The majority of the committee recognized the extensive health care services provided by Planned Parenthood for many years to a significant number of New Hampshire residents. No state or federal funds are used to perform abortions based on the Hyde amendment. Planned Parenthood utilizes accepted accounting practices to ensure that funds are not misused. The majority of the committee supported the continuing role of Planned Parenthood health services in New Hampshire. **Vote 12-5.**

HB 554, relative to mental health records. **REFER FOR INTERIM STUDY.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: The committee felt that considerable work was invested in HB 554 relative to mental health records. At this point, there are significant differences among the various constituencies that will require considerable time to resolve. The issues involved around confidentiality and public protection are important to resolve and deserve further study. **Vote 15-2.**

JUDICIARY

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for Judiciary: This bill sought to ask New Hampshire voters to amend certain articles of the state Constitution dealing with the tenure of judges and commissioned judicial officers. The intended purpose of this bill was to increase performance and accountability within the judicial branch. The committee acknowledges that while the initial appointment of a judge may have a political element to it, the judiciary must remain free and independent of politics. The committee concluded that amending our Constitution and requiring judges to go through a continual re-appointment process would expose them to political influence and thereby jeopardize their ability to administer justice in an independent fashion. Further, the committee recognized that HB 344, which was unanimously supported by the committee will require judicial performance reviews without disrupting the careful balance of power the framers of our Constitution strove to establish. **Vote 10-6.**

HB 199, relative to proceedings of medical injury claims screening panels. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph M Hagan for the **Majority** of Judiciary: This bill would change the panel hearings evidentiary method by allowing parties involved in a medical malpractice hearing to provide evidence by offers of proof rather than by actual testimony. By using offers of proof, the contesting parties before the panel could present records and reports without having the preparing doctor present to introduce documents and be cross examined. While allowing offers of proof rather than actual testimony would save time and cost, the committee felt that a hearing evidentiary method change, in mid stream, so to speak, prior to the final evaluation of the panel process by the Joint Legislative Oversight Committee would not allow for an effective evaluation. This joint oversight committee is charged to evaluate the process and make a final report in a little over a year. A change in the hearing process at this late stage was believed to be counter productive. **Vote 10-6.**

Rep. Lucy M Weber for the **Minority** of Judiciary: This bill was voted out of committee with a recommendation of Ought to Pass as Amended by amendment 2011-0086h at a full committee executive session held on 1 February 2011. The committee vote was 14-3. The bill as amended simplified proceedings in front of medical screening panels. Currently, the panels, which consist of a physician, an attorney, and a retired judge, hear testimony from live witnesses, making the proceedings into a mini-trial. Both sides incur significant expense in producing these experts. The bill requires the panels to make their decisions on offers of proof, which are written statements, accompanied by appropriate documentation, as to what the expert testimony will be. Adopting this procedure would significantly lower the cost of

litigation for both parties, while still allowing the strengths and weaknesses of each party's case to be fully explored. As amended, the bill would also expedite the process by making it clear that most panel hearings must take place within nine months of the filing of the action. Subsequent to that vote, at a later committee meeting, a motion for reconsideration was made, and the bill was retained. A subcommittee hearing was held this fall at which no further work was done on the bill; it was simply stated that more study of the screening panels was needed. Medical screening panels have been studied continuously and inconclusively since their institution in 2005. No further study is needed to know that screening panels ensure that more innocent victims of real and life-altering malpractice will be unable to access the remedies guaranteed to them by the New Hampshire Constitution.

HB 261-FN, eliminating screening panels for medical injury claims. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joseph M Hagan for the **Majority** of Judiciary: With the deepest respect to the sponsors of HB 261, the majority of the judiciary committee recommend ITL for the following reasons: (1) Data collection continues by the NH Insurance Department and the courts with no firm conclusion on how the process is succeeding. Procedural problems are being addressed by rule refinement; (2) The legislative oversight committee did not recommend significant statutory change nor even consider elimination; indeed, the final report is due December 1, 2013; (3) The present reform may be working, as medical liability rates have leveled and physician specialist shortages are diminishing; (4) Predictions that the panel system would deter claimants and discriminate against smaller monetary cases are not supported by the facts; (5) Concluding this experiment in problem solving prematurely is an antithesis to continuous quality improvement. **Vote 11-5.**

Rep. Lucy M Weber for the **Minority** of Judiciary: This bill would have eliminated the medical injury screening panels. The screening panels were instituted in 2005, following the example of the State of Maine, in an effort to lower the cost of medical malpractice insurance. The panels have proved to be a failure in the State of Maine, and the panels have been studied continuously and inconclusively in New Hampshire. The minority is persuaded that the panels have not served either to contain the cost of malpractice insurance or to speed settlement of cases, which can be done more efficiently with required mediation. Instead, the high cost of obtaining experts to testify twice serves to deny some with real and severe injuries their constitutionally guaranteed right to a remedy for the wrong done to them and to a jury trial.

HB 437-FN, relative to the definition of marriage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M Sorg for Judiciary: As introduced, HB 437 seeks to repeal same-sex marriage as enacted in 2009, and restore civil marriage to its previous state. An amendment recommended by the committee, would, in addition, reinstitute civil unions, but a much more inclusive kind than that repealed in 2009 in that it would be open to any two unmarried adults, without regard to gender or blood relationship. HB 437 also contains a statement of purpose declaring, among other things, that marriage is a social institution predating organized government, and "understood as the legal union of a man and woman." This view is supported by at least two provisions of the New Hampshire constitution.

First, the power to legislate conferred by Part II, Article 5 is limited by its terms to objects judged by the general court to serve "the benefit and welfare of this state;" that is, the state and its people generally. It is difficult, given the underlying purpose of marriage and the basis for the state's concern with people's intimate personal relations, to discern what benefit to the state accrues from legally extending marriage beyond its ages-old limitation in Western culture to one man and one woman. By contrast, it is easy for anyone neither intimidated by detraction nor swept along by the latest fad in political correctness to discern the harm inherent in radically altering this or any other civil institution from the form to which society has long been accustomed. Second, Part II, Article 76 uses the word "marriage" without defining it. Both logic and many decisions of the supreme court dictate

that until changed by constitutional amendment a word contained in the constitution has the meaning in common usage at the time of its adoption. For example, in *Claremont School District v. Governor*, 138 N.H. 183 (1993) at p. 186, the supreme court states: “In interpreting an article in our constitution, we will give the words the same meaning that they must have had to the electorate on the date the vote was cast.’... In doing so, we must ‘place [ourselves] as nearly as possible in the situation of the parties at the time the instrument was made, that [we] may gather their intention from the language used, viewed in the light of the surrounding circumstances.’”

