HOUSE RECORD

Second Year of the 162nd General Court
Calendar and Journal of the 2012 Session

Vol. 34 Concord, N.H. Friday, February 10, 2012 No. 11
Contains: Reports and Amendments for February 15, Legislative Ethics Advisory Opinion 2012-1, House Bills Amended by the Senate, Hearings, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in Session on **Wednesday, February 15, 2012 at 10:00 a.m.**

I want to thank all of those who participated in this week's session debates, as well as those who did not. We were able to get through quite a few bills quickly. We did this by having directed and informative debates that, for the most part, were conducted by those most knowledgeable on the bills as they went through their committees. We have many bills coming out of committees over the next several weeks, but continuing with this judicious use of our session days will allow us to avoid overly long sessions that unduly tax our patience and ability to be attentive.

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.

Chairmen of legislative committees and subcommittees have been requested as much as possible to limit their work to Tuesdays, Wednesdays and Thursdays of each week in order to reduce expenditures for mileage reimbursement.

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 the House Chief of Staff.

Chairmen and Vice-Chairmen will meet **Tuesday, February 14th at 9:00 a.m.** in LOB 305-307.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday**, February 15** at **9:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **February 15** at **9:00 a.m.** in Rooms 305-307, LOB.

Terie Norelli, Democratic Leader

NOTICE

The House Calendar closes at **3:00 p.m. on Wednesdays** for scheduling and notices. It closes at **NOON** on **Thursdays** for Committee Reports. Please be sure to do your scheduling in order to meet that deadline.

CLOSES NOON *THURSDAY:*
February 16

AVAILABLE *FRIDAY:*
February 17

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2012 SESSION

Thursday, February 16, 2012	Last day to act on HBs going to a second committee.
Thursday, February 23, 2012	Last day to report HBs not in a second committee.
Thursday, March 22, 2012	Last day to report all remaining House bills.
Thursday, March 29, 2012	Last day to act on House bills. **CROSSOVER**.

WEDNESDAY, FEBRUARY 15

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1465, relative to criminal records of juvenile offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Anne C. Grassie for Children and Family Law: This bill provides that any person shall have access to juvenile case and court records from proceedings where a juvenile was found to have committed a violent crime or sexual offense. The sponsor did not appear and the testimony was uniformly opposed to the bill. The ostensible intent was to protect the public, but the result of such law could well be just the opposite. New Hampshire already has provision in law that minors who have committed felonies may be certified to stand trial as adults, with attendant public scrutiny. Laws which took effect in 1995-1996 made voluminous juvenile records available to victims of crime. This bill presumes all juvenile perpetrators of serious crime are irretrievably depraved. This notion is not supported by the evidence. For instance, Texas, noted for being tough on crime and death row executions, has developed a model treatment program specifically for serious violent juvenile offenders and a program for sex offenders. For the violent offender program, recidivism within a year is now 3%, and sex offender program is 2%. This bill would isolate and ostracize and further alienate juvenile offenders when appropriate consequences and constructive engagement are warranted so as not to create an individual who is lost for a lifetime. The public access to records would further victimize victims and make victims out of innocent parties who may be family members discussed in medical, police or psychological records. It allows for an

unwarranted intrusion by an often merciless media. The bill would be indiscriminately punitive of guilty and innocent alike, to no good end. **Vote 11-0.**

HB 1567, establishing a committee to study the federal Youth Corrections Act. **OUGHT TO PASS.**

Rep. Jane B. Johnson for Children and Family Law: The substance of this bill was recommended by a legislative committee appointed in 2010 to study the education and career opportunities for youth and young adults, 17-21 years of age in the juvenile and adult criminal justice systems. The rationale for the recommendation was to identify practices and programs in the juvenile and adult criminal justice systems that reduce recidivism. In New Hampshire, according to a report of recidivism, male offenders between the ages of 17 and 19 at the time of their release had the highest rate of recidivism at 83.3%. Offenders with the highest rate of recidivism were inmates convicted of property crime. New Hampshire's recidivism rate in the adult corrections system currently is a little less than 50% and very costly. Studies show that education provided in the prison can reduce the rate of recidivism by 30%. To re-acclimate to life on the outside, an education and discernible skills are the surest ways to avoid a cycle of poverty and crime. Adding to the reasons for studying the Youth Corrections Act is the developing field of research on the adolescent brain and economic studies that show that the return on investment (ROI) is $3.00 for every $1.00 invested. Keeping 17-21 year old inmates in a setting other than the state corrections facility (prison) saves money in the long term by decreasing re-offending and increasing the possibility that youth offenders can become productive members of society. This study bill will help determine the relevance of the Federal Youth Corrections Act as a possible template for New Hampshire policy. **Vote 12-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1319, limiting credit card interchange fees charged to merchants. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: While the committee sympathizes with the intent of this bill to reduce credit interchange fees, we do not believe that enacting price controls on New Hampshire businesses would be helpful to encourage commerce in New Hampshire. The current "four party" system of customer, merchant, customer's bank (the issuer) and the merchant's bank (an acquirer) works well for all parties. The interchange fee is the charge to the merchant for the transition between the acquirer and the issuer. A substantial benefit goes to the merchant from the issuer (customer's bank) to the acquirer or (merchants bank) in the form of funding the transaction covering credit losses, billing and collections, customer service, fraud prevention and losses, data processing and regulatory compliance. Merchants are able to increase sales from accessing the vast purchasing power of millions of card holders around the globe. The biggest benefit to merchants is to allow them to sell on credit without taking a credit risk because that risk is assumed by the customer's bank. The committee feels this system works well and is a benefit to both customers and merchants in New Hampshire. **Vote 13-0.**

HB 1406, relative to goods in intrastate commerce. **INEXPEDIENT TO LEGISLATE.**

Rep. Sean M McGuinness for Commerce and Consumer Affairs: This bill seeks to exempt certain products produced, manufactured and retained within the boundaries of the state of New Hampshire from federal regulation under the US Constitution's commerce clause. The House has already sent HB 324, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire to Interim Study. Also HB 1406 was scheduled to be sent to a second committee. The committee is committed to working on the issue and will have a recommendation for next year. **Vote 11-1.**

HB 1445, requiring refunds for returns of merchandise. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill requires proprietors of retail establishments to give refunds in the form of cash or credit for returned merchandise under certain circumstances. The bill sponsor further amended the bill by replacing the original bill with requiring retail proprietors to conspicuously display their refund and

return of merchandise policies. The committee felt that while these policies are a good idea and are already done by the larger retailers, it would place an undue burden on smaller businesses. **Vote 13-0.**

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

HB 1343, prohibiting employees of parties and political committees from running for state office. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew R Schmidt for Constitutional Review and Statutory Recodification: Part I, Article II of the Constitution of New Hampshire states that "Every inhabitant of the state having the proper qualifications, has an equal right to be elected to office." Our NH constitution provides for broad and inclusive representation. Free, fair and full debate and representation of diverse views is essential to the political process. Our process is by its very nature political. Therefore, to deny anyone on the basis of political agenda or type of employment is unconstitutional. **Vote 12-0.**

HB 1344, prohibiting public employees from being candidates for certain offices. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew R Schmidt for Constitutional Review and Statutory Recodification: Part I, Article II of the Constitution of New Hampshire states that "Every inhabitant of the state having the proper qualifications, has an equal right to be elected to office." Part II article 9 of the Constitution guarantees that we will have a House of Representative founded in principles of equality and representation therein "shall be as equal as circumstances will admit." The goal of our constitution is to have as broad a representation as possible. To deny rights of public employees, a large group of citizens with this basic tenet of our constitution is wrong. Furthermore concerns about potential conflicts of interest are more appropriately addressed by disclosure and ethics rules. Consequently the committee voted unanimously to ITL. **Vote 12-0.**

HB 1533, prohibiting bullying in the state house and legislative office building. **INEXPEDIENT TO LEGISLATE.**

Rep. John W Cebrowski for Constitutional Review and Statutory Recodification: The Constitution of New Hampshire, Part 2, Articles 22, 35 and 37 provides for the House and Senate to govern their own proceedings independently. To put into statute a process that would potentially subordinate their governance, especially a future legislature which might not concur with that subordination, to another branch of government or a body including members not of either body or each other is contrary to that principle. The nature of this institution is one of passion for positions, firmly held principles, partisan politics, and disagreement. All this requires the highest level of civility, judgment, respect, sensitivity, good communications, and decorum. And those attributes need to run both ways, particularly at times of conflict. Expected cooperation with party platforms and principles is a fact of legislative life. But holding to your conscience is also a fact of legislative life. Whipping is a fact of legislative life, whether it be simple polling or verbal arm-twisting. Disappointment is another fact of legislative life. The "kitchen" can sometimes get hot. Fortunately, we have multiple means, multiple channels or outlets, for venting our frustrations when we feel wronged or misunderstood. They include testifying, debating, making our case to various committee chairs and co-chairs, majority and minority leadership team members, the Speaker, house rules, the redress of grievances committee, and multiple other resources. We have no lack of processes, people, and tools to air our passions and frustrations. **Vote 13-2.**

HB 1537-FN, prohibiting the use of certain devices that intrude on personal privacy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher W Serlin for Constitutional Review and Statutory Recodification: The committee was concerned that though the bill was constitutionally necessary the original language of HB 1537 might be too broad, and create unintended consequences. After some discussion and with the support of the bill's sponsor, the committee updated an existing RSA: 644:9(c), with language that would wrap existing policy law around the new duties (and capabilities) which triggered the sponsor's original concern. We believe the language is

simple, uncomplicated and recognize that a second committee will have the opportunity to execute these minor changes. **Vote 10-0.**

HB 1541, repealing the authority of officials to enter and examine the premises of an automotive recycling dealer. **REFER FOR INTERIM STUDY.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The committee felt that the constitutional issue, under the current statute, allowing unwarranted searches of a particular class of business, was potentially balanced by the need of protecting the general public from potential environmental or criminal activities. While we did not hear of particular incidents of abuse, the prime sponsor did not bring his concerns forward in a timely manner. Given the clear wording of the Part I, Article 19 of the New Hampshire Constitution, the majority of the committee felt that more time was needed to study this issue, and perhaps work together with all interested parties toward a recommended change rather than striking the entire statute. **Vote 11-2.**

HB 1542, relative to interference with state constitutional rights. **REFER FOR INTERIM STUDY.**

Rep. John W Cebrowski for Constitutional Review and Statutory Recodification: This bill was intended to create a cause of action and a remedy for intentional interference with state constitutional rights. The bill sought to enable citizens to seek injunctive relief or maintain a civil action, or both, to recover damages for intentional violations of the state constitution's bill of rights by any government entity and its agents. The committee felt that there would be merit associated with sending the bill for further study to a committee composed of members of both Constitutional Review and Redress of Grievances, potentially resulting in a bill of greater worthiness. **Vote 11-0.**

HB 1623, relative to conflicts of interest of a member of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The issue of how to determine if a member is in conflict of interest, and if they should recuse themselves, is a complex one. The committee felt that while there were many sides to this discussion, no clear solution presents itself yet. We did all agree that if sunshine is the best disinfectant, then making disclosures easier to find, both for members and general public, would only help. The bill, as amended, would require the legislative ethics committee to post the disclosure forms, which are already public information, on its website, to avoid individuals having to disturb the clerks or secretary of state's office. **Vote 10-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1158, relative to the authority of the superintendent of a county correctional facility. **REFER FOR INTERIM STUDY.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill grants authority to a corrections superintendent to release an inmate to a work release or community service program either with a court order or without. If the inmate absconds or commits a new crime there is no immunity for the superintendent who released the inmate. The committee believes that the intention of the sponsors is worthwhile, but it needs to afford protection for the superintendent. Therefore, we voted to study the process. **Vote 12-1.**

HB 1184, relative to the use of videotape evidence of criminal activity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: The sponsor of this bill brought to the committee's attention the fact that law enforcement officers, in at least one community, were issuing summons or making arrests for "willful concealment" based solely on viewing a videotape of the offense. The committee's amendment corrects this problem by allowing a law enforcement officer to issue a summons or take a person into custody for "willful concealment" based on the merchants witnessing the offense or recovering the unlawfully obtained goods or merchandise from the person. **Vote 12-0.**

HB 1275, relative to the common law rule of lenity. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E Ginsburg for Criminal Justice and Public Safety: The majority believes this bill is poorly drafted and internally inconsistent, and further that it is unnecessary, as the "plain meaning" rule and legislative history are already available as means to resolve any ambiguity in the law. **Vote 11-1.**

HB 1331, relative to termination of employment for a sexual offense or an offense against a child. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Phil J Greazzo for Criminal Justice and Public Safety The majority of the committee feels it is our moral obligation to protect children from those who would do them harm. We trust those charged with educating our children to be worthy of that trust. However, when that trust is broken with a crime against a child, they should be terminated and no longer allowed to be near our children. **Vote 14-1.**

HB 1452, prohibiting the establishment of sobriety checkpoints. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would stop sobriety check points. The police have to go to court to get permission to hold a sobriety check. It is advertised in the newspaper. Even the sponsors agreed it was working. They felt that roving patrols would work better. Police departments do have roving patrols. The committee felt we needed both to keep drunken drivers off our roads. These sponsors felt it was an invasion of people rights. We heard very little from the public. **Vote 12-1.**

HB 1494-FN, relative to verification of immigration status of all persons arrested or detained by law enforcement officers. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill would, if enacted, require law enforcement to verify the immigration status of all persons arrested or detained. Testimony revealed only 5 ICE officers are assigned to Enforcement Removal Operations. The present query through NCIC is based on border activity and would take 10-20 minutes before actual status is received. It not only would tie up officers for an extended amount of time, it would likely violate current Federal First Circuit Court of Appeals and New Hampshire and United States Supreme Court decisions prohibiting protracted detention of individuals at traffic stops without reasonable suspicion. This is not good public policy and will create tensions and mistrust between our minority community and our law enforcement officers. **Vote 14-1.**

HB 1611-FN, repealing certain provisions relative to the sale of pistols and revolvers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill repeals RSA 159:8 relative to the license to sell pistols and revolvers at retail, RSA 159:8-a sales to non-residents, RSA 159:8-b penalties for sales to non-residents and 159:10 sales without a license. The federal statutes govern all retail sales of pistols and revolvers and the RSA's govern state licensing for retail sales. Currently the federal F.F.L. licenses are necessary to operate a business to sell at retail, pistols and revolvers. The state license is not necessary and in fact in some cities and towns not required, because it is not known. A similar bill was heard a few years ago. The amendment removes from the bill RSA 159:14 relative to exemptions for the sale of a pistol or revolver. This is the part of our statutes that allow the sale between two parties that know each other. RSA:14 will stay in effect. **Vote 12-0.**

HB 1667-FN, relative to the application of the juvenile laws to children up to the age of 18. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill would raise the age of minority from 17 to 18. Currently there are about 60 youths at the Sununu center and barely enough staff to take care of them. This is not the time to increase the age. It remains that 17 year olds commit serious crimes and may not deserve to be tried as a juvenile. Statutes provide for certification as an adult but the current law is serving us well. **Vote 12-2.**

HB 1675-FN, relative to location tracking by electronic communications devices. **REFER FOR INTERIM STUDY.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill would prohibit a person from gathering information from an electronic communications device without the express consent of the person using the device. The committee felt that the bill had merit. Because this is an early bill, the committee felt that more time was needed to work on an issue with complexity. **Vote 11-4.**

HB 1690-FN, prohibiting the use of cell phone data extraction devices by law enforcement agencies. **REFER FOR INTERIM STUDY.**

Rep. Dennis H Fields for Criminal Justice and Public Safety: The committee concluded that any legislation concerning cell phones and the transmission of data is too complex technologically to be dealt with at this time without further study. **Vote 11-4.**

HB 1694-FN, relative to driving under the influence of drugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill has similar language to HB 1699-FN. The definition of "controlled drug" was changed to read "drug" and was therefore vague. The committee decided to ITL this bill and pass the other which had a better definition of the term. **Vote 12-0.**

EDUCATION

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.**

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education: This bill encourages the use of outside speakers in the school as an invaluable component in support of all studies. The bill further directs each school district to develop a policy to notify parents of a school-sponsored event or class that will include a speaker from outside the school who might be considered controversial. **Vote 17-0.**

HB 1571, relative to educational evaluation of home schooled children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education: This bill amends the home school educational evaluation procedures and annual test results shall only be retained by the parent. Home school parents need only to inform the school district once regarding the student being home

schooled. Home schoolers desiring to participate in public school programs or co-curricular activities shall be subject to the same participation policy and eligibility conditions as apply to public school students. **Vote 17-0.**

HB 1575, relative to alternative course selections for certain pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A Pitre for Education: Although this bill has laudable goals, parental objection and withdrawal from a course creates a problem of where to place and monitor a child during the withdrawal from the class. This would cause an administrative conundrum. The cost of alternative course work at parental expense may cause financial hardship for some parents. HB 542 recently passed and already allows opt out of objectionable material in the classroom. Other alternative coursework such as extended learning opportunities, VLACS, Running Start, and E-start provides many alternative adequate opportunities and makes this bill unnecessary. **Vote 16-1.**

ELECTION LAW

HB 1136, relative to special state elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Regina M Birdsell for Election Law: This bill changes scheduling requirements for certain special elections. This bill was developed to shorten the time frame for special elections. Special election periods have run as long as 180 days. The original bill shortened it to 34 days. The secretary of state felt the original bill shortened the time frame too much so the amendment was brought forth to lengthen the time to 124 days. **Vote 13-0.**

HB 1291, prohibiting compelled speech. **INEXPEDIENT TO LEGISLATE.**

Rep. John G Gimas for Election Law: This bill attempted to address the problem of compelled speech. The language of the bill did not adequately address the existing problems. **Vote 14-0.**

HB 1399, relative to state general election ballots. **REFER FOR INTERIM STUDY.**

Rep. John J Byrnes for Election Law: This bill would clarify that the names of candidates must be randomized to meet the constitutional imperative that each citizen qualified for office have an equal right to be elected. The secretary of state's office expressed some concerns about ballot design and printing caused by the bill as written. The committee wants to meet the constitutional imperative but believes further study is needed to address the concerns expressed. **Vote 12-1.**

ENVIRONMENT AND AGRICULTURE

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne J Smith for Environment and Agriculture: Agriculture is a vital part of New Hampshire. Support for local foods and local farms is strong, and there are many young people in our state who wish to pursue farming as a career and a life choice. The committee heard testimony that acquiring land for farming is a huge obstacle for these young and beginner farmers. We want to offer them an opportunity to farm and raise their families in New Hampshire. A study conducted by the University of New Hampshire in 2010, found that New Hampshire's local food system contributes 5.7 percent of the state's $58 billion dollar economy. This report highlights the potential to increase the contribution of local agriculture production and food manufacturing to the gross state product by (GSP) 25 percent. This will not be possible if our farmers cannot afford land to farm. The state owns land that is well suited for agricultural use. The committee formed by HB 1211 will bring the stakeholders who manage these properties (DES and DRED) together with legislators, the NH farm bureau and the New Hampshire institute of agriculture and forestry to study how to best implement a leasing program that will benefit agriculture in New Hampshire, and strengthen the ties that keep our young and beginner farmers in New Hampshire. **Vote 14-0.**

HB 1234, establishing a department of environmental services oversight and grievance committee. **REFER FOR INTERIM STUDY.**

Rep. John T O'Connor for Environment and Agriculture: The committee currently has two bills for oversight of the department of environmental services (DES). We see merit in instituting an objective grievance, oversight and recodification study committee. Given the complexity of the department and associated councils, such as air resources, waste management, water and wetlands, the committee, with the agreement of the sponsor, decided that there is a need for more information. Thus the recommendation HB 1435 as the bill to be the oversight committee. **Vote 14-0.**

HB 1235, establishing a committee to study and propose a recodification of certain environment-related statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Palmer for Environment and Agriculture: Portions of this bill HB 1235 will be incorporated in HB 1435 which is to establish a committee to oversee the department of environmental services. **Vote 13-0.**

HB 1241, relative to table wines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L Babson for Environment and Agriculture: The committee heard testimony which stated that because of the alcohol content of mead (the fermentation of agricultural products) a new, viable N.H. industry is being crippled by unnecessary regulation. By allowing the Liquor Commission to approve the sale of mead containing up to 24% alcohol as long as the mead is produced in the same manner as wine, the change will assure the continued and rapid growth of this new N.H. industry. **Vote 12-0.**

HB 1402, relative to the sale of homemade food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Guy Comtois for Environment and Agriculture: This bill exempts a person who wishes to produce homestead food products such as jam, jellies, cookies, etc. from licensing up to $10,000 gross annual sale to sell from the home, farm stand or farmer's market. Excluding potentially hazardous food, it also allows small micro farms to produce 20 gallons of raw milk or raw milk products such as aged cheese, yogurt, cream, butter and kefir, which is legal to sell per day at present. It does not do away with licensing. If a person wishes to license they can, but it does help micro farmers to start out without having to spend a considerable amount of money to comply. **Vote 13-0.**

HB 1435, establishing a committee to oversee the department of environmental services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H Haefner for Environment and Agriculture: This bill creates a DES oversight committee. The committee will consist of 12 experienced legislators. It is made up of the Chair, Vice Chair and Ranking Minority Member of each of the three House committees that handle DES legislation and the same leadership from the Senate Committee that covers DES. This gives the committee the most experienced people, is bi-partisan and covers all areas of DES: wetlands, water, air and waste. The committee will further oversee the policy committees' review of all 12 statutes for DES, once every six years. The DES Commissioner will participate at every meeting as a non voting member. A grievance process, although not part of this bill, will be studied for inclusion in a future bill addressing the Councils. **Vote 13-0.**

HB 1481, relative to effluent limitations with regard to nitrogen. **REFER FOR INTERIM STUDY.**

Rep. John T O'Connor for Environment and Agriculture: This bill is intended to reduce the nitrogen input into the Piscataqua Region Estuaries and is primarily directed at controlling the sale of lawn fertilizers. Previous reports from E.P.A., municipalities, and conservations organizations in partnership with UNH have shown that other sources are also major contributors, such as waste water treatment facilities, home septic system, storm water run off, and non-point sources. Currently the department of environmental services (DES) will be completing a study regarding the Great Bay estuaries and its information can aid in understanding the scope of the problem. Given the complexity of this issue it will allow the study committee to obtain more scientific data in making an informed decision. **Vote 12-0.**

HB 1650-FN, relative to commerce in food in New Hampshire. **INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth W Sheffert for Environment and Agriculture: We had two food regulation bills and we decide to ITL this bill and work on HB 1402 with amendment. There was much more farmer support for HB 1402. **Vote 13-0.**
HB 1688-FN, relative to exempting maple syrup and milk products produced and sold in state from federal regulation. **INEXPEDIENT TO LEGISLATE.**
Rep. David L Babson for Environment and Agriculture: The committee felt that the lack of federal regulation of the maple industry and the fact that raw milk sales are mostly regulated by the state, this legislation was not necessary. **Vote 12-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1387, requiring United States flags purchased with state funds or displayed in state facilities to be manufactured in the United States. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would require that any U.S. flag purchased using state monies to be made in the U.S. The amendment adds any POW-MIA flags and state flags purchased to the same requirement. This would only apply to purchases going forward. The committee agreed with the sponsors that it makes sense to buy U.S.A. manufactured flags. **Vote 9-0.**
HB 1708-FN, relative to salaries of state employees. **INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would have reduced the salaries of a number of unclassified employees, UNH positions, and community college positions to what the governor makes. Currently the joint committee on employee classification in conjunction with the Hay Group approves the salary grade of positions which are then vetted in the Senate & House before ED&A Committees and then voted on by the members. **Vote 13-0.**

FINANCE

HB 625-FN-A, relative to New Hampshire correctional industries. **REFER FOR INTERIM STUDY.**
Rep. William S Belvin for Finance: This bill passed the House and came to Finance as a second committee. The bill's policy is to strengthen correctional industries, also known as GraniteCor, as a way to enhance inmates' skills, with the ultimate objective of reduced recidivism and cost. The policy objective is laudable, but Finance found that the bill in its current form raises serious financial questions. There is no complete fiscal note, so its costs are unknown; it forgives a negative corrections' inventory balance of $2.8 million dollars; it asks for a line-of-credit based on the full faith and credit of the state of NH; it establishes a non-lapsing fund with no procedure for its operation; and it exempts GraniteCor from competitive bidding, the state procurement process and binds various state agencies to buy its products without recourse. A good faith Interim Study should allow GraniteCor and state agencies to achieve agreement and resolve differences, and to put GraniteCor on a sustainable future path in the coming biennium. **Vote 22-0.**
HB 653-FN, requiring general fund budget reductions to reimburse Medicaid. **INEXPEDIENT TO LEGISLATE.**
Rep. Thomas E Keane for Finance: HB 653 was filed as a place holder to deal with a possible adverse decision from the federal government regarding $35 million dollars in contested Medicaid payments to the NH department of health and human services. Since the submission of HB 653 there have been additional successful law suits against HHS. The motion to ITL was made in recognition that there is another more suitable bill to deal with a number of the fiscal challenges facing HHS. **Vote 24-0.**
HB 1669-FN-A-L, requiring the deposit of dedicated fund revenues into the general fund for the 2014 and 2015 fiscal years and requiring non-constitutionally established dedicated

funds to be eliminated on June 30, 2015 unless reinstated by the legislature. **REFER FOR INTERIM STUDY.**
Rep. Kenneth L Weyler for Finance: On its surface this is a simple bill. However, with 300 dedicated funds, the problem is far more complex. The highway fund is established in the constitution, but the 26 separate funds in fish and game are not. Each of those 26 has a specific purpose. Some dedicated funds support a license. A plumber's license funds inspectors who assure that plumbing is done by code, and by licensed plumbers. If the license fee does not go to such inspections, but to the general fund, then does that license charge become a tax? Some of the funds are kept by the state treasurer, but no general funds go into them. The Winnipesaukee River Basin program has funds from ten participating towns to maintain water treatment plants. There is enough misunderstanding about these dedicated funds that the committee wants more member involvement. Here is how we plan to proceed. We will retain the bill. We will notify each policy committee of the dedicated funds held by the department or departments, in their purview. We will provide questions as to the effectiveness of each fund in that department's functions, and these replies will allow the committee to prepare for the next biennial budget, which is when the bill was to take effect. **Vote 21-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1441, removing the requirement for the reporting of incidents by emergency medical services providers and units. **INEXPEDIENT TO LEGISLATE.**
Rep. Stephen J Schmidt for Health, Human Services and Elderly Affairs: The committee determined that the system of reporting "Emergency Medical Services Incidents" by either electronic or paper format was not efficient nor in the best interests of patients and medical providers. In addition, there is a federal mandate that all medical records be in electronic format by 2014. **Vote 16-0.**