The 1780 edition of Sheridan’s Dictionary defines “marriage” as “the act of uniting a man and woman for life.” If it needs confirmation that this understanding prevailed over the following two centuries, it can be found in, among many other legal authorities, the 1968 edition of Black’s Law Dictionary, which defines “marriage” as “the civil status, condition, or relation of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on those whose association is founded on the distinction of sex.” Liberty can be sustained only if original constitutional meaning prevails until changed by constitutional amendment. Accordingly, a union of two (or more) persons of the same sex is not marriage at all under New Hampshire’s fundamental law, and cannot become such by ordinary legislation. In *Matter of Blanchflower & Blanchflower*, 150 N.H. 226 (2003) at pp. 227-228, the supreme court applied the same principle to interpretation of a statute, in the context of a same-sex relationship: “We also note that ‘[a] law means what it did to its framers and its mere repassage does not alter that meaning.’...Based upon the foregoing, we conclude that adultery under RSA 458:7, II does not include homosexual relationships.” The 2009 enactments to be repealed by HB 437 purported to create “marriage equality.” But equality or fairness in any context depends upon the terms of the comparison. The true basis for comparison between heterosexual and homosexual marriage - and thus for evaluating the equality implications of HB 437 - lies in the fact that the reason the institution of marriage exists in the first place is that sexual relations between men and women regularly and exclusively produce children. If they did not, neither society nor government would have cause to regulate people’s intimate unions. It is this unique reality that provides the rational basis for the law’s recognizing and encouraging marriage and limiting it to one man and one unrelated woman. On the other hand, if mutual caregiving or some other consideration were the basis for, rather than simply a byproduct of, marriage, there would be no principled reason to limit it either to two people or to unrelated people. Indeed, absent removal of these limits and the opening up of marriage to parties of any number and any degree of sanguinity, separating marriage from procreation produces inequality lacking any rational basis whatever. In 2007, the legislature, through that session’s HB 437, enacted RSA 457-A, creating same-sex civil unions, granting to persons joined therein all the rights and subjecting them to all the obligations and responsibilities of persons joined in marriage. Equality of rights thus having been expressly codified, what could have been the purpose of advancing the agenda to formal marriage in 2009 if not to be able to claim society’s approbation of homosexual sex? Why should the heterosexual majority be required to give such sanction? The homosexual minority not needing it in order to live as any two (or more) of them choose, by what right and to what object beneficial to the state does it insist on it? The law has historically recognized and encouraged as beneficial to the state the creation of heterosexual marriages so that as many children as possible are reared and nurtured by their biological parents in a common household. What comparable societal benefit; indeed, what benefit of any kind, can be claimed for recognizing and encouraging the creation of homosexual marriages? Proponents have been unable to identify any specific, substantive contribution that same-sex marriage makes to the benefit and welfare of this state; certainly none that outweighs the burden it places upon traditional marriage. The closest approximation ever advanced is that of fostering mutual respect. But how does one legislate respect? Legislatively or judicially-imposed same-sex marriage seeks to enforce its proponents’ idea of the Golden Rule, not through persuasion and appeal to our better nature,

but through threats of litigation, fines and imprisonment. We are often told that we cannot legislate morality. If that is so, then by what contortion of logic does it follow that we must legislate approval of what many regard as immorality? Governmental recognition of marriage is pointless except as a way to nurture the vital but delicate relationship between sex and the rearing of children. Rather than expand the institution, same-sex marriage empties it of content. **Vote 11-6.**

HB 514, relative to entry on private land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: This bill addresses a growing problem in New Hampshire, namely officials and others trespassing on private property to gather information about the property without landowner permission. The bill clarifies and upholds the natural right guaranteed by Article 2 of the New Hampshire Constitution to exclude others from one's property, while also addressing the realities of our modern society by allowing a small number of exemptions to avoid conflicts with existing laws. Specifically, the bill prohibits any person from entering private property to gather information without written permission from the property owner or a lawfully issued warrant. The bill also prohibits the use of any information gathered in violation of the requirements set forth in this bill. Finally, the bill provides remedies to landowners whose rights have been violated by allowing them to recover their legal expenses, and also allows courts to fine individuals who knowingly violate this law. **Vote 12-4.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 494-FN, relative to tipped employees who deal card and table games at games of chance venues. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill will include tipped employees who deal cards and table games at games of chance venues under RSA 279:21. This RSA currently allows tipped employees of a restaurant, hotel, motel, inn, or cabin who receive more than \$30 a month in tips directly from the customer to receive a base rate from the employer of not less than 45% of the applicable minimum wage. This bill simply adds these dealers to what is currently in law for the employees who work in the industry listed above. **Vote 8-7.**

Rep. Jack B Flanagan for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill allows card and game room dealers to be converted from minimum wage employees to tipped wage employees, a \$4.00 per hour reduction in pay. The minority feels that since tips are not guaranteed in games of chance, the employees are not the same as traditional tip waged employees. Additionally, with the number of workers in the state of New Hampshire that may receive tips of some sort, we are setting a dangerous precedent on reducing the wages of other employees in other industries.

HB 582, relative to communication between employers and employees during bargaining negotiations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L Daniels for Labor, Industrial and Rehabilitative Services: This bill as amended, injects into the collective bargaining process an opportunity for the negotiator for each party to talk directly to the board of the public employer or to the employees, respectively. The benefit to the negotiating parties is that legal costs may be reduced if this direct communication breaks impasse and enables the parties to reach agreement without having to go through mediation and fact finding. **Vote 11-4.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 293-FN, relative to phasing out and repealing the exemption for water and air pollution control facilities from local property taxation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Burt for the **Majority** of Municipal and County Government: This bill would be a new tax on businesses in NH. State of New Hampshire Department of Resources and Economic Development (DRED) said it best and they also oppose this bill, "nearly every state

in the U.S. exempts pollution control facilities from local property taxation-to implement this measure in NH will put our state at a competitive disadvantage as we seek to recruit new companies to the state.” Virginia just expanded their laws a year ago on water and air pollution controls to draw business to the state. DRED also said, “in short, the moderate financial gains to be achieved through this legislation would be more than offset by the potential loss of business and the perception that NH offers a less than optimal business atmosphere.” **Vote 9-7.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: The original bill proposed to phase out the exemption from local property taxes for the appraised value of water and air pollution control facilities as determined by Department of Environmental Services over a five year period, and repeals the exemption on March 31, 2016. The amendment changes the baseline of “wholly or partly” for the purpose of pollution control to “solely” for the purpose for pollution control. The amendment then goes on to grandfather all existing exemptions and includes water-to-energy facilities into the exemption. Also the amendment allows for a public hearing at the request of a municipality to be held by the department of environmental services. The minority of the committee feels that the amendment is a fairer way to address the issue of one municipality’s taxpayers paying for the exemption of the pollution control facilities that benefits the whole state.