JUDICIARY

CACR 30, relating to limitations on impeachment judgment. Providing that judgment may include forfeiture of pension and retirement benefits. **INEXPEDIENT TO LEGISLATE.**
Rep. J. Brandon Giuda for Judiciary: This bill proposed amending Article 39 of the second part of the New Hampshire Constitution to expand the powers of the Senate during impeachment to allow forfeiture of any pension or retirement benefits of the person being impeached. Although the committee recognizes the angst in a portion of the population regarding the Judiciary's seeming inaction with regard to some judges who are performing poorly, the committee also believed that this proposal was unconstitutional as it applied to taking property that had already transferred to the person being impeached. The committee also felt that other options were available that would better address this problem. **Vote 17-0.**
CACR 32, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judiciary. **INEXPEDIENT TO LEGISLATE.**
Rep. J. Brandon Giuda for Judiciary: This bill proposed a broad constitutional amendment that would allow the people of New Hampshire to investigate and evaluate the behavior of members of the Judiciary and to impose sanctions, including fines, as necessary. Although the committee recognizes the angst in a portion of the population regarding the Judiciary's seeming inaction with regard to some judges who are performing poorly, the committee thought that this proposal was much too broad and also felt that other options were available that would better address this problem. **Vote 16-1.**
HB 1394, relative to appeals of eminent domain decisions. **OUGHT TO PASS WITH AMENDMENT.**
Rep. J. Brandon Giuda for Judiciary: The current public utility eminent domain law makes no provision for a property owner who wishes to challenge the constitutionality of an eminent domain taking. Instead, a property owner who disagrees with the decision of the Public

Utilities Commission regarding the constitutionality of the taking may only appeal the decision to the superior court using RSA 541-A. However, an appeal under RSA 541-A is not a level playing field, as in such an appeal the superior court considers the PUC's findings as prima facie lawful and reasonable, and may only overturn the PUC's decision if it finds the PUC's decision was "clearly unreasonable or unlawful". HB 1394 as submitted provided an avenue for an owner to appeal the constitutionality of the taking after the taking occurred. The committee amendment improves the submitted bill by allowing an owner to challenge the constitutionality of a taking in superior court early in the process before the taking occurs, and also provides for a level playing field by eliminating the presumptions associated with RSA 541-A. **Vote 17-0.**

HB 1464, establishing non-unanimous juries. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for Judiciary: A unanimous jury has protected the liberty of the people of New Hampshire and is a hallmark of our constitutional protections. The committee believes we should tread lightly when it comes to changing the jury trial system. **Vote 16-0.**

HB 1597, relative to taking by eminent domain for certain purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: Currently, property owners who have a portion of their property taken by eminent domain have only two options: (1) get compensated for the portion of the property taken and keep the remaining portion, or (2) choosing to require the utility to take the entire property. However, those property owners who choose to keep the remaining portion receive no compensation for the decrease in value to that portion. The submitted bill expands the compensation to include any decrease in value caused by a view impact on the remaining portion. However, the committee acknowledged that any decrease in value is a taking (whether due to a ruined view or other factors), and therefore the ability of an owner to receive compensation should not be limited to devaluation caused by a view impact. As such, the committee amendment improves the submitted bill by expanding the compensation to include all devaluation to the remaining property. **Vote 17-0.**

HB 1657-FN, relative to petitions for guardianship filed by parents of adult children with disabilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill would require the court to waive the filing fee for a parent who files to become the guardian of an adult disabled child. The argument in favor of the bill is that the parent already has a heavy burden in caring for a disabled child, and they should not have to bear the burden of court filing fees as well. Committee members were sympathetic to the difficulties of caring for a disabled child and negotiating the court guardianship process. However, the majority is concerned that a blanket waiver of fees in these cases will lead to blanket waiver requests in other situations which may be equally deserving. In cases of need, there is already a procedure in place for the waiver of court fees, and the committee heard testimony that fees are already waived in approximately 25% of these cases. **Vote 15-2.**

LEGISLATIVE ADMINISTRATION

CACR 20, Relating to meetings of the general court. Providing that the general court shall meet biennially. **INEXPEDIENT TO LEGISLATE.**

Rep. David H Kidder for Legislative Administration: The committee felt that this would create transitional confusion. The committee felt a bill that would more carefully define the work of the 2nd year of a session would be more appropriate. **Vote 12-0.**

CACR 23, relating to members of the general court. Providing that members of the general court may not vote on or deliberate on matters in which they have a pecuniary interest. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Mirski for Legislative Administration: The constitution already provides that paid advocates shall forfeit their seat so CACR 23 was deemed to be unnecessary. Also, the committee dealt with violations of paid advocacy by political organizations and parties in other legislation. **Vote 13-0.**

HB 1213-L, relative to parking for legislators on official business. **INEXPEDIENT TO LEGISLATE.**
Rep. Gladys Johnsen for Legislative Administration: The chief of security would like the House to not create conflict with the city of Concord. The chief of security and the city of Concord have worked well together. **Vote 13-0.**
HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. **OUGHT TO PASS.**
Rep. Timothy P Comerford for Legislative Administration: This bill requires the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions to conform to the style and form of the New Hampshire Constitution when it originally took effect on June 2, 1784. The bill seems to preserve the meaning of original capitalization and style of words. **Vote 11-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1176, relative to the amendment of warrant articles at official ballot town meetings. **INEXPEDIENT TO LEGISLATE.**
Rep. James P Belanger for Municipal and County Government: This bill wants to prohibit the voters attending a deliberative session in an official ballot referendum (SB2) form of town/school meeting from making amendments to a petitioned warrant article. Current law (RSA 39:3 & RSA 197:6) already specifies that petitioned articles must be placed on the warrant as submitted with only minor textual changes. However, when the deliberative session addresses petitioned articles, they are treated the same as all other articles placed on the warrant no matter the method used to put them on the warrant. This is current practice in both official ballot (SB2) and traditional annual meetings. If this proposal were put into law, voters at the deliberative session would have no say on the issue and would be forced to simply pass the article on to the official ballot for an up or down vote on election day. Carried to the extreme, a school board or board of selectmen could submit their budget in a petitioned article and the deliberative meeting could not amend it. Voters' rights would be infringed upon and voters would then have no reason to attend the deliberative session. **Vote 17-0.**
HB 1289, relative to agreements between government units. **INEXPEDIENT TO LEGISLATE.**
Rep. Philip L Munck for Municipal and County Government: The sponsor requests that this bill proceed no further. There is no demonstrated need to allow the state to be a party to RSA 53-A intermunicipal agreements. **Vote 17-0.**
HB 1292, requiring a 2/3 majority for borrowing by official ballot towns and school districts. **INEXPEDIENT TO LEGISLATE.**
Rep. Priscilla P Lockwood for Municipal and County Government: Official ballot municipalities have had a requirement for a 3/5 majority vote for bonds for years with the argument that because many more citizens are voting, the 3/5 requirement is more appropriate. The committee saw no reason to change this. Senate Bill 238 is now under consideration to form a committee to study all the ramifications of the official ballot laws. **Vote 17-0.**
HB 1349-L, relative to the service of town health officers. **OUGHT TO PASS WITH AMENDMENT.**
Rep. James E Coffey for Municipal and County Government: This bill is a very simple and effective way of allowing municipalities to share health officers for up to thirty days, with approval of the governing body of the receiving town. This would allow for quick assistance in emergencies, especially when specific skills are needed that might help one health officer support another. It is a creative form of short term mutual aid between municipalities for health officers. **Vote 17-0.**
HB 1357, relative to the membership of mosquito control districts. **OUGHT TO PASS.**
Rep. Timothy D Copeland for Municipal and County Government: This proposed legislation amends RSA 430:14 which does 3 things: change the mosquito control district board or

committee which is advisory only from the present 3 voters domiciled in the district to up to 5 voters; appoint them to staggered terms, and there shall be no requirement for a quorum. **Vote 17-0.**

HB 1498-FN-L, repealing dog licensing requirements. **INEXPEDIENT TO LEGISLATE.** Rep. James P Belanger for Municipal and County Government: Some town clerks allege that their communities lose money on dog licensing. Cost of enforcement, metal tags and administration exceeds the revenue generated by license fees. They, therefore, want to eliminate dog licensing. This bill would do that but it does not eliminate the need for rabies vaccinations. The committee feels that, without the need for licensing and renewals of those licenses, owners would ignore the rabies vaccine requirement and will eliminate "guard dog" licensing which would result in a public danger. The burden of ensuring all dogs obtain a rabies vaccine would be shifted to the state veterinarian's office where a substantial increase in staff would be required and cost of printing would escalate. Veterinarians in NH now download rabies certificates, free of charge, on the internet. This bill would require veterinarians to purchase these certificates at a cost of $4.00 which cost would likely be substantially increased to offset the cost of doing business before it is passed on to the consumer. The department of agriculture currently gets $2.00 per license and the state veterinary diagnostic lab gets $0.50 per license which equates to $335,000.00 and $83,750.00 which would need to be re-directed from the state veterinarian's revenue from rabies certificates sold. The fiscal note on this bill estimates a loss in revenue to local municipalities of approximately $724,437.00. At-large dogs picked up by law enforcement or neighbors would have no tag and no way to find the owner and might result in more dogs being confined to municipal kennels and ultimately adopted or euthanized. This bill could result in an increase in rabies shots for cats anywhere from $4.00 to a possible $8.00. The NH Town Clerk's Association testified against this bill. **Vote 17-0.**

HB 1507-L, authorizing towns to enter into agreements with the state for collection of outstanding taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: Well intended this bill attempts to simplify the burden on municipalities in borrowing money for tax anticipation notes (TANS) by having a standard and reliable source of funds from the State of NH. The source of this supply of funds held by the state is not identified. If this was established, not only would the state be put in the banking business but it would be required to add personnel, administration and to duplicate what is already set up in the private sector. Costs to the state would increase, a new sub department would be set up with salaries and benefits likely exceeding those paid in the private sector. Municipalities have the ability to issue tax anticipation notes per RSA 33:7.III and realize a positive cash flow from such notes purchased by investors. HB 1507 is silent on the practice of selling TANS to investors. **Vote 13-0.**

HB 1591, relative to the homestead exemption amount. **INEXPEDIENT TO LEGISLATE.** Rep. Betsey L Patten for Municipal and County Government: The purpose of the homestead exemption in RSA 480 was to make sure that the homeowner would have some financial resources available in the event of financial difficulties. The mechanism used to implement this exemption is to have a portion of the value of your homestead paid to you prior to any creditor, if ordered by the court. The amount of the homestead exemption in 1981 was $5000 and then in 2004 was changed from $60,000 to $100,000. HB1591 would increase the exemption from $100,000 to $250,000 for an individual and from $250,000 to $500,000 for a couple. One of the consequences of increasing the exemption would be to insulate a large number of properties from any potential for repayment of outstanding debt obligations. Another consequence would limit the same amount of properties from attaining any credit to purchase homes. HB1591 tips the balance that has been established between buyers and creditors, providing creditors with little opportunity to recover a consumer's outstanding financial obligations and the buyers with a way to escape from all outstanding financial

obligations. The committee voted that the balance be kept as is, especially in the current atmosphere of tight credit. **Vote 16-0.**

HB 1603, relative to local spending caps. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: This bill was filed to be sure that the New Hampshire cities and towns that had charters were able to enact limits on the growth of budgets and taxes. HB 1603 contains the same language that was passed by the House last year in HB 341 which was tabled by the Senate. The adoption of SB 2, Chapter 234, Laws of 2011, changed RSA 49-C and RSA 49-D to allow amendments which included spending caps in charter communities and override thresholds. SB 2 also changed RSA 32 to allow municipalities with traditional meetings to adopt spending caps and override thresholds. The committee voted that the changes to RSA 49-d and RSA 32 in SB 2, Chapter 234, Laws of 2011 adequately addressed all the issues contained in HB 1603. **Vote 16-0.**

HB 1619, relative to the assessment of property taxes on the value that exceeds $50,000. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: This bill attempts to provide tax relief to the less affluent property owners in our communities by exempting the first $50,000.00 of their property valuation from taxation. This would result in mobile home owners with values at or below $50,000.00 to pay no property taxes to support municipal services. It would increase the tax rate of the community to make up for tax revenue losses since every single property in the community would not pay taxes on the first $50,000.00. In communities with low average tax values, it would increase the tax rate significantly. This would skew the burden of taxes to the higher valued properties which might sound reasonable to some. However, unintended consequences come about when dealing with condominiums and open the door to several known and unknown tax avoidance techniques such as, but not limited to, turning apartments into condominium units and established LLCs for home ownership. The tax exemption only applies to "one principle structure per lot that is being used for residential or commercial purposes" opening the door to challenges by owners of those structures not benefiting from the deduction where multiple structures exist on a common lot. An increase in the tax rate for an apartment building would have the owner pass the increase down to those very tenants who are in the income category that this bill attempts help. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1130, relative to weighted voting by the Winnipesaukee River advisory board. **REFER FOR INTERIM STUDY.**

Rep. Franklin T Tilton for Public Works and Highways: The advisory board has agreed to address this issue along with some of their ongoing studies. This bill will likely be modified after they have completed their work. **Vote 14-0.**

HB 1192-FN, establishing an E-Z Pass commuter discount. **REFER FOR INTERIM STUDY.**

Rep. David B Campbell for Public Works and Highways: The committee voted this bill to Interim Study as a vehicle to study E-Z Pass issues including possible commuter discounts, (both toll plaza and system-wide) and the impact on turnpike revenues; the E-Z Pass discount, and the cost of transponders and possible solutions. This bill will also look at issues in Merrimack in conjunction with HB 1369 which addresses the location of the eventual overhead toll and is also being recommended for Interim Study. **Vote 10-4.**

HB 1369, relative to the location of overhead tolling on the F.E. Everett turnpike. **REFER FOR INTERIM STUDY.**

Rep. David B Campbell for Public Works and Highways: This bill is intended to address several important issues relative to the future of the F. E. Everett Turnpike by mandating the future location of the eventual overhead toll booth on the F. E. Everett. Those issues include (1.) recouping some of the turnpike toll revenue lost with the opening of the Airport Access Road (Raymond J. Wieczorek Way) and its connection to Rt. 3A and D. W. Highway; (2.) the possible elimination of some (or all) of the toll ramps in Merrimack and Bedford

which are poor revenue generators and obviously very unpopular with local residents; (3.) to address the revenue necessary to complete the widening of F. E. Everett to three lanes in each direction, eliminating the present two-lane sections which creates traffic bottlenecks; and (4.) to recognize the legislature's role as the stewards of the turnpike system and the need to balance issues such as turnpike fairness and diversion of traffic. Since the finding for the overhead tolls is at least three years away, the committee wishes to study these issues in conjunction with the Interim Study recommendation of HB 1192-FN regarding E-Z Pass Commuter Discounts. **Vote 14-0.**

HB1385-FN-A, reducing the rate of the road toll during the 2012 Memorial Day weekend. **INEXPEDIENT TO LEGISLATE.**

Rep. Edwin O Smith for Public Works and Highways: The committee feels the sponsors have the best interest of the State of New Hampshire with this bill. However many very difficult and complicated issues are present that would require a great deal of changes to accomplish the desired results. First, the estimated $874,739.00 would come directly from the Highway Fund and any benefits go into General Fund. Second, the towns would lose funding which they receive from the road toll collections. The towns receive 12% of the funds collected and this would be reduced with this bill. Third, the tax is paid by the wholesaler so there is a time lag between collection of the tax and the gas making its way into vehicle gas tanks. Determining when a particular gallon of gas is sold and how it fits into the time frame of this bill would create a very difficult accounting dilemma. Fourth, the wholesaler pays the tax and there is no provision for this tax reduction to be passed on to the retail consumer. Fifth, with interstate agreements which are in place, it would be very difficult to determine the tax on fuel used by out of state vehicles because changing the tax rate for a very short term presents an unworkable accounting situation, due to the fact that the road toll reduction would have to be manually calculated. Additionally, the department of safety which collects the road toll testified that the shortest period of time they can adjust its collection program is 30 days. The New Hampshire Division of Travel and Tourism testified in opposition to this bill as it feels it is able to increase tourism visits and income without lowering state revenues to the highway fund. **Vote 15-0.**

HB 1504, reinstating the Maine-New Hampshire Interstate Bridge Authority. **OUGHT TO PASS.**

Rep. John A Graham for Public Works and Highways: In 2008 the General Court granted permission for the disestablishment of the Interstate Bridge Authority, a compact between New Hampshire and Maine, contingent upon approval of the U.S. Congress. To date this approval has neither been sought nor granted. This bill will revitalize the authority and it will be responsible for the repair, rehabilitation and the reconstruction or replacement of the Memorial Bridge, the Sarah Long Bridge and the I-95 High Level Bridge. The authority will serve as a financial vehicle to hold, invest and distribute funds from the fund established under RSA 234:66. Tolling on the three bridges is prohibited without the express approval of the legislature. Finally, this revision of RSA 234 will only become effective upon passage of similar legislation by the State of Maine. **Vote 14-0.**

HB 1576-FN, requiring construction of a noise barrier along Interstate Route 95 in Portsmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Graham for Public Works and Highways: This bill would require the department of transportation to construct a noise barrier along portions of I-95 in Portsmouth. The DOT estimates that the cost to the turnpike system would be approximately $2.59 million. There is a process to have projects included in the transportation planning for the state. This process begins at the community level, works its way through the regional planning commissions and the GACIT hearings, finally resulting in the revision of the state's Ten Year Transportation Plan every two years. It does not appear that the sponsors of this bill availed themselves of this process. Finally, the DOT is currently conducting an initial assessment to see if the noise warrants the construction of a

noise barrier along this section under their current guidelines. The committee feels that this assessment should be finalized before requiring construction of the barrier. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1141, relative to fees for the state park system. **INEXPEDIENT TO LEGISLATE.**
Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill would have eliminated the requirements that state park system fees receive fiscal committee approval. The sponsor asked the committee to ITL this bill in favor of another bill which modifies the process, which rectifies the problem this bill was intended to correct. **Vote 15-0.**

HB 1166, relative to the installation of broadband equipment on Cardigan Mountain. **INEXPEDIENT TO LEGISLATE.**
Rep. Harry C Merrow for Resources, Recreation and Development: The sponsor indicated that the subject matter of this bill had been taken care of and broadband equipment had been installed on the mountain and the bill was no longer necessary. **Vote 15-0.**

HB 1256, establishing a New Hampshire state register of historic places. **OUGHT TO PASS.**
Rep. Judith T Spang for Resources, Recreation and Development: This bill puts into statute a New Hampshire state register of historic places, to "recognize, honor, and promote the state's …heritage." Properties that meet criteria are listed, with the consent of the owner. Listing in no way prohibits any actions by current or future owners with respect to the property. **Vote 15-0.**

HB 1356, classifying certain land in Litchfield as land to be retained by the state. **OUGHT TO PASS.**
Rep. Judith T Spang for Resources, Recreation and Development: Respected ecologists have documented the rare/ecological value of Grassy Pond in Litchfield. While owned by the state department of environmental services, the Litchfield Conservation Commission wants to make sure it will be preserved in perpetuity. This bill assures that it will be placed, by statute, on the list of "retained lands" and never disposed of for uses that would degrade it. **Vote 15-0.**

HB 1380, relative to the development of wetland mitigation banks. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill authorizes the development of wetland mitigation banks by private entities based on the exiting model of publically administered banks. The housekeeping amendment assures that the mitigation bank area is large enough for a meaningful environmental benefit. **Vote 14-1.**

HB 1484, relative to fees for state parks. **OUGHT TO PASS.**
Rep. Peter S Bolster for Resources, Recreation and Development: This bill establishes a time limit for decisions by the fiscal committee in approving time sensitive fee increases by state agencies such as state parks. A reasonable period of 60 days for action is created by this bill. **Vote 16-0.**

HB 1525-FN, repealing the wetlands and shorelands review fund. **INEXPEDIENT TO LEGISLATE.**
Rep. Peter S Bolster for Resources, Recreation and Development: Testimony from developers as well as regulators agreed that the present system of dedicated funds to support the administration of the department of environmental services was working well for all concerned and there was not evidence of abuse or arbitrary fines or fees. **Vote 16-0.**

HB 1540-FN, relative to conservation easements on public land. **INEXPEDIENT TO LEGISLATE.**
Rep. Judith T Spang for Resources, Recreation and Development: There are many benefits to a municipality to own land with a conservation easement on it, including public recreation, protecting public water supplies or satisfying mitigation requirements when it builds on wetlands. However, easements require burdensome stewardship and monitoring that most municipalities don't want to do. Granting or selling the easement to a nonprofit land

protection organization is the perfect solution, especially if it generates income for the municipality. Except for the sponsors, this bill was opposed by virtually everyone testifying. **Vote 16-0.**

HB 1557, directing the department of resources and economic development to develop a "Live Free or Die Bucks Program" to increase tourism spending. **INEXPEDIENT TO LEGISLATE.**

Rep. Winfred O Hutchinson for Resources, Recreation and Development: The majority of the committee felt that although the stated goal of the bill is admirable, the substance of the test and testimony lacked any clear conclusion. The unanimous opinion was that subjecting the program to a "gold standard" was both unmanageable and uncertain. The idea has merit but not on the scale proposed. **Vote 16-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1210, applying the procedures of the eminent domain procedures act to cases of eminent domain concerning public utilities. **REFER FOR INTERIM STUDY.**

Rep. Frank R Holden for Science, Technology and Energy: The goals of this bill will be accomplished through other legislative vehicles (for example, the possible House concurrence with the Senate-amended version of HB648). There are multiple bills filed this session regarding eminent domain and utilities, including a potential study commission. The committee feels that this bill should be studied this summer. **Vote 13-1.**

HB 1258, relative to late fees charged by utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A Cataldo for Science, Technology and Energy: This bill is almost identical to a bill that the House voted to ITL in 2011. This bill would require all public utilities to bill based on a 30 day payment cycle. The problem presented by this one-size-fits-all solution is that each utility is bound by the legacy metering and customer billing systems which are not easily changed. Any costs resulting from expensive system changes would be passed on to all ratepayers. The PUC determines the rate for late fees and oversees the utility billing process. The committee feels that the PUC properly monitors the utility companies and no further legislation is needed at this time. **Vote 15-0.**

HB 1288-FN, relative to protection of private property from the use of eminent domain. **REFER FOR INTERIM STUDY.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: This bill's basic intent is to prevent public utilities from using eminent domain over property by changing RSA 371.1. It was also stated that the bill brought RSA 371.1 into compliance with article 12 A of the constitution. The committee had many constitutional questions and felt the bill is worthy of further study. **Vote 14-1.**

HB 1558, requiring a certificate of public need for eminent domain. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for Science, Technology and Energy: The goals of this bill will be accomplished through other legislative vehicles (for example, the House concurrence with the Senate-amended version of HB648). There are multiple bills filed this session regarding eminent domain and utilities, including a potential study commission. **Vote 15-0.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 1473-FN-L, relative to the calculation and distribution of adequate education grants. **REFER FOR INTERIM STUDY.**

Rep. Lynne M Ober for Special Committee on Education Funding Reform: This bill is a slight revision of HB 337, Chapter 258, Laws of 2011, which this House passed twice last year by overwhelming majorities. The bill calculates the base cost of adequacy using empirical, realistic standards and criteria derived from the state department of education promulgated minimum standards. It increases targeted aid over current law for all categories of targeted students and into the future, would allow significantly greater targeted aid than current law

authorizes. However, recognizing the political reality that the Senate has shown no interest in revisiting the adequacy formula this year and not wishing to expend the valuable time of House members in a subtle exercise, the committee voted unanimously to recommend this bill for interim study. By doing so, this bill remains available as a vehicle for future legislative action on this important subject should a consensus emerge in both chambers of the General Court to improve current law. **Vote 14-0.**

SPECIAL COMMITTEE ON REDISTRICTING

HB 1717, apportioning county commissioner districts. **OUGHT TO PASS.**
Rep. David W Hess for Special Committee on Redistricting: The committee unanimously adopted this apportionment of county commissioner districts. The deviation in all counties is now within the presumptively valid 10% standard, and required only very minor changes or no changes at all, in eight of the counties. Only Belknap County required a significant realignment with the towns of New Hampton and Sanbornton being joined with the City of Laconia. The committee heard no testimony and received no evidence in opposition to the final reapportionment plan as specified in the bill. **Vote 14-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1627, relative to communication between federal law enforcement officers and county sheriffs. **INEXPEDIENT TO LEGISLATE.**
Rep. Steven L Cunningham for State-Federal Relations and Veterans Affairs: The committee heard two similar bills with the same essence. The committee used the other bill as the vehicle to address the intent of both sponsors. Therefore, this bill is redundant and unneeded. **Vote 11-0.**
HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Lynne F Blankenbeker for State-Federal Relations and Veterans Affairs: Currently New Hampshire citizens can suffer driver's license suspension for non-payment of income tax in other states under a reciprocal agreement. This bill seeks to remedy this injustice as some agreements (such as state income tax delinquency) cannot be reciprocal because New Hampshire proudly still refrains from such a tax. A few necessary carve-out provisions were added in order to avoid violation of international fuel tax, registration plans, and uniform carrier registration systems under the Uniformed Carrier Registration Act of 2005. This bill enjoys approval from the New Hampshire DMV as well as received unanimous committee support. **Vote 11-0.**

TRANSPORTATION

HB 1171, updating certain references in motor vehicle statutes. **OUGHT TO PASS.**
Rep. Sherman A Packard for Transportation: This bill updates certain statutes in current New Hampshire law to mirror federal code. **Vote 13-0.**
HB 1299-FN, relative to permit fee transfer credits. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert W Williams for Transportation: This bill specifies that permit fee transport credits be pro-rated on a daily basis. This is a bill that does not solve any existing problem while it creates several problems. It will create problems such as, the whole process will have to change, and implementation will increase state highway fund expenditures by $315,000 in 2012. The NH Municipal Association states this bill will have an indeterminable impact on local revenue in 2012 and each year thereafter. **Vote 13-0.**
HB 1310, increasing the number of days a motorcycle learner's permit is valid. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Sherman A Packard for Transportation: This bill increases the number of days a motorcyclist's learners permit is valid from 30 to 45 days. It will allow more time on road in case there is a lot of bad weather. **Vote 14-0.**