RESOURCES, RECREATION AND DEVELOPMENT

HB 221, establishing a procedure for leasing state parks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. David H Russell for the **Majority** of Resources, Recreation and Development: This bill simply provides a “road map” for the commissioner of the department of resources and economic development to use in the consideration of any lease proposal. It makes the state park system advisory council (RSA 216-A:3-k) the “lease evaluation committee” to assist the commission in working out the details of a lease. This committee shall prepare a report to the commissioner, who will still have final authority to recommend a proposed lease to the governor and council. The committee has been working on this issue for three years. **Vote 8-7.**

Rep. Thomas J Howard for the **Minority** of Resources, Recreation and Development: This bill was opposed by the newly appointed director of parks. He appeared before the committee and asked that he be allowed time to evaluate the needs of his department and the ramifications of the bill. In addition, the leadership of the state parks advisory council, which is given additional responsibility in the bill, has expressed opposition to the bill. They are presently working on their own version of a leasing procedure.

SCIENCE, TECHNOLOGY AND ENERGY

HB 123, prohibiting an electric utility from disconnecting service from a residence or building in which a person is using life-sustaining medical equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. Sean C Cox for Science, Technology and Energy: This bill was filed in response to a tragic incident which happened in Salem, NH last year. The committee held on to this bill while waiting for the public utilities commission (PUC) to finish writing more strict rules regarding utility disconnection. In September, the committee received a report and briefing from the PUC detailing PUC Rule 1200, medical emergency protections. We were satisfied that the new, approved rules greatly strengthen protections for consumers and clarify policies and procedures which must be followed by utilities and the PUC. As a result of the PUC actions, this bill is longer needed. **Vote 9-2.**

HB 311-FN, relative to solar renewable energy. **REFER FOR INTERIM STUDY.**

Rep. Frank R Holden for Science, Technology and Energy: The purpose of this bill is to refine certain portions of the renewable portfolio standard (RPS) law. The changes are to make it easier for small renewable generators to qualify for renewable energy credits (RECs). Under the current law, it is difficult for smaller renewable generators to qualify for RECs

and much of this currently installed renewable generation is not being counted towards the RPS goals. This results in the suppliers having to pay for non-compliance with the RPS law. Additionally, this bill transfers the obligation of compliance with RPS from the suppliers to the distribution utilities. It also makes changes that will keep more REC payments in state. The majority of the committee believes that, while these changes may be improvements, the bill only addresses a small portion of the RPS law and the concepts should be considered as part of a major re-write of the RPS in 2012. **Vote 6-4.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R Holden for Science, Technology and Energy: Presently land line and post pay cellular telephone customers pay \$0.57 per month fee for enhanced 911 service. Other types of phone service such as voice over internet protocol (VoIP) or pre-pay cellular, while being able to benefit from 911 service, do not pay the fee. It is estimated that 20% of phone lines in New Hampshire fall into the latter category and do not pay the fee for 911 service. This bill as amended will require providers of pre-pay cellular and VoIP telephone service to contribute to the 911 system. It also changes the fee to \$0.47 per month for all categories of telephone service. The majority of the committee believes that reducing the fee for the 80% of customers that are paying for 911 and requiring the providers of other types of phone service to pay their fair share will result in level funding for the New Hampshire enhanced 911 system. **Vote 7-3.**

HB 543-FN, relative to biomass combined heat and electricity facilities. **REFER FOR INTERIM STUDY.**

Rep. Laurence M Rappaport for Science, Technology and Energy: This bill amends the current renewable portfolio standard (RPS)(RSA 362-F) to add biomass combined heat and electricity facilities as eligible for renewable energy credits (RECs). It also defines “useful thermal energy”, and establishes a thermal to electric conversion factor which would be used to establish total megawatt hours of output. The majority feels that this is an interesting concept, but because it is a significant addition to the current RPS, it needs to be considered in the context of a major re-write of the RPS statute in 2012. We prefer to keep this bill alive as a backstop measure in case the RPS re-write becomes stalled. **Vote 6-4.**

HB 649, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Laurence M Rappaport for Science, Technology and Energy: The committee feels that it's important to keep alive the spirit of HB-648 should that bill be defeated by the Senate. HB-649 reflects much of that bill. We want to keep this bill in our possession in order to keep the concept alive in summer of 2012. The committee feels that protecting individual property rights is more important than promoting corporate development rights. **Vote 8-2.**

TRANSPORTATION

HB 342, relative to boat operation rules. **OUGHT TO PASS.**

Rep. John A Hikel for Transportation: This bill will clarify who gets certified mail notification relative to changes on water restrictions. **Vote 10-1.**

HB 455-FN, authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kyle D Jones for the **Majority** of Transportation: This bill would create an optional REAL ID like license that would have a digital photo, a magnetic strip and a RFID chip attached to it. There were some privacy concerns addressed where the State of New Hampshire would have to share people's personal information with DHS (department of homeland security) if they got this license. While the sponsor did a very fine job trying to address our concerns the majority of committee felt that this bill is unnecessary because

people can already get a passport if they wanted to go out of the country, and not needed because this would be opening Pandora's Box with the Federal Government. **Vote 6-5.**

Rep. Raymond G Gagnon for the **Minority** of Transportation: The enhanced driver's license has been developed between the department of homeland security and individual states to provide a lower cost and convenient alternative travel document for U.S. citizen residents of state that choose to issue such a document. This document is accepted as proper identification for surface travel between the U.S. and Canada, Mexico, the Caribbean and Bermuda. HB 455 will allow New Hampshire citizens to choose this type of travel document instead of a full passport or passport card if appropriate for their out of country travel needs. The enhancement option for a New Hampshire driver's license will cost an additional \$30.00 and is projected to bring over 400 thousand dollars in revenue to New Hampshire. The RFID chip within the enhanced driver's license acts as a pointer. It is randomly assigned an encrypted number that is read by the U.S. Customs and Border Protection computer sensors at the border entry station. The computer will receive only the following personal data: Name, DOB, gender, citizenship and a photo image. This is no different than what had been required in the past. HB 455 provides a cost saving option for New Hampshire residents who travel, especially between New Hampshire and Canada.