HB 1328, relative to vehicle operation with a stuck throttle or runaway engine. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John R Cloutier for Transportation: The bill as amended would require that all driver education courses include instruction on dealing with a struck throttle or runaway engine. Such instruction would hopefully prevent future vehicular accidents like the one that occurred in Newport in October 2010 when a motorist was killed by another motorist with a stuck throttle. The amendment deletes the bill's original stipulation that a motorist driving with a stuck throttle or runaway engine could be charged with negligent driving – a stipulation that the committee believed was too harsh. **Vote 14-0.**
HB 1398, relative to lighting on bicycles at night. **INEXPEDIENT TO LEGISLATE.**
Rep. John R Cloutier for Transportation: This bill would modify the requirements for lighting on bicycles at night by eliminating the requirement for a red reflector on the bicycle's rear, visible from 300 feet of the rear when directly in front of the lawful upper beams of a motor vehicle's headlamp. A red light would still be mandated on the bicycle's rear though. The majority of the testimony indicated that the bill as written is not necessary, and would likely decrease the overall safety of bicyclists riding in the darkness. **Vote 14-0.**
HB 1447, relative to motorcycle number plates. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert W Williams for Transportation: This bill requires that motorcycle number plates bear the "Live Free or Die" motto. The committee concluded that this bill was unnecessary. The department of safety is following current law which makes it mandatory that all passenger plates are to bear the motto. They are prepared, when there is the need for a new issue of motorcycle plates, to make them with "Live Free or Die" taking the place of the word "Motorcycle" on the current plate. The bill, if passed, would be an unneeded expense as it would require making new plates before the current inventory of plates is depleted. **Vote 14-0.**
HB 1503-FN, relative to motorcycle rider education. **INEXPEDIENT TO LEGISLATE.**
Rep. Sherman A Packard for Transportation: The state motorcycle education program has been in existence since 1990. It was started by the motorcycling community for the new motorcycle riders who had no place to go to learn the proper and safe way to operate a motorcycle. To fund this program, a dollar was added to the registration fee of motorcycles only, and five dollars was added to the renewal of a motorcycle license. To start the program, New Hampshire Motorcyclists Rights Organization contributed about $30,000 to the state for instructor training and other expenses until money started coming in from registration and licensing fees. Over the years the state program has trained over 44,000 people. This training has proven to save lives and prevent accidents. Because of the enormous start up costs involved in rider education, no private entity did so until the early 2000's. The motorcycling community pushed to have these alternative entities available. Currently the cost to a student in the state program is $110.00. The cost of the non-state program runs between $220.00 and $349.00. If the state program were to be discontinued, many people would have difficulty with the added expense and probably not take the course. This would no doubt cause an increase of inexperienced riders on the road, causing an increase in accidents and fatalities. This program is a voluntary program and no motorcyclist voiced a concern about paying an extra two dollars a year to help keep the riders safe. This program is completely self-funded by motorcyclists only. The committee asks that you listen to the vast majority of over 100,000 licensed motorcyclists in New Hampshire and support ITL. **Vote 14-0.**

WAYS AND MEANS

HB 1556-FN, reducing fees related to reporting of charitable trusts. **INEXPEDIENT TO LEGISLATE.**
Rep. Patrick F Abrami for Ways and Means: Current statute calls for charitable trusts, when established, to register with the attorney general for a fee of $25. Any periodic written report required by statute to be filed with the attorney general shall be accompanied by a

filing fee of $75. This bill calls for the reduction of these fees to $10 and $35 respectively. From the testimony, the committee could not find any compelling reason to lower these fees. Testimony indicated that programs supported by these fees were important and the services provided excellent. With this the committee unanimously agreed to keep the current fees unchanged. **Vote 20-0.**

WEDNESDAY, FEBRUARY 15

REGULAR CALENDAR

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

HB 1361, prohibiting generic fiscal notes on bills. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The committee agreed with the intent of the bill to address fiscal notes that fail to provide adequate information, but disagreed with a solution that put what ought to be House Rules into statute. As amended, this bill simply prohibits legislative budget office from providing fiscal notes that are "awaiting more agency information." The finance committee will, we hope, further refine this effort to improve fiscal notes moving forward. **Vote 8-2.**

HB 1444, prohibiting certain state employees from wearing fragrances. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul E Brown for Constitutional Review and Statutory Recodification: The majority felt that this bill has some merit in that certain people are allergic to fragrances. However, there could be a constitutional conflict between the rights of the employee and the possible health effects of an occasional customer contact with an allergy. We must be mindful that though we are an employer we are also the State. **Vote 8-3.**

HB 1560, relative to the interstate Health Care Compact. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Seth Cohn for the **Majority** of Constitutional Review and Statutory Recodification: A compact is a constitutionally permitted method for states to cooperate together (Article I, Section 10), with the full permission and direct authorization of congress making the compact into federal law. This particular compact requires that the states pledge to "improve health care policy," taking the "primary responsibility to regulate health care", and in return, congress will grant explicit permission to the states to experiment with different approaches to comprehensive health care programs and to fund those programs with federal money. Congress would also authorize the suspension of federal health care regulations by the state legislature if the regulations are in conflict with the state's new improvements. This compact recognizes that New Hampshire's health care needs are best solved by those here in New Hampshire, and not by Washington DC regulators trying to force all 50 states into the same one-size-fits-all solution. Understanding that this bill simply asks the United States Congress to vote to give New Hampshire and other states that have passed this compact language an option in crafting their own innovative health care programs – or accepting existing and new federal healthcare proposals – and that since congressional approval controls the entire process, the majority felt that there were no constitutional issues. **Vote 7-4.**

Rep. Christopher W Serlin for the **Minority** of Constitutional Review and Statutory Recodification: The minority believes this bill has numerous logical and constitutional flaws. The language of HB 1560 allows member states to suspend federal laws, rules and equalities relating to healthcare. The minority believes this compact and the parts granted to member states via its language would be unconstitutional based on the supremacy chapter of our US Constitution; and if federal laws were suspended in a member's state, citizens would be treated un-equally under federal law depending on their state of residence, in violation of the

US Constitution's guarantee of due process and equal protection, and as such the minority recommends ITL.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1128, relative to reports of failed breath tests when using an ignition interlock device. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for the **Majority** of Criminal Justice and Public Safety: This bill requires that ignition interlock device rules require interlock service providers to report failures to pass the breath test to the prosecutor or prosecuting agency, treatment provider, probation officer and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal. **Vote 8-4.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: The minority believes the amended bill is flawed on two fronts. One, it appears to grant more leeway to the department in instituting rules for data reporting. Secondly, we have serious concerns over privacy, as information on failed interlock tests would be distributed to people outside the justice system, possibly before the alleged violation has been proved.

HB 1179, imposing an extended term of imprisonment for assault against a health care worker. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee heard testimony from nurses and other emergency medical providers who have been assaulted by patients. It appears there is a problem, but the committee majority feels this legislation is not the solution. There are already penalties for the crime of assault and there is flexibility in sentencing for the worst offenders **Vote 8-4.**

HB 1352, relative to citizen complaints against a police officer. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill specifies a procedure for reporting complaints against a police officer. The majority of the committee felt that this bill, if enacted, would be an unnecessary interference with the management function of cities and towns. There is already a process in place for complaints to be handled. There are either personnel rules, collective bargaining requirements or statutory procedures that outline how personnel issues are handled. Any citizen can make a complaint. If they don't feel satisfied with how matters are addressed they can go to their local elected officials at the local level. **Vote 8-4.**

HB 1511-FN, relative to felons possessing firearms. **OUGHT TO PASS.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill is the least we can do to rectify a situation that exists for rehabilitated felons. Even holding a steak knife is a felony under current statute. Federal statutes more than cover any situation **Vote 11-5.**

EDUCATION

HB 1162, establishing a committee to study the effects of compulsory school attendance on children and families. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Ralph G Boehm for the **Majority** of Education: This bill creates a committee consisting of three representatives and three senators. The report of this committee is due in November 2012. This itself makes the bill not feasible, due to the amount of work needed. Also compulsory attendance teaches a regimen for life, preparing students for the real world. In school subjects, if some students attend and some don't then classes would be disrupted. We do not need another committee. **Vote 14-2.**

Rep. J.R. Hoell for the **Minority** of Education: Our compulsory attendance statutes are over 100 years old, and the education system has changed significantly over that time period. Our current system fulfills the education and instruction, but may, in fact, be detrimental to the other goal which is to develop a love for learning. This committee would be empowered

to review both the beneficial effects and any potential detrimental effects to requiring children to be forced to participate in the government education system.

ELECTION LAW

HB 1559, relative to political committees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P Baldasaro for the **Majority** of Election Law: This bill sought to modify the definition of a "political committee" in RSA 664:2 to specifically include "any organization that does not have as its major purpose promoting, defeating, or influencing candidate elections…" That proposed language directly violates the standard established for the definition of political committee in the US Supreme Court decision for Buckley v. Valeo. In that case, the court held that in order for an organization to be designated a political committee, it must have "the major purpose" of supporting or opposing a candidate. In light of that case law it appears that the language in this bill would clearly be unconstitutional. Therefore, by a bipartisan vote, the majority of the committee determined that this bill is inexpedient to legislate. **Vote 14-2.**

Rep. Robert J Perry for the **Minority** of Election Law: The intent of this bill is to modify the definition of political committee in order to capture the non-profit organizations whose purpose was historically not related primarily to campaign spending, but whose campaign spending has significantly increased over time. To date, these organizations have escaped regulation, especially in the form of not having to disclose the source of the money. This is especially important information to be revealed, given the January, 2010 Supreme Court ruling in Citizens United v Federal Elections Commission unleashing unlimited funding of campaigns through third-party organizations. Toward that end, the definition of political parties is expanded through this bill to include any organization that does not have as its major purpose promoting, defeating, or influencing candidate elections, but that receives contributions or makes expenditures aggregating more than $5000 in a calendar year for the purpose of promoting, defeating, or influencing, in any way, the nomination or election of any candidate to political office.

HB 1684-FN-A, relative to campaign contributions and expenditures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P Baldasaro for the **Majority** of Election Law: This bill proposes to implement a massive new government controlled system to regulate the financing of campaigns for the election of governor, executive council, and state senate candidates. The bill provides no mechanism to provide the millions of dollars that would be required for the state to offer public funding of elections. When asked where these revenues would come from, the sponsor suggested implementing a new surcharge on tickets for motor vehicle violations. Although not authorized by the bill, it is clear that some new fee or tax would be required to fund this program. In addition to the obvious problem with the lack of funding, the proposed plan does not even begin to provide a solution for the problem the sponsor sees with the influence exerted on elections by third party organizations. Adopting a program where candidates limit their campaign spending to the amount of funds provided by the government would exacerbate the disparity that now exists between the money raised and spent by candidates and the independent expenditures made by super-PACs or other third party organizations **Vote 10-6.**

Rep. Robert J Perry for the **Minority** of Election Law: This bill, when fully implemented, would create the fourth-in-the-nation Clean Elections Law, allowing voters to take ownership of the elections process. It establishes various revenue streams and a fund into which these monies would be held for the campaign expenses of qualifying candidates for governor, councilor, and state senator. When $1.5 million is reached, it would trigger implementation of the race for executive council; when $8 million is attained, the race for governor and state senator would be implemented. This bill is modeled after a similar law enjoying 11 years of success in the State of Maine, the first state to pass such a law, which its residents have found important enough to continue funding, despite the hardships derived from the Great

Recession. However, unlike the Maine law, HB 1684 does not require monies be expended from the general fund. Since our courts have ruled that these programs be voluntary, HB 1684 is no exception. The Supreme Court ruling in Citizen's United v Federal Elections Commissions opens the floodgates to unlimited independent campaign spending. The response to Citizens United has been an enormous increase in campaign spending – therefore influence – by third party organizations. Passage of this bill is but one important step in adapting to the daunting consequences of the ruling; in closing the disparity between wealthy and non-wealthy candidates; in breaking the connection between donors and political favors; and, as importantly, in creating an atmosphere of confidence and trust in our elections process.

ENVIRONMENT AND AGRICULTURE

HR 20, urging the federal government to allow the cultivation of hemp for industrial purposes. **OUGHT TO PASS.**

Rep. Derek Owen for Environment and Agriculture: For many years, this House has been considering the growing of hemp as a niche farm crop in the state. Hemp is not marijuana. It is a multi-purpose crop which can be made into balms, oils, fiber (the strongest natural fiber known to man), foods and plastics. Industrial hemp is commercially produced in over 30 countries without any adverse consequences, and 28 states have considered and 15 states have enacted legislation on hemp. The continued reluctance of the United States Drug Enforcement Administration to permit industrial hemp farming is denying New Hampshire farmers the ability to benefit from a high-value, low-input crop, which can provide significant economic benefits to producers and manufacturers alike. Hemp is not marijuana. This resolution will urge the Congress of the United States to remove the existing barriers imposed by the federal government, enabling our state to regulate the commercial production of hemp. **Vote 13-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1154, establishing a committee to study the management structure of state government. **REFER FOR INTERIM STUDY.**

Rep. Spec Bowers for Executive Departments and Administration: The bill would create a committee to examine the management structure of the state, prepare an organization chart, and possibly recommend changes to reduce overhead. The committee decided that these functions fell entirely within the scope of the ED&A committee. Rather than asking the House, Senate, and Governor to create a committee, it is far simpler for ED&A to assign an existing subcommittee to do the work as an interim study project. **Vote 13-1.**

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials. **OUGHT TO PASS.**

Rep. Randall A Whitehead for Executive Departments and Administration: This bill establishes a committee to study alternative medical insurance coverage for elected state officials, with the intent to offer a less expensive and more beneficial health care option for active and former elected officials **Vote 10-3.**

HB 1686-FN, relative to state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill requires that all state contracts awarded by RFP's to be posted on the state website after the bid is awarded. Currently a person can request the information under 91-A, but it becomes a lengthy project. This way the unsuccessful bidder(s) can look and see the difference between their bid and the winning bid. The amendment adds $4,000 to the bill to buy laptops for the Executive Councilors so that they can receive information needed for their meeting electronically, thus starting to eliminate over one million pieces of paper that are used today. **Vote 11-3.**

FINANCE

HB 1534-FN, repealing the self-funding of the department of labor. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Steve Vaillancourt for Finance: Last year, in an attempt to save approximately $1.4 million in general fund expenditures, the state decided to have the department of labor self-funded by fees and fines. The majority, while casting no aspersions on the department of labor which assured us it would operate within its budget either way, is convinced that in order to provide more openness in government and greater scrutiny on the department budget we should return to funding through the traditional general fund source. It must be stressed that fees and fines were not increased to bring in additional funds this past year but there was some perception that was in fact the case. In terms of funds spent to administer the department, this bill will have no direct impact. General fund revenue and expenditures will increase by $1.4 million; restricted fund revenue and expenses will decrease by $1.4 million. The amendment merely corrects a drafting error. **Vote 19-5.**
HB 1666-FN, relative to state employee benefits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Neal M Kurk for the **Majority** of Finance:. This bill deals with the financial aspects of the state's workforce. As passed by the House on first referral, it would have limited employee benefits to a percentage of salary. On second referral, the Finance committee, found this approach problematic and amended the bill to require legislative approval of any collective bargaining contract entered into by the state. This approach is similar to the one established for political subdivisions, where the town meeting, county delegation or school district meeting is the legislative body that must approve labor contract cost items. **Vote 18-6.**
Rep. Benjamin C Baroody for the **Minority** of Finance: As amended, HB 1666-FN is an entirely different bill than introduced. The amendment was presented in executive session with no opportunity for public comment on this expansive change. There was no fiscal note presented for the amended bill which we believe could be substantial. As amended, HB 1666-FN would require the legislature to approve all collective bargaining agreements entered into by the state but does not provide a prescribed vehicle or process in which the approval would be vetted and voted on. There are currently eight collective bargaining agreements associated with Executive Branch employees, all of which can reach agreement on dates independent of each other, the legislative budget cycle and full legislative session. HB 1666-FN does not address the certainty that such agreements contain binding effective dates and obligations on both the employer and employee representative that will not fall within the customary timeframes for which the legislature meets. As such, the additional approval level created by this bill is likely to result in significant, if not insurmountable, recalculations of collectively bargained compensation or benefit changes, including those that involve third party state contractors. Additionally, this new approval level will require the full legislature to convene for this purpose - potentially at eight different times every biennium. RSA 273-A:3 already provides legislative approval for cost items and ensures that our budget process is directly connected with the approval process. HB 1666-FN could require taxpayers to incur the cost of bringing the full legislature back into session, up to eight separate times, if the agreements were not submitted for approval within a normal legislative session day. It is also noteworthy that HB 1666-FN does not address in which vehicle the approval process would come to the legislature: would a bill be filed or a resolution; would a public hearing be needed; how would we ensure public notice and transparency?

JUDICIARY

CACR 28, relating to the allocation of authority between the legislative and judicial branches. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Barry J Palmer for the **Majority** of Judiciary: This constitutional amendment would overturn the system of checks and balances between the legislative and judicial branches of government as they have existed in New Hampshire for two hundred years. Part I, Article 37 of the New Hampshire constitution has provided for the separation of powers between the three branches of government since 1784. *Merrell v. Sherburne,* the case articulating the power of the state supreme court to rule on the constitutionality of legislative acts, has stood the test of time since the early 1800s. The judiciary rules on the constitutionality of legislative acts under the federal constitution and in all 49 other states. Under this amendment, the legislature could pass a bill that was clearly unconstitutional, and citizens aggrieved by the unconstitutional statute would have no recourse other than that afforded by the next election. The majority understands the concerns raised about certain specific rulings by our supreme court, but believe this amendment goes too far in the attempt to address those few specific rulings. Under our system of checks and balances, the legislature can overrule a court ruling on a statute simply by enacting a new statute. A court ruling on a constitutional issue must be changed by the adoption of a constitutional amendment. To require less would be to hand too much power to the unfettered authority of the legislature, and would defeat the court's role as the protector of the constitutional rights of minority interests against the tyranny of the majority. **Vote 10-6.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: CACR 28 would bring the supreme court back to constitutional legitimacy by writing into the New Hampshire constitution the distinction between adjudicatory and legislative acts drawn by Justice Levi Woodbury in the 1818 case of *Merrill v. Sherburne,* the first case to come before the state's highest court under the constitution's separation of powers provision, Article 37 of Part 1. By so doing, it would restore the original understanding of the boundaries of the separation of powers, reflected in that case, whereby the judiciary was the final authority of the constitutionality of adjudicatory acts and the Legislature was the final authority on the constitutionality of legislative acts. It has only been in recent times, since its 1983 decision in *State v. LaFrance,* that the supreme court of New Hampshire has laid claim to final, unreviewable authority, binding on the legislative and executive branches, to refuse to enforce on constitutional grounds acts of a purely legislative character. By reason that the court has an inherent institutional bias in favor of resolving separation of powers issues to the benefit of judicial power at the expense of legislative, this sweeping, anti-historical assertion of authority has resulted in judicial intrusions into the legislature's exclusively granted constitutional authority to establish state policy to such an extent that the court acts today as a virtual third chamber of the legislature, with veto power over the other two, exercisable by whichever three persons happen to comprise a majority of the court at any given time. One can only hope that the legislative branch will eventually tire of having its maturely considered and hard fought-for policy choices repeatedly subordinated to those imposed by the judicial branch, and will take the action called for in CACR 28 to restore the constitutional separation of powers and system of checks and balances among the three branches of our government.

HB 1135, establishing a civil action for certain disruptions of funerals of members or former members of the armed forces. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lenette M. Peterson for the **Majority** of Judiciary: The current law already protects the right of all funerals and does not single out one funeral over another. Since current law was enacted in 2007, there have been no disruptions to any funeral; therefore no changes to the statute are necessary. **Vote 10-7.**

Rep. Barry J. Palmer for the **Minority** of Judiciary: There are few things neither more dignified nor poignant than a military funeral, with its honor guard, a trumpeter playing taps and presentation of the American flag to a surviving family member, and disruption of such a funeral by misguided protesters would compound a family's grief. When a person is laid to final rest and goes to his or her maker, it's a sacred moment. And because the person

is an American hero who served this country, it is hallowed ground. This bill simply enhances the current funeral disruption law (a misdemeanor) by providing an opportunity for a civil action to mitigate their grief because of a disruption. This bill simply tells those who are considering such a sacrilegious disruption that in New Hampshire "Don't even think about it!"

HB 1298, relative to the definition of "public use" under the eminent domain procedure act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H Rowe for Judiciary: When property is taken by eminent domain for public use, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities; nor shall "public use" include use by a for-profit, private, participant funded transmission line or facility or other uses not needed for system reliability. **Vote 15-2.**

HB 1395, revoking amendments to supreme court rules 50 and 50-A. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for the **Majority** of Judiciary: The rulemaking authority of the supreme court under Part 2, Article 73-a of the New Hampshire constitution is limited to "rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts." Notwithstanding this express limitation, the supreme court on December 29, 2010, ostensibly under authority of Article 73-a, issued a rule, to take effect on March 1, 2011, requiring attorneys to create or maintain a pooled interest-bearing trust account for clients' funds nominal in amount or to be held for a short period of time, and to remit the interest earned to the New Hampshire Bar Foundation. The court was thus requiring attorneys to generate money to send to an organization founded by the court and administered by trustees appointed by the court, in order to support charitable activities approved by the court. The separation of powers enshrined in Part 2, Article 37 forbids the creation by the judicial branch of a parallel welfare state in which the supreme court is judiciary, legislature and executive all rolled into one, while the Thirteenth Amendment to the federal constitution forbids slavery or involuntary servitude, even of lawyers. Part 2, Article 73-a creates no exception to either proscription. **Vote 13-4.**

Rep. Lucy M Weber for the **Minority** of Judiciary: Attorneys maintain trust accounts to hold funds belonging to clients separate from funds belonging to the attorney or the law firm. When a significant sum belonging to one client is held for more than a few days, that client's money is put into a separate bank account, and the interest on that bank account goes to the client when the account is closed, just as it would if the funds were held by a real estate agent or other agent. A trust account for pooled client funds is used only for small amounts of client money, or larger sums held for a very short period of time. Because the interest on this account does not belong to the attorney, lawyer's trust funds accounts used to be put into non-interest bearing accounts. Obviously, the entity benefitting from the accrued interest on a non-interest bearing trust account is the bank. Some years ago, the supreme court created the IOLTA program—Interest On Lawyers' Trust Accounts. Rather than being retained by the banks, the interest on IOLTA accounts is remitted by the bank holding the account to the Bar Association to be used for the provision of legal services to those in need, and for legal education programs.

Proponents of this bill argue that the accrued interest belongs to the client, and that the supreme court has no power to require the payment of the accrued interest to the Bar Foundation. The minority notes that this bill does not return this interest to any client. It would be impractical, in any case, to try to compute how much of each day's interest has accrued to each client with funds in the lawyer's trust account. Passage of HB 1395 simply reverts to the old standard of allowing the bank to keep any interest that would otherwise accrue on the lawyer's trust account. The minority believes that the inherent power of the supreme court to regulate the practice of law includes the power to require attorneys to participate in the IOLTA program.

HB 1396, restoring and reinforcing the exemptions from levy, sale on execution, and liability to be encumbered or taken for the payment of debts of the homestead right. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Robert H Rowe for the **Majority** of Judiciary: This House bill was killed by the Senate in 2011; the sponsor resubmitted the bill in 2012. The bill relates to citizens' residential homestead right and the result of one decision by the New Hampshire Supreme Court. Homestead is a right each homeowner has in his/her owned real estate. The right goes back hundreds of years and without any controversy until the attorney for one party lost the appeal as a result fraud perpetrated on the mortgaging bank. Homestead is the legislated dollar amount that creditors cannot take from property owners by suit or bankruptcy. The facts in the subject case that motivated this bill are as follows. A man and woman in a relationship mortgaged their homestead to a bank, and, as normal, waved their homestead rights. The owners separated. One party took out a new mortgage and had a friend come to the closing and forge the signature of the other owner. Criminal fraud was committed against the bank. The bank foreclosed on the second mortgage and did not allow the remaining owner the homestead interest. The sponsor, who was the remaining owner's attorney argued that since she did not sign the new mortgage and wave her homestead interest that she should retain her homestead interest. The court saw that she had waved her right in the first mortgage and sided with the mortgaging bank. A total change in this historic right is unnecessary based on one court case alone, where fraud on the bank was an issue. The committee believes that the passage of this bill might have a negative impact on future lending practices that would result in all citizens suffering. **Vote 9-6.**
Rep. Gregory M. Sorg for the **Minority** of Judiciary: This is the exact same bill that last year, as HB 305, was approved by the Judiciary Committee 16-0 and passed by the full House on the consent calendar, but which ultimately died in the Senate. It would amend the homestead law, RSA Chapter 480, in order to change a rule established in the 2007 case of *Chase v. Ameriquest Mortgage Co., 155 N.H. 19.* Until *Chase,* it had been widely understood that a person's statutory homestead interest (currently $100,000) was exempt both from levy or sale on execution and from liability to be encumbered or taken for the payment of debts, unless encumbered in strict compliance with one of the four specific exceptions of RSA 480:4. In *Chase,* however, the Supreme Court used the doctrine of equitable subrogation, to the extent of the amount of the new mortgage-secured loan that was used to pay off the old one, it recognized an equitable lien on Mrs. Chase's statutory $100,000 homestead exemption in favor of the foreclosing mortgage lender, even though her signature on the mortgage being foreclosed had been forged. This bill would clarify that the homestead law excepts homesteads from applicability of the common law doctrines of equitable subrogation and unjust enrichment; that the right of creditors to be secured is subordinated to the broader social benefit of preventing destitution and homelessness of mothers and children; and that the purpose of the homestead exemption is to safeguard to debtors and their families the shelter of the homestead roof.

LEGISLATIVE ADMINISTRATION

HB 1183, relative to access to the galleries in the general court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Timothy P Comerford for the **Majority** of Legislative Administration: This bill seeks to clarify the fact that streaming video, audio, or other electronic means are not substitutes for having the house gallery open. The New Hampshire Constitution in Part 2, Article 8 is already clear on the issue of keeping the gallery open, however, the doors of the gallery are to be kept open while the house is in session to those that behave decently. The bill is unnecessary as the constitution is the authority in this matter. **Vote 10-4.**
Rep. Cynthia L Chase for the **Minority** of Legislative Administration: The minority feels that there is a need to insure that the gallery remains open at all times that the house is in session. Streaming video should never be a substitute for an open gallery.

HB 1227, relative to disqualification of certain members of the general court. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Michael Ball for the **Majority** of Legislative Administration: The New Hampshire General Court is a true citizen legislature, comprised of members who work in a wide variety of professions while simultaneously performing their legislative duties. Our state benefits from the expertise our members bring to the state house by virtue of their respective work experiences. Unfortunately, there are some professions that are incompatible with service as a legislator. This bill clarifies that no member of the general court can hold their seat while simultaneously in the employment of a political party, a committee of a political party or a lobbyist. This bill harkens back to the earliest days of the general court when issues arose about legislators serving while being paid advocates for a cause. It is one thing for a legislator to be employed in their civilian career and another thing entirely for a legislator to be employed as an advocate for causes before the general court. This bill will enable our citizens to be secure in the knowledge that their representatives have a primary allegiance to the public and are not beholden to the directives of a particular party or special interest by virtue of their employment. **Vote 10-2.**

Rep. Mary Jane Wallner for the **Minority** of Legislative Administration: The bill carves out one group of people who are excluded from serving in the New Hampshire legislature. The bill appears in conflict with our constitution. The voter knows when they are voting if the person who is running has a conflict. The voters will make their decision.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1271-L, relative to the penalty for violating ordinances governing hawkers and peddlers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D Copeland for the **Majority** of Municipal and County Government: This proposed bill reduces the penalty phase from a class B misdemeanor to a violation offence. The original intent of the existing law was to allow local towns to help protect their residents from nefarious vendors who use door-to-door sales as a ploy to commit crimes. The protection lies in the ability of towns to develop a local ordinance for vendors that requires a criminal record check. Presently, a vendor who has class B misdemeanor conviction would be found out through this licensing process. If this same illegitimate vendor then attempted to ply his trade in another community and that community conducted a record check as part of the licensing process, that community would learn of his criminality and deny the license. By changing this law as proposed in this bill, violation level convictions would not be tracked and therefore, communities would not be able to learn of a criminal history by a vendor applicant. Further, this proposed change is contrary to the most recent change for RSA 31:102-a, which was adopted on Sept 11, 2010, that now allows local communities to work with the state to conduct more stringent criminal record checks on vendors protecting our citizens from preying criminals. Shouldn't that take precedence here, why would we want criminals to have the upper hand on our citizens? **Vote 9-4.**

Rep. John A Burt for the **Minority** of Municipal and County Government: A "vendor" is someone who offers something for sale. A vendor - a hawker or peddler - is someone who sells either a service or a product. The first and most troubling feature of New Hampshire's existing hawker's and peddlers law is that it is too broad and ill defined. This defect naturally leads to the second most troubling feature of the law which is that it creates as many ways to criminalize vendor activity across New Hampshire as there are towns and cities in New Hampshire. Under existing statute, what would be perfectly legal for a vendor to do in the way of promoting sales in one town or city could easily be a misdemeanor offense in an adjacent town. In other words, a vendor could be prosecuted for criminal activity in one town but not another. It is alarmingly obvious that over time, as towns and cities pick and choose from the statute's broad menu of potentially criminal activities in the creation of hawker and peddler ordinances, this dangerous flaw will become amplified and exacerbated and acts of injustice will proliferate. The definition of what is or is not a criminal act ought

to be uniform across New Hampshire and never subject to the whim of boards of selectmen, town councils or aldermen. For this reason if for no other, the penalty for violating any hawker's and peddlers license under the present statute should never be anything greater than a violation.