WAYS AND MEANS

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Murphy for the **Majority** of Ways and Means: It is rare that this body considers any bill, resolution, or amendment so clear and concise that it may be reprinted in full here, but CACR 13 makes that possible. It simply says, "No new tax shall be levied, directly or indirectly, upon a person's income, from whatever source it is derived." The language is very carefully chosen to forbid only new taxes on individual income. Existing taxes on income, such as the interest and dividends tax, will be unaffected unless first repealed. The goal of the amendment is to acknowledge that the income earned by the citizens of our state is theirs and theirs alone, through their hard work and risk and savings. Granite Staters of every profession and income level work hard to feed their families, to save for their children's education, to keep their businesses afloat, to donate to their favored charities, to pay for their rents, their mortgages, their utilities, their medicines, and a multitude of other expenses, and it would be an incredible injustice for the state to demand some portion of that money. As a group New Hampshire legislators have always known it was wrong to confiscate earnings, and the labor it represents, from our constituents. That's why to date we've remained one of nine states without a general income tax, but we must provide the people the opportunity to safeguard their paychecks from future legislators who may fall for the same temptations that have overcome the legislators of the other 41. Opponents claim that we must not tie the hands of future legislatures, but in reality that is exactly why constitutions and their incorporated amendments exist: to restrict governments from infringing upon the rights of the people. The majority of the committee believes that passing CACR 13 onto the voters for consideration is not only morally just, it would go far to cement the New Hampshire Advantage by sending a strong message to entrepreneurs, small business owners, and working people of all classes that our state will respect your right to keep your earnings. **Vote 15-5.**

Rep. Mary R Cooney for the **Minority** of Ways and Means: This bill may look like it prohibits only a personal income tax, but its actual language freezes our entire tax system in time, with devastating consequences to the state's economy and government. Businesses invent new forms over time, and consumers change their habits. In the past, we have adapted our taxes to this changing world, to avoid taxing any one form of business more than others. In 1970, the BPT was created to replace myriad smaller taxes and sparked an economic miracle in our state. In 1993, the BET was added after a lawsuit by larger businesses, which successfully claimed that it was unfair that they alone bore the cost of

supporting the state while partnership groups and smaller businesses were exempt. In this very voting session, the Ways and Means Committee is recommending a measure, SB 168, which would probably be deemed a new tax on some people's personal income by the justices if the affected parties sued using this amendment. If this passes, any future adaptation to changing economic reality will be unconstitutional, because the actual wording of the amendment prohibits any change levying any new tax on any person's income, from whatever source derived, directly or indirectly levied. All taxes are levied at least indirectly on people's income. This would leave us with a dwindling set of state-level taxes that would be highly unfair in their application across different businesses and individuals. History tells us that the overall revenues would decline relative to the cost of essential services: infrastructure, public safety, education and the general welfare. The only options left to pay for these will be increasing existing business taxes, the interest and dividends tax, the real estate transfer tax, and most especially, the property tax. Because this amendment is worded so vaguely, it would generate numerous expensive legal challenges. This amendment guarantees ever-increasing property taxes, vanishing businesses, and fleeing citizens. It will return us to the time 50 years ago when New Hampshire had the worst economy in New England.

HB 242-FN-A, increasing the net operating loss carryover under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V Sapareto for Ways and Means: This bill allows a net operating loss carry over for ten years with a \$10 million cap on loss. This law has already been passed in HB 2. This law has no fiscal impact on the current budget. The committee amendment changes the effective date to January 1, 2013. The committee feels this bill is necessary to help New Hampshire business in a difficult economy. **Vote 16-5.**

HB 564, relative to the adoption of forms by the department of revenue administration for the filing of taxes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Norman L Major for the **Majority** of Ways and Means: This bill requires that tax forms developed or approved by the department of revenue administration shall be adopted pursuant to RSA 541-A, the administrative procedure act, and repeals the exemption from RSA 541-A for such forms. The bill was amended to apply only to business tax forms developed or approved by the department which relates to the business profits tax under RSA 77-A, the business enterprise tax under RSA 77-E, and the taxation of incomes under RSA 77 (Interest and Dividends tax). The amendment also removes the requirement mandating taxes to be remitted by electronic funds transfer, if prior year taxes were over \$100,000 dollars, and also removes the up to \$5,000 dollars penalty for not remitting the taxes by electronic funds transfer. The cost to the department for processing taxes by checks is less than ten dollars a check. There are less than 150 business taxpayers required to utilize electronic funds transfers still remitting there taxes by checks. The business taxes and the interest and dividends taxes affect the vast majority of our taxpayers and should be subjected to the highest level of transparency and accountability whenever changes to their structure or associated tax forms are contemplated. Therefore, the committee recommends changes be established through the joint legislative committee on administrative rules (JLCAR). Also, the committee felt the mandate relative to electronic funds transfer and the up-to 5,000 dollar fine for not transferring funds electronically are not necessary. **Vote 16-5.**

Rep. Susan W Almy for the **Minority** of Ways and Means: This bill would require all business tax and interest and dividends tax forms to go to JLCAR for approval. This was done until 1996 when the legislature ended the practice; we were and are the only state that requires outside approval for tax agency forms. The reason it is not done is that the process often takes so much time that changes in state or federal law or rules affecting the forms can only be implemented a tax year later. This not only delays the will of the legislature; whenever it involves a federal change, businesses require two sets of books and calculations to pay their taxes. The more closely we are tied to a federal tax, the more likely there will be

a permanent time lag – more work for accountants and more expense for business. For the last two years, the department of revenue administration has been working closely with accountants and businesses to simplify forms and evaluate changes. Many other forms are being made more transparent and easier to complete. While JLCAR has several new emergency procedures that will make it quicker to process the department forms, they all require reaffirmation by going through the full process within six months. The first time that JLCAR refuses to agree with a final form six months after the forms had been sent out and the commercial tax software changed to conform, it is very likely that there will be major confusion in the business world. Do they revert to the old form? Do they not pay at all? What if they based business decisions on the legislative policy embedded in the new form, and now find themselves reversed? There are ways to institutionalize the existing advisory council of accountants and external comment process, a system which is working. The recommended JLCAR process will be bad for business.