HB 1294, relative to applications for abatement of property taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Burt for Municipal and County Government: This bill makes some simple changes to make the process easier for taxpayers to apply for a property tax abatement, either themselves or through a representative. The amendment allows a guardian or heir to apply for an abatement if the property owner of record is incapacitated or recently deceased. **Vote 15-2.**

HB 1689-FN, relative to taxation of Pease development authority property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John A Burt for the **Majority** of Municipal and County Government: The intent of this bill was to cancel a section of HB 2 which reiterated that the hangars at the Skyhaven Airport in Rochester NH were exempt from property taxes by the City of Rochester. The aforementioned section was not the only law that protected these properties from taxation but was a belt-and-suspenders assurance because of attempts by the city to assess taxes. The City of Rochester has been offered the airport for over twenty years by the state. The city kept holding out for the state to make greater investments so that the revenue from hangar rents and fuel sales would pay for the operation of the airport. It has always been a close thing whether the revenue would support the operation. The city knew this and that was why it kept stalling on the take-over. The state finally gave up on the city ever taking the airport over, and it was assigned to the Pease Development Authority with the hope that if the revenues did not support the costs, the PDA could afford the costs. It appears that the city now feels that if there is a new group that can cover the costs, that they can now take advantage of that, and tax the airport without fear of losing this valuable community asset. This is short sighted and hostile to the state maintaining its network of airports. The city could have owned the airport for nothing but did not want the risk. The city's reluctance to take on the responsibility should not now be rewarded by removing the tax exemption that has been in effect since the hangars were built. **Vote 7-6.**

Rep. Kris E Roberts for the **Minority** of Municipal and County Government: This bill is an attempt to repeal an earmark that was inserted in HB 2, Chapter 224, Laws of 2011 which resulted in very few people having the opportunity to vote up or down based on its merits. As a result of the passage of HB 2 the Pease Development Authority was granted a special tax exemption which gave it an unfair advantage over other publicly own airports in the state. The Keene airport, which is located in Swanzey, owns aircraft hangers which were built with public funds and leased out to private aircraft owners which pay their lease payment to the City of Keene and property tax to the town of Swanzey. Since the cost of hanger rent is a major factor where pilots base their aircraft, HB 1689-FN would provide the Pease Development Authority a two-fold unfair economic advantage over other airports required by law to charge property tax while ensuring that Pease Development Authority would have greater access to the local share of the aircraft registration fees. Furthermore the earmark granting Pease Development Authority the authority to not charge property tax on public property or land leased to non-government agencies or private individuals creates a separate class of citizens in New Hampshire which could result in numerous court challenges. The committee was told that the financial viability of the airport is totally dependent on its ability to lease out the hangers with the agreement that the renters would be exempt from local property taxes. If the financial future of the airport is based on a small number of privately owned aircraft, is that really a risk that the state of New Hampshire willing to take?

PUBLIC WORKS AND HIGHWAYS

HB 1257-FN, eliminating the tolls on the Everett turnpike in the town of Merrimack. **INEXPEDIENT TO LEGISLATE.**

Rep. Dale R Sprague for Public Works and Highways: To recap the history of tolls in Merrimack, in the early 1980's the Merrimack legislative delegation and the Merrimack town council were unified in their support of these three exits being tolled as the way to pay for the considerable turnpike improvements that were requested in Merrimack. The NH Turnpike system spent 49 million dollars in the construction of Exits 10, 11 and 12, as well as portions of Industrial Drive and Camp Sergeant Road (from the intersection of Old Camp Sergeant Road south of Exit 10 all the way to Route 101A), which greatly improved east/west travel throughout Merrimack without a toll. There turnpike improvements were instrumental in attracting commercial users (such as Fidelity and Digital, industries and residential developments to locate in Merrimack. The New Hampshire turnpike system continues to own, operate and maintain (pave, stripe, plow and salt) these sections of roadways at turnpike expense. Removing these tolls would shift a heavier burden on other toll payers in the turnpike system located in other areas of the state creating another form of donor communities. Furthermore, none of the principal of the bonds to build these roads has yet to be paid off. However, the town of Merrimack has received millions of dollars in property taxes as a direct result of these turnpike system improvements. In light of these facts, and because of concerns of precedence and fairness throughout the turnpike system, the committee unanimously voted this bill as inexpedient. HB 1369, relative to the location of overhead tolling on the F. E. Everett Turnpike and HB 1192, establishing an E-Z Pass commuter discount, have both been referred to Interim Study to cover possible legislation to address these outstanding turnpike issues. **Vote 14-0.**

HB 1412, requiring the department of transportation to post signs on roads that cross the border into Massachusetts. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C W Bouchard for Public Works and Highways: This bill would amend RSA 230:84 requiring all roads that cross the New Hampshire/Massachusetts state line to bear signs that say "Warning Massachusetts Border 500 feet." This bill would also require the department of transportation to establish a sponsor-a-sign program. In return, a business sponsoring a sign would be identified on the sign. The committee recognizes the good intentions of the bill, but found the bill flawed as not all roads that cross into Massachusetts are state roads. The committee also heard testimony of border communities being good neighbors and felt this legislation would negatively impact that relationship. The division of economic development and the division of travel and tourism both oppose this bill. Travel and tourism is the second largest industry in terms of jobs supported by dollars from out of state and Massachusetts travelers are a large market share of travel and tourism to our state. The "warning signs" are not a message of hospitality. New Hampshire is also a partner in Discover New England, a non-profit organization created as a partnership to promote travel and tourism in overseas markets with other New England states. The organization has proven to be very successful and these warning signs could jeopardize the working relationship with Massachusetts. The warning signs would also make attracting Massachusetts businesses to New Hampshire more difficult by giving the impression they are not welcome. Testimony showed that almost all, if not every, state road crossing the New Hampshire border into Massachusetts had a sign signifying the state line, and this bill would unnecessarily jeopardize tourism dollars, jobs and attracting new businesses to New Hampshire. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1140, relative to the care of war memorials in Franconia Notch state park. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Peter S Bolster for the **Majority** of Resources, Recreation and Development:. This bill will affirm the special memorial status of Franconia State Park dedicated to War Time Veterans in the 1920's. It retains flexibility to the State Park Service to improve and

maintain the park in a manner consistent with the enjoyment of this resource for all people. **Vote 12-3.**
Rep. Judith T Spang for the **Minority** of Resources, Recreation and Development: The minority supports this initiative to assure that the war memorials in Franconia State Park be not only protected, but maintained in a way that assures the public the opportunity to honor those who have served our country. However, the minority prefers that the problems in this bill be corrected by the committee before it leaves our hands.
HB 1436, establishing a committee to oversee the management of natural resources by the department of resources and economic development. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Andrew Renzullo for the **Majority** of Resources, Recreation and Development: This bill looks to establish an oversight committee relative to the management of natural resources by the department of resources and economic development. This would include the park system and forest and lands. This would not be something new. There are other legislative oversight committees. For instance, there is one such committee relative to health and human services. Whereas our laws are an intricate legal web constantly building on what came previously and whereas, many of the laws and programs governing natural resources find their genesis in state and federal actions which are constantly in flux, the committee would periodically review the statutes under which the department operates to ensure they are current and identify areas where adjustments may be necessary. The committee would monitor the efficiency of operation and the quality of service provided, the efficacy of selected programs, trends affecting program costs and participation. The committee may make recommendations to the commissioner and recommendations for legislation as indicated by its findings. The committee would maintain communications with the department, and any other departments, as necessary to accomplish its work. The oversight committee would also review the effectiveness of the many subcommittees, councils, task forces, and other ancillary bodies of the department. Most importantly, this oversight committee will be a good communication device between the responsible committee leaderships, majority and minority, of both bodies of the legislature and the administration. It should be noted that the (DRED) commissioner states, "The Department of Resources and Economic Development supports the concept behind the bill where greater understanding and cooperation be developed between the legislature and the agency." **Vote 12-4.**
Rep. James D Aguiar for the **Minority** of Resources, Recreation and Development: There are over 20 committees involved with the department of resources and economic development. This bill establishes a committee to oversee the department of resources and economic development (DRED). The minority will admit that there have been practices, decisions and rules established by DRED which at times have confounded members of the committee. However, this oversight committee appears to be planted on the slippery slope of micromanagement. The list of areas to be supervised by this proposed committee is extensive and overly ambitious. One would expect a serious review of such matters to require a committee meeting at least weekly, yet the bill proposes meeting once every two months. It is difficult to conceive of meaningful guidance coming from a committee meeting so sporadically. There is also no fiscal note to determine the possible costs for what will undoubtedly be considerable costs for the agency staff in responding to committee requests. The minority knows that the RR and D Committee currently has authority to call staff members from DRED before the committee to deal with specific matters deemed problematic. This would be a much more productive use of RR and D time as well as that of the administrators and staff of DRED.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1305, reestablishing the exemption from property taxation for telecommunications poles and conduits and establishing a committee to study how utilities are taxed by the state and municipalities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for the **Majority** of Science, Technology and Energy: The extension of the property tax to telecom utility poles is a new tax. While the exemption from property tax is somewhat unique, this new tax will ultimately be passed on to the customers. In fact the PUC approved a 99 cent per line "municipal property tax" charge for FairPoint to start billing in April as a direct result of this tax. There was, at one point in time, a statewide tax on these utility poles which was ended in lieu of the Communications Service Tax (CST). Allowing municipalities to tax these poles will result in a double tax which will be paid primarily by land line customers, putting them at an even greater disadvantage. This new double tax is not conducive to making New Hampshire more business friendly and creating jobs. The committee also heard that there was a wide disparity in the ways municipalities were attempting to asses these poles and if they were going to be taxed it should be in an even handed, fair and transparent manner. This bill establishes a long overdue committee to study how all utilities are taxed by the state and municipalities. Meanwhile, this new tax should be stopped immediately by reestablishing the long-standing exemption. **Vote 13-1.**
Rep. Beatriz Pastor for the **Minority** of Science, Technology and Energy: The property tax exemption for wooden poles and conduits owned by the telecommunication companies expired on July 1, 2010. Since that time, the House has had opportunity but not acted to reinstate that exemption. By exempting telephone poles and conduits from property taxation, this bill would shift the property tax burden away from companies like FairPoint and Comcast and onto all other taxpayers. If one taxpayer receives a tax exemption, all other taxpayers are paying for it. Thus, one could claim that an exemption for telephone poles is simply a subsidy funded by a tax increase on all other taxpayers. Supporters claim poles should not be taxed because different towns assess them at significantly different values. It would seem, however, that if there are problems of inconsistent assessing, the solution is to improve assessing standards, not to give the industry a free ride. The pole exemption has not existed in New Hampshire for almost two years and telecommunication companies began paying property taxes on their poles and conduits in 2011. Reinstating the exemption now will reduce municipal revenues, disrupt municipal assessing and shift more property taxes onto local taxpayers. The legislature has already shifted too many burdens onto municipalities and local property taxpayers in recent years. This bill continues that unfortunate trend. It will result in a tax increase of approximately $5 million to $6 million for New Hampshire property taxpayers. It is a corporate subsidy at taxpayer expense, and should be opposed.

SPECIAL COMMITTEE ON REDISTRICTING

HB 1670, apportioning executive council districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Robert H Rowe for the **Majority** of Special Committee on Redistricting: The subcommittee reviewed seven Executive Council plans including the existing plan adopted in 2002. Of the seven plans, the subcommittee recommended amendment 0518h to the full committee. This amendment provides for more compact districts and the compatibility of communities. The only exception is the second Council District. This district stretches across the state and is the least compact of the five districts. While the committee would desire a more compact district, it must be recognized that the current second district stretches from the coast to the Connecticut River. Nonetheless the committee is confident that the bill as amended meets all Federal and State requirements. **Vote 11-4.**
Rep. Lucy M Weber for the **Minority** of Special Committee on Redistricting: One look at the map of the proposed Executive Council districts is all that is needed to see what is wrong with this proposal. Only District One makes sense. The boundaries of Districts Three, Four and Five are convoluted. District Two now resembles a dragon that has swallowed a medium sized mammal. This most tortuous of districts starts at the Connecticut River with Charlestown and Walpole, curves south to include Keene east to Marlborough to Dublin, then curves north only to bulge out again around the Concord area, from whence it zigzags east in a line a single town wide until it reaches the seacoast and curves south again to end

at Portsmouth. Proponents of the plan argue that it preserves continuity with the current plan. However, in the proposed plan, significant population centers have been switched from one district to another. Three members of the minority agree that continuity is to be encouraged. Because the current Executive Council districts, without any modification whatsoever, fall well within the acceptable deviation range, three members of the minority would recommend that they remain unchanged. The fourth member of the minority would favor a different redistricting plan.