HB 593-FN-A-L, relative to video lottery and table gaming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S Azarian for Ways and Means: This bill is a bi-partisan pro business bill that will create jobs, grant tax relief, and provide the state with an additional revenue source. The citizen's of the state overwhelmingly support the idea of expanded gaming. Today, New Hampshire residents spend roughly 80 million dollars a year gambling outside of the state. Expanded gaming will keep those dollars here and expand our economy by attracting residents from our neighboring states. The amendment to this bill provides for charitable gaming, provides 500K for each license application; provides 100K to the attorney general's office for investigation of each application; provides for a 120 day time frame for due diligence which can be extended if needed; provides for two licenses at 50 million each; provides an equitable process by which any entity can submit an application for any location to include the north country; provides revenue to offset business taxes; provides revenue to the host community and abutting community; and makes provision to HHS for those in need. Massachusetts has passed gaming legislation. If we fail to act on this legislation, New Hampshire's economy will be forever negatively impacted. The state will see a decrease in revenues from across a wide spectrum to include liquor, lottery and tourism. We will also be paying for those who may become addicted to gambling out of state with no additional revenue to offset the cost. This bill supports job creation, tax relief, and additional revenue sources. **Vote 14-7.**

HB 645-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2007 through 2010. **REFER FOR INTERIM STUDY.**

Rep. David W Hess for Ways and Means: This bill identifies all of the new taxes and fees, and increases in taxes and fees, enacted during the previous two legislative sessions (FY 2007 – 2010). It details the additional annual revenue generated by each such new or increased tax and fees, as such, constitutes a single, convenience source for measuring how the repeal of anyone or more of these tax and fee increases will impact state revenues. In this respect, it is an invaluable resource to review all state revenue sources, and is available to roll back one or more of these new or increased taxes and fees in the coming year and next biennium. **Vote 16-4.**

HB 646-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2006 through 2010. **REFER FOR INTERIM STUDY.**

Rep. David W Hess for Ways and Means: This bill is identical to HB 645 except that it extends its purview to FY 2006 as well as FY's 2007 through 2010. The committee desires to retain this bill for Interim Study for the same reasons as HB 645. **Vote 16-4.**

SB 168-FN, conforming the interest and dividends tax to federal tax definitions.

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

Rep. Gary S Azarian for the **Majority** of Ways and Means: Bringing our state tax definitions into conformity with federal law will significantly simplify tax preparation and

predictability thereby reducing preparation costs to the taxpayer. The result would be treating all taxpayers equally regardless of the corporate form that they may be organized under. It also avoids the double taxation that owners of sub-chapter S corporations may experience under current law. The committee was advised that 95% of taxpayers, especially small business owners, will experience no significant change in tax liability with this statute. The DRA advised the committee that the state would receive additional interest and dividend taxes of approximately 22 million over current receipts. However, they also reported that if 10 of the largest 120 I and D taxpayers changed their domicile status, the state could actually lose 10 million dollars. Given the fact that there was no opposition to the bill by the public, the committee felt this to be an unlikely scenario. **Vote 16-4.**

Rep. Susan W Almy for the **Minority** of Ways and Means: Although this bill is good tax policy - it simplifies an antiquated structure, removes constitutional and economic conflicts that have been the source of several lawsuits and failed political attempts at solutions, and makes it easier for businesses to comply – it is not at this time good fiscal policy. The state is struggling to stay within its budget, and federal government cuts and global economic malaise threaten serious budgetary imbalance and further reduction of essential services to businesses and citizens. The department of revenue administration has done its best to estimate the impact, but does not have a way to measure the impact on those earning under a million dollars in I&D income. From those few mega-earners, they estimate we could lose up to \$20 million in revenue. Accountants with large (not mega) clients tell us that the measure will be roughly revenue-neutral. An accountant with medium-level clients thinks we will lose a considerable amount. The department has been struggling to get underway a new computer system that will allow them to provide the information on the less-than-megas we need, but budget cuts have delayed it. Fiscally, we need to hold off on this bill until we can measure its impact and decide how the state can pay for it within the budget the legislature (or a future one) has set. To do otherwise is the same as spending the rent money on new clothing. The old rags can make do for a bit longer.

GOVERNOR'S VETO MESSAGE REGARDING HB 218

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 218, relative to the New Hampshire rail transit authority.

I am vetoing this legislation because business leaders, particularly in Nashua and Manchester, has clearly said that this bill will hurt their efforts to grow their businesses, to create jobs and to attract new companies to New Hampshire.

The New Hampshire business community has made a clear statement that it sees rail, in the words of the Greater Manchester Chamber of Commerce, as “a proven economic catalyst that will spur economic development and create jobs.” Several major companies have made clear that they believe rail will improve their ability to attract workers, access their markets, attract additional customers and grow their businesses in New Hampshire. In addition, the Manchester and Nashua chambers of commerce both believe that developing the state’s rail infrastructure will assist their efforts to attract new businesses and jobs to the state. That is one reason both chambers have asked me to veto this legislation. The Merrimack Town Council, the Bedford Town Council, and the Nashua Board of Aldermen have also passed resolutions expressing support for expanded rail service and the benefits it would bring to their communities.

The support of the business community is validated by an independent study that concluded that the development of rail in the capital corridor could result in more than \$2.4 billion in new business sales and nearly 1,000 new jobs created and sustained in New Hampshire in the first twenty years of operation.

HB 218 makes substantial changes to New Hampshire Rail Transit Authority that will reduce its ability to fully consider all transit options for the state. New Hampshire businesses banded together to raise \$120,000 to fund the Rail Authority’s grant application

without any state funds because they believe a full consideration of rail is important to New Hampshire's economic future. Going back on our commitment to the businesses who contributed funds to pay for grant applications sends the wrong signal to the private sector about state government's willingness to stand by its commitments. We should see the study through to its conclusion with a fully functioning Rail Authority so that we can make informed policy choices about the best way forward for our state.

Concerns about specific provisions in the Rail Authority statute could have been addressed through much more narrowly drafted language that would leave intact important functions of the rail authority. As currently written, this legislation takes away the rail authority's ability to enter into contracts with partner organizations, to accept gifts and to work with the private sector on economic development projects adjacent to potential rail sites.

Given the strong concerns among New Hampshire business leaders that this legislation will jeopardize their efforts to grow their businesses and create new jobs, I am vetoing House Bill 218.

Respectfully submitted,
John H. Lynch
Governor

Date: June 15, 2011

GOVERNOR'S VETO MESSAGE REGARDING HB 380

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed HB 380, which would have exempted the Commission on the Status of Men from repeal on June 30, 2011.

The Commission on the Status of Men was established by the New Hampshire Legislature in 2002, with a mission to examine cultural biases and stereotyping affecting men, men's physical and mental health problems, and promote policies, initiatives and programs to improve the ability of men to be productive and responsible citizens and fathers.

The New Hampshire Legislature established the Commission on the Status of Women in 1969 with a mission to identify and seek to remedy historical and institutional discrimination against women; to enhance women's opportunities in education and training, business and employment; and to honor women for their contributions to the state and the nation.

The impetus to create a Commission on the Status of Men was driven at least in part by a perception by some that issues impacting men were deserving of commission level status and review that had been afforded to women.

To help make state government more efficient, reduce cost, and eliminate waste and duplication, the Legislature in 2009 established a process to review and sunset certain non-regulatory boards and commissions. As a result of that process, dozens of boards and commissions were recommended for repeal, including both the Commission on the Status of Women and the Commission on the Status of Men.

With the enactment of HB 390, the Commission on the Status of Women has ceased its existence as a state entity. Its work and mission will be merged with and carried on by a private non-profit organization.

At the same time the Legislature repealed the existence of the Commission on the Status of Women, it also passed HB 380, which extended the life of the Commission on the Status of Men by two years, added two new members appointed by the Legislature, and expanded the mission of the Commission to include studying the economic and social costs of the absence of fathers from the home.

People may in good conscience disagree and debate the relative merits of the two commissions. But there can be little disagreement that eliminating the Commission on the Status of Women while extending the Commission on the Status of Men makes little sense. If the Commission on the Status of Men wishes to continue its work and mission, it should do

so in the same way as the Commission on the Status of Women, as part of private or non-profit organization.

For these reasons, I am vetoing HB 380.

Respectfully submitted,
John H. Lynch
Governor

Date: July 13, 2011

GOVERNOR'S VETO MESSAGE REGARDING HB 474

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 11, 2011, I vetoed HB 474.

States should not interfere with the rights of businesses and their employees to freely negotiate contracts. That is unless there is a compelling public interest, and there is no compelling public interest in passing this legislation.

There is no evidence that this legislation will offer any benefits to New Hampshire's economy or workers.

As I have said repeatedly, New Hampshire has an economic strategy that is working. New Hampshire has one of the strongest and fastest-growing economies in the nation. We have one of the lowest unemployment rates and one of the highest median incomes in the nation. We are considered one of the safest states and one of the healthiest states, and a high percentage of our citizens have private health insurance.

New Hampshire has a lower unemployment rate and a stronger economy than most states with so-called right-to-work laws. In states with a right-to-work law, workers on average have a lower standard of living, bringing home less in their paychecks and going without health insurance more frequently.

In my time as a CEO, in my years spent in the private sector turning around companies, and in my seven years as Governor, I have never seen the so-called right-to-work law serve as a valuable economic development tool.

In the last seven years of recruiting businesses to move to New Hampshire, not one business leader has ever even asked me if New Hampshire had a right-to-work law, let alone suggested it was a factor in the company's location decision. No New Hampshire business leaders have ever told me that the lack of a so-called right-to-work law prevented them from expanding or hiring new workers here in New Hampshire. And no New Hampshire workers have ever told me they couldn't get a job because New Hampshire doesn't have a so-called right-to-work law.

The debate over the so-called right-to-work bill in New Hampshire appears to be largely driven by national outside interest groups, and is not a result of problems facing New Hampshire businesses or workers.

There is no justification in this case for state government to interfere with the right of private businesses to freely negotiate and enter into contracts with their employees. Therefore, I am vetoing HB 474.

Respectfully submitted,
John H. Lynch
Governor

Date: May 11, 2011

GOVERNOR'S VETO MESSAGE REGARDING HB 542

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed HB 542, an act relative to exceptions for objectionable material in public school courses.

I am vetoing this legislation because it does not clearly define what material would be objectionable; it would be disruptive to classrooms and other students; and it would be

difficult for school districts to administer.

Current law already allows for parents to remove their children from classrooms for particular lessons on health or sex education. Given the strong moral and religious issues inherent in those subjects, that is appropriate. But this legislation goes far beyond that. HB 542 would allow a parent to determine any course material is “objectionable” and require school districts to work with parents to develop an alternative. This legislation in essence gives every individual parent of every student in a classroom a veto over every single lesson plan developed by a teacher.

For example, under this bill, parents could object to a teacher’s plan to: teach the history of France or the history of the civil or women’s rights movements. Under this bill, a parent could find “objectionable” how a teacher instructs on the basics of algebra. In each of those cases, the school district would have to develop an alternative educational plan for the student. Even though the law requires the parents to pay the cost of alternative, the school district will still have to bear the burden of helping develop and approve the alternative. Classrooms will be disrupted by students coming and going, and lacking shared knowledge.

Just as important, this legislation will fundamentally damage educational quality. Much of the genesis behind this legislation is objections to certain books that have been used in lessons. This is a perennial debate, and teachers and schools have a responsibility to ensure they are using age-appropriate, school-appropriate materials in their classrooms.

The intrinsic value of education is exposing students to new ideas and critical thinking. This legislation encourages teachers to go the lowest common denominator in selecting material, in order to avoid “objections” and the disruption it may cause their classrooms.

Because it is unclear what educational material or programs would be objectionable and the quality of education in the classroom could be impacted, I am vetoing this bill.

Respectfully submitted,

John H. Lynch

Governor

Date: July 13, 2011

COMMITTEE MEETINGS

THURSDAY, NOVEMBER 10

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Room 203, LOB

2:30 p.m. Regular meeting.

CURRENT USE BOARD (RSA 79-A:3), Newbury Town Hall, 937 Route 103, Newbury

4:00 p.m. Public forum.

HOUSE SELECT COMMITTEE TO STUDY ISSUES REGARDING THE NEW HAMPSHIRE LOCAL GOVERNMENT CENTER, Room 206, LOB

10:00 a.m. Work session.

MONDAY, NOVEMBER 14

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

3:00 p.m. Regular meeting.

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Joint Board of Licensure and Certification, 57 Regional Drive, Concord

1:00 p.m. Regular meeting and hearing.

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), Room 305, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 203, LOB

10:00 a.m. Rescheduled regular meeting.

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

9:30 a.m. Public forum followed by a regular meeting of the board.

TUESDAY, NOVEMBER 15

COMMITTEE TO DEVELOP A PLAN FOR PRIVATIZING THE DEPARTMENT OF CORRECTIONS (HB 2, Chapter 224:346, Laws of 2011), Room 212, LOB

3:00 p.m. Regular meeting.

COMMITTEE TO STUDY ISSUES REGARDING FINANCIAL RESOURCES MORTGAGE, INC. (HB 178, Chapter 119:1, Laws of 2011), Rooms 210-211, LOB

9:00 a.m. Regular meeting.

INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE (RSA 21-R:9), Room 212, LOB

10:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON REDISTRICTING, Room 204, LOB

10:30 a.m. Coos/Carroll/Grafton County Commissioner redistricting subcommittee work session to receive proposals for redistricting county commissioner seats.

Room 308, LOB

10:30 a.m. Cheshire/Hillsborough/Sullivan County Commissioner redistricting subcommittee work session to receive proposals for redistricting county commissioner seats.

Room 306, LOB

10:30 a.m. Belknap/Strafford/Merrimack/Rockingham County Commissioner redistricting subcommittee work session to receive proposals for redistricting county commissioner seats.

WEDNESDAY, NOVEMBER 16

COMMISSION TO STUDY THE FUTURE OF NH MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION (NHMMJUA) (RSA 404-C:14,VII), Room 100, State House

1:00 p.m. Regular meeting.

COMMITTEE TO STUDY COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES (HB 580, Chapter 101:1, Laws of 2011), Room 303, LOB

10:00 a.m. Regular meeting.

COMMITTEE TO STUDY ISSUES REGARDING FINANCIAL RESOURCES MORTGAGE, INC. (HB 178, Chapter 119:1, Laws of 2011), Rooms 210-211, LOB

9:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON REDISTRICTING, Room 204, LOB

10:00 a.m. House redistricting subcommittee work session to receive proposals for redistricting the House.

THURSDAY, NOVEMBER 17

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

9:00 a.m. Regular meeting.

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), LGC Conference, Radisson Hotel, 700 Elm Street, Manchester

3:15 p.m. Public forum.

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2), Room 302, LOB

1:00 p.m. Regular meeting.

SPECIAL COMMITTEE ON REDISTRICTING, Room 204, LOB

10:00 a.m. Additional House redistricting subcommittee work session if required to receive further proposals for redistricting the House.

FRIDAY, NOVEMBER 18

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

1:00 p.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 306, LOB

9:00 a.m. Subcommittee meeting to investigate the prevalence and problems associated with bed bugs and the effect on New Hampshire.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Upham Walker House, Park Street, Concord

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

MONDAY, NOVEMBER 21

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

9:00 a.m. Regular meeting.

TUESDAY, NOVEMBER 22

NH INNOVATION RESEARCH CENTER OVERSIGHT COMMITTEE (RSA 187-A:32), The President's Conference Room, Thompson Hall, UNH

9:00 a.m. Regular meeting.

WEDNESDAY, NOVEMBER 23

HEALTH INFORMATION ORGANIZATION BOARD (RSA 332-I:8), 125 Airport Road, Concord

8:00 a.m. Regular meeting.

MONDAY, NOVEMBER 28

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

9:00 a.m. Regular meeting.

TUESDAY, NOVEMBER 29

HISTORICAL COMMITTEE (RSA 17-I), Room 208, LOB

10:00 a.m. Regular meeting.

JUDICIARY, Room 208, LOB

1:00 p.m. Subcommittee work session pursuant to **HR 7**, which directs the house judiciary committee to investigate whether grounds exist to impeach marital master Philip Cross and/or any justice of the New Hampshire superior court.

MEDICAL MALPRACTICE PANEL AND INSURANCE OVERSIGHT COMMITTEE (RSA 519-B:13), Room 102, LOB

10:30 a.m. Organizational meeting.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 305-307, LOB

9:00 a.m. Presentation on Utah Pension Reform.

SPECIAL COMMITTEE ON REDISTRICTING, Room 204, LOB

10:30 a.m. Coos/Carroll/Grafton County Commissioner redistricting subcommittee work session for the purpose of determining and recommending County Commissioner Districts.

Room 308, LOB

10:30 a.m. Cheshire/Hillsborough/ Sullivan County Commissioner redistricting subcommittee work session for the purpose of determining and recommending County Commissioner Districts.

Room 306, LOB

10:30 a.m. Belknap/Strafford/Merrimack/Rockingham County Commissioner redistricting subcommittee work session for the purpose of determining and recommending County Commissioner Districts.

THURSDAY, DECEMBER 1

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

9:00 a.m. Continued regular meeting.

FRIDAY, DECEMBER 2

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

10:00 a.m. Regular business.

TUESDAY, DECEMBER 6

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 205, LOB

10:00 a.m. Regular meeting.

THURSDAY, DECEMBER 8

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

9:30 a.m. Regular meeting.

FRIDAY, DECEMBER 9

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

9:30 a.m. Regular meeting.

MONDAY, DECEMBER 12

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 308, LOB

10:30 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Fish and Game Department, 11 Hazen Drive, Concord

10:00 a.m. Quarterly meeting.

TUESDAY, DECEMBER 13

FINANCE AND WAYS AND MEANS JOINT WITH SENATE FINANCE AND SENATE WAYS AND MEANS, Rooms 210-211, LOB

Joint Economic Session:

10:00 a.m. Presenter: David Wyss. Topic: Global and National Economic Update.

11:00 a.m. Presenter: Jeff Applegate. Topic: Global and National Economic Forecast.

1:00 p.m. Presenter: Frank Nitkiewicz. Topic: Regional Economy.

2:00 p.m. Presenter: Dennis Delay. Topic: NH Economy.

3:00 p.m. Presenter: Russ Thibeault. Topic: NH Real Estate.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), NHTI Campus, 11 Institute Drive, Concord

10:00 a.m. Briefing and discussion of the Community College System of NH (CCSNH).

WEDNESDAY, DECEMBER 14

HEALTH INFORMATION ORGANIZATION BOARD (RSA 332-I:8), 125 Airport Road, Concord

8:00 a.m. Regular meeting.

THURSDAY, DECEMBER 15

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

9:00 a.m. Regular meeting.

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Room 203, LOB

2:30 p.m. Regular meeting.

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

10:00 a.m. Regular business.

FRIDAY, DECEMBER 16

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

2:30 p.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

MONDAY, DECEMBER 19

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

9:00 a.m. Regular meeting.

WEDNESDAY, DECEMBER 28

HEALTH INFORMATION ORGANIZATION BOARD (RSA 332-I:8), 125 Airport Road, Concord

8:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet Monday, **November 14**, 2011 at 7:00 p.m. at the Belknap County Complex for the purpose of interviewing candidates for Gunstock Area Commissioner and making a selection.

Rep. Alida Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Committee on Monday, **November 14th**, 2011 at 9:00 a.m. This meeting will be to discuss the third quarter expenses and the old nursing home. The meeting will take place in the Carroll County Administration Building, 95 Water Village Road, Ossipee, NH. The delegation will also consider and act upon any other business that may be brought before the meeting.

Rep. Karen C. Umberger, Clerk
Carroll County Delegation

REVISED FISCAL NOTES

The following House and Senate Bills have a revised fiscal note: HBs 25, 26, 35, 37, 49, 72, 110, 131, 136, 147, 154, 186, 187, 205, 206, 213, 222, 224, 225, 228, 229, 231, 232, 234, 238, 242, 256, 261, 262, 263, 264, 265, 266, 268, 269, 270, 274, 276, 277, 284, 288, 292, 293, 299, 302, 303, 309, 310, 311, 325, 329, 330, 332, 333, 335, 337, 340, 343, 344, 345, 347, 348, 350, 353, 356, 365, 368, 369, 377, 378, 388, 394, 411, 418, 419, 420, 439, 440, 441, 444, 447, 448, 449, 451, 452, 453, 454, 455, 456, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 476, 477, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 502, 504, 505, 506, 507, 508, 509, 515, 517, 518, 519, 520, 522, 523, 528, 529, 536, 537, 539, 542, 557, 569, 571, 580, 593, 601, 602, 609, 618, 619, 621, 622, 626, 627, 628, 629, 634, 636, 637, 638, 639, 640, 641, 642, 645, 646, 650, 654. SBs 1, 3, 20, 21, 22, 53, 58, 72, 75, 81, 129, 147, 152, 154, 156, 157, 161, 162, 170.

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. Roland P. Hofemann, 18 Wellington Avenue, Dover, New Hampshire 03820-2002

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 NH House Business Coalition meeting has been rescheduled to Tuesday, **November 15**, at 2:00 p.m. in Room 202, LOB. All pro-business Representatives are welcome. Please contact Representative Laurie Sanborn, Chair, at RepSanborn@gmail.com for more information.

Rep. Laurie Sanborn

All members are invited to join Concord Mayor Jim Bouley, Representative Candace Bouchard, and Executive Councilor Dan St. Hilaire for a Breakfast Reception with Mayor Scott Smith of Mesa, Arizona to discuss the future of Our State and Nation's Infrastructure on Wednesday, **November 16**, 7:30 a.m. at Cheer's Restaurant, Depot Street, Concord. Please RSVP at Mike@bafuture.org or call 228-1601.

Rep. Candace C.W. Bouchard

The Vesta Roy Excellence in Public Service Series Class of 2011 is hosting a wine and cheese fundraising reception honoring the Class of 2012 on Thursday, **November 17** from 5:30 to 7:00 p.m. at the Comfort Inn on Hall St., Concord. Steve Duprey, Republican National Committeeman for NH, will share the behind the scenes story of the successful negotiations with Nevada leading to the FTIN Primary being held in January. Tickets are \$10 and available at the door. The Vesta Roy Series is a political leadership training program for New Hampshire Republican women who have an interest in politics and public service.

Rep. Joanne Ward

Plymouth State University Legislators Brunch will be held at PSU Welcome Center and Ice Arena Wednesday, **November 30**, 2011, 10:00 a.m. – 12:00 p.m. Kindly RSVP by November 4, 2011 to Laura Hinman at (603) 535-2274 or ljhinman@plymouth.edu. Parking is available adjacent to ice arena in Visitor Lot 602.

Rep. Mary R. Cooney

The Main Street Republicans will meet every Tuesday, prior to a Wednesday session, at 8:30 a.m. in Room 209, LOB. All Republican House members are welcome.

Reps. David H. Kidder and Rick M. Ladd

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
Nov. 10	9:00	Cornerstone Christian Academy - Epsom	15/3&4
Nov. 10	10:00	Wilkins Elementary School – Amherst	22/4
Nov. 10	10:30	Oyster River High School-Exchange students	
Nov. 10	11:30	St. Kathryn's Home School	30
Nov. 14	9:45	Troy Elementary School	42/4
Nov. 14	10:30/12:00	H O Smith School – Hudson	80/4
	SH/Planet		
Nov. 15	10:00/11:30	Gilford Elementary School	80/4
	SH/HM		
Nov. 16	9:45/11:00	Derry Village School	90/4
	SH/HM		
Nov. 16	1:30	Epping Senior Citizens	12/SRS
Nov. 16	2:00	World Affairs Council- Foreign Service Nationals	25
Nov. 17	9:30	Marlborough School	24/4
Nov. 17	11:00	Kearsarge Regional School – Bradford	48/5
Nov. 17	1:30	Woodbury Middle School	70/8
Nov. 18	10:00	Sanbornton Central School	33/4
Nov. 18	11:30	Pierce School @ Bennington	15/4
Nov. 21	10:15	Hampstead Academy	21/4
Nov. 21	1:30	Fire Academy Cadets	25
Nov. 22	9:30/11:00	Parker Varney School _ Manchester	66/4
	SH/HM		
Nov. 28	10:00/11:30	Woodland Heights School – Laconia	64/4
	SH/HM		
Nov. 29	10:00	Broad St. Elementary School – Nashua	60/4
Nov. 29	11:00	Greenfield Elementary School	13/4
Nov. 29	2:00	Union College–Dept. of Political Science	12/col
Nov. 30	10:00/11:30	Barrington Elementary School	120/4
	SH/HM		
Dec. 1	9:30/11:00	Reed's Ferry School – Merrimack	96/4
	SH/HM		

Dec. 2	10:00	Perkins School – Marlow	35/3-6
Dec. 5	9:45/11:00 SH/HM	South Londonderry School	
Dec. 6	9:00	Leadership Laconia	25
Dec. 6	9:45	South Londonderry School	
Dec. 6	11:00	Boscawen Elementary School	46/4
Dec. 7	9:15	Mont St. Mary Academy- Manchester	19/4
Dec. 7	10:15/11:15	Hills Garrison School	80/4
Dec. 8	1:00	Plymouth Area Home Schoolers	20
Dec. 9	9:30/11:00 SH/HM	Penacook Elementary School	60/4
Dec. 13	9:30/11:00 SH/HM	Weston Elementary School – Manchester	103/4
Dec. 14	9:30/11:00 SH/HM	Griffin Memorial School – Litchfield	104/4
Dec. 16	9:15/10:30 SH/SC	Memorial School – Bedford	100/4