HB 1718, relative to judicial review of electoral districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David W Hess for the **Majority** of Special Committee on Redistricting: This bill does three things. First, it provides for the expeditious judicial review of challenges to electoral districts. As such, it merely codifies the past practice of the courts in handling such challenges. Further, it contemplates that any such challenge can be entertained in the first instance in either the superior or supreme court. Second, it requires the expedited filing of any appeal from the superior court to the supreme court, specifying that any appeal must be filed within five days after the date of the decision in the lower court, rather than the standard thirty days. It is also the intent of this legislation to bypass the standard procedural rule requiring a motion for reconsideration and decision on that motion before an appeal can be filed. Finally, the bill specifies that the speaker of the house and the president of the senate must be joined as necessary parties to any case challenging the validity of their house and senate electoral districts respectively, and that as parties, they may be represented by separate counsel of their own choosing. However, the bill makes clear that such separate representation shall not be construed to relieve the attorney general of its traditional duty to defend duly enacted statutes and represent the state in such cases. **Vote 11-4.**

Rep. Steve Vaillancourt for the **Minority** of Special Committee on Redistricting: This bill, as originally filed, demands that the superior court shall hear and rule on any redistricting law suits not later than ten days following the commencement of any such action in Superior Court. This is simply not feasible, a fact which even the majority recognized in offering a substitute amendment. After delaying action on redistricting for eight months, the legislature displays the ultimate in chutzpah to expect the court to be able to handle the matter in ten days. The minority is reminded of the book The Little Prince by Antoine de St. Exupery. The Little Prince lived on such a small planet that he could witness a sunset simply by taking a few steps. When he visited a large planet ruled by a king, the Little Prince longed for a sunset and asked the king to order one. Alas the king could not make such an order contrary to the laws of nature, so the Little Prince demanded to know how such an absolute ruler could not demand absolute obedience. In positing this bill, the majority assumes the role of the Little Prince who thinks he can get his way whenever he wishes. The king, attempting an explanation, asked the little prince who would be wrong if the king demanded that a man sprout wings and fly like a bird. Would the man be wrong for failing to carry out such an order or would the king be wrong for issuing such an impossible order? Obviously, the king would be wrong and obviously the House is wrong if it attempts to pass such a bill as this. Howie Zibel, representing the Supreme Court, assured the committee that the court would do everything in their power to handle any law suit in as expeditious a manner as possible. In opposing the bill, he asked that a bit of comity be displayed between branches. The minority believes that in pushing such a bill, the House displays more comedy than comity. The bill, even as amended to insist that any appeal be filed within five days, is totally unnecessary and could do more harm than good. Since this bill could be challenged in court, it might actually slow down rather than speed up any redistricting court action. Most likely, this bill would have as little impact as the House's order to cities to get their ward maps drawn by January; that bill has not advanced beyond the Senate, and January is long gone. Also, legal experts are quick to note than any good barrister could meet the five day requirement with a rudimentary appeal and fill in details

later. The minority asks that we display a bit of comity and common sense and ITL this bill and the amendment. It's time for us to stop huffing and puffing and demanding things which just aren't possible, especially since we are the most guilty of delaying the process.

TRANSPORTATION

HB 1693-FN, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE.** Rep. Lisa E Scontsas for Transportation: The committee has once again exhaustively reviewed the issue of changing New Hampshire's vehicle safety inspection program. HB 1693 is dangerous public policy for New Hampshire. It would increase the risks of accidents and injuries and decrease the safety of our public roadways. Vehicles in our state fail their annual safety inspection at a rate of 20% or greater. All of our neighboring states (Maine, Massachusetts, Vermont, and New York) conduct annual vehicle safety inspections. Due to our climate and road conditions, annual inspections are right for NH as well. The most recent state study (PA) on the issue concluded that "nationally, vehicle safety inspection programs appear to be a significant factor in lowering fatal crashes." The committee heard testimony that the bill will double sticker costs, raise inspection costs, and undoubtedly raise vehicle repair costs. We are all aware that preventative maintenance such as an annual inspection or a doctor's physical save on long term costs. We heard testimony that the bill could put NH in a status of non-compliance with our Clean Air Act State Implementation Plan and put at risk an estimated $300 million of federal highway funds. There is very little public backlash against the current system. The committee heard from no one in favor of the bill other than the prime sponsor, but a great deal of vocal opposition. The NH inspection program is a free-market based system that works and benefits our citizens and public safety. A majority of the committee, by a vote of 12-1, recommends to ITL this bill that will have a negative impact on public safety and our constituents. **Vote 12-1.**

LAID ON TABLE

HB 162-FN, relative to capital murder for purposely causing the death of another. (Pending question: adoption of committee report of ought to pass.)
HB 448-FN, relative to spice incense products. (Pending question: adoption of committee report of inexpedient to legislate.
HB 475-FN, relative to penalties under the consumer protection act. (Pending question: adoption of committee report of ought to pass.)
HB 494-FN, relative to tipped employees who deal card and table games at games of chance venues. (Pending question: adoption of majority committee report of ought to pass with amendment.)
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. (Pending question: adoption of majority committee report of inexpedient to legislate.)
HB 1147, proclaiming March 31 of each year as a day to remember Terri Schiavo. (Pending question: adoption of the committee report of inexpedient to legislate.)
HB 1413-FN, directing New Hampshire to withdraw from the No Child Left Behind Act. (Pending question – adoption of the majority committee report of ought to pass.)
HB 1517-FN-L, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court. (Pending question – adoption of the majority committee report of ought to pass.)
HCO 1, relative to implementing an election pursuant to representative districts established in the order.
SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Pending question: adoption of the majority committee report of ought to pass with amendment.)

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following advisory opinion, which is printed below in its entirety.

Advisory Opinion 2012-1
Response to a Request for an Advisory Opinion
from Senator Jeanie Forrester
(January 23, 2012)

Pursuant to RSA 14-B:3, I (c), Senator Jeanie Forrester has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, as an appointed member of the Assessing Standards/Current Use Board, she is required to file a "Statement of Financial Interests," as prescribed by RSA 15-A:3, in addition to the "Financial Disclosure Form," prescribed by RSA 14-B:8, for the period covering a given calendar year.

According to the Committee's records, Senator Forrester has submitted to the Committee the Financial Disclosure Form required of legislators by RSA 14-B:8 for the calendar year 2012. Along with such forms submitted by other members of the General Court, in due course the Committee will review them and transmit properly completed forms to the Secretary of State for filing. See RSA 14-B:3, IV.

Specifically, Senator Forrester asks whether under these circumstances, she is excused from filing a separate RSA 15-A:3 form, in light of RSA 15-A:3, II, which reads:

"II. The filing of a financial disclosure form by an elected member of the house of representatives or senate pursuant to RSA 14-B:8 shall satisfy the requirement for filing a statement of financial interest pursuant to this chapter."

An additional relevant statute is RSA 14-B:3, IV which states in part:

"IV. * * * The filing of a financial disclosure form in accordance with RSA 14-B:8 by a representative, senator, or officer of the house of representatives or senate shall satisfy the requirement of filing a statement of financial interest pursuant to RSA 15-A."

We advise as follows: Not just once, but in two distinct RSA Chapters, the General Court has specified that the RSA 14-B:8 Financial Disclosure Form duly filed by a legislator satisfies the requirement for filing the RSA 15-A:3 Statement of Financial Interest Form. The law cannot be more plain or clear, and we assume the General Court meant what it said, both times: Legislators who comply with RSA 14-B:8 by filing a timely and sufficient Financial Disclosure Form need do nothing more to satisfy the filing requirements of RSA 15-A:3. Accordingly, having filed the requisite 14-B:8 form with the Committee, Senator Forrester is not required to file a separate 15-A:3 form with the Secretary of State as an appointed member of the Assessing Standards/Current Use Board.

We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote 7-0]

HOUSE BILLS AMENDED BY THE SENATE

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the

secretary of state. (SJ 1/18/12)
HB 110, requiring professional safety and security services personnel to report certain criminal offenses. (House Concurred 2/1/12)
HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (SJ 1/18/12)
HB 186-FN, relative to the definition of political communication. (House Nonconcurred 2/1/12)
HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. (House Concurred 2/1/12)
HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.
HB 508-FN, establishing a performance measurement for State agencies. (House Nonconcurred; C of C 2/1/12)
HB 597, revising the child support guidelines based on an income shares model of calculating child support. (SJ 1/18/12)
HB 627-FN, relative to "essential benefits" under federal health care reform. (SJ 1/18/12)
HB 648, relative to eminent domain petitions by public utilities. (House Concurred 2/8/12)

COMMITTEE OF CONFERENCE

HB 508-FN, establishing a performance measurement for State agencies. (Reps. Bowers, Moran, Cebrowski and Winter - Subject to Senate agreement.)

COMMITTEE MEETINGS

FRIDAY, FEBRUARY 10

ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB
10:00 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 201, LOB
9:00 a.m. Subcommittee meeting to investigate the prevalence and problems associated with bedbugs and the effect in NH.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Upham Walker House. Park Street, Concord
1:00 p.m. Rescheduled subcommittee meeting.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306-308, LOB
9:30 a.m. Full committee work session on ***HB 1306-FN-L,*** requiring retirement system employers to make contributions for part-time employment of retired members of the retirement system.
10:00 a.m. Dartmouth presentation on colas.
11:00 a.m. NH Retirement System presentation comprehensive annual financial report.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB
9:00 a.m. Subcommittee meeting.

SUNDAY, FEBRUARY 12

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community

College, Sweeney Crocker Building, Room 225, Concord
1:00 p.m. Regular meeting.

MONDAY, FEBRUARY 13

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 103, LOB
3:00 p.m. Regular meeting.

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), Room 303, LOB
10:00 a.m. Regular meeting.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 308, LOB
10:30 a.m. Regular meeting.

COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 100, State House
1:00 p.m. Regular meeting.

ECONOMIC STRATEGIC COMMISSION TO STUDY THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2), Rooms 302-304, LOB
10:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
9:00 a.m. Subcommittee work session on ***HB 1448,*** requiring public access to any document and Internet content which is incorporated by reference in administrative rules.
10:30 a.m. Subcommittee work session on ***HB 1218,*** relative to state authority to accept federal aid.
1:00 p.m. Executive session on ***HB 1272,*** establishing a legislative oversight committee to study implementation of the recommendations of the commission on the status of men and solutions to identified problems, ***HB 1508,*** relative to procedures of the board of mental health practice, ***HB 1351,*** relative to disclosure of confidential information by the board of medicine, ***HB 1702-FN,*** relative to materials collected during certain proceedings of the board of medicine, ***HB 1602,*** removing the exemption for janitors from pesticide applicator licensing, ***HB 1338,*** relative to failure to renew a professional or occupational license, ***HB 1315,*** relative to the effective date of revisions to the state building code, ***HB 1539-L,*** relative to the state building code, ***HB 1476,*** prohibiting the enforcement of out-of-state laws, rules, codes, and fess not approved by the New Hampshire legislature, ***HB 1187,*** establishing a commission to prepare for possible action in the event of a catastrophic occurrence that renders the federal government unable to function, ***HB 1448,*** requiring public access to any document and Internet content which is incorporated by reference in administrative rules, ***HB 1218,*** relative to state authority to accept federal aid.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB
11:00 a.m. Executive session on ***HB 1466,*** relative to the investigation by the state attorney general of conflicts of interest of municipal officers and employees, ***HB 1342-FN,*** prohibiting state and local governments from using funds to employ a lobbyist, ***HB 1367,*** relative to the issuance of administrative inspection warrants, ***HB 1279-L,*** relative to voting rights of certain budget

committee members, ***HB 1177-L,*** relative to the limitation on appropriations under the municipal budget law, ***HB 1425,*** relative to the creation or elimination of employment positions in Hillsborough county government, ***HB 1355,*** relative to county budget adoption by the county convention, ***HB 1371,*** relative to conflicts of interest of county government officials, ***HB 1149,*** allowing the planning board chairperson to administer oaths and compel the attendance of witnesses, ***HB 1282-FN-L,*** relative to workforce housing and the definition of community, ***HB 1224,*** allowing municipalities to send tax, water, and sewer bills electronically and establishing a committee to study municipal functions which could be performed electronically to achieve cost savings, ***HB 1626,*** establishing a committee to study the current use taxation of farm land and farm structures in which utility lines or services are installed, ***HB 1643,*** relative to county appropriations, ***HB 1215-L,*** relative to town library budgets, ***HB 1160,*** establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions, ***HB 1482,*** relative to the exemption from property taxation for hospitals.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

10:00 a.m. Regular business.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Room 207, LOB

10:00 a.m. Full committee work session on ***HB 1321,*** establishing a committee to study the relationship between public funding of postsecondary education and workforce development.

10:10 a.m. Full committee work session on ***HB 1564,*** establishing a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding.

10:20 a.m. Continued public hearing on ***HB 1649-FN-A-L,*** relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.

10:30 a.m. ***HB 1225***, permitting a charter school to incur long-term debt.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Subcommittee work session on ***HB 1607-FN-L,*** establishing an education credit against the business profits tax.

1:00 p.m. Public hearing on proposed amendments to ***HB 593-FN-A-L,*** relative to video lottery and table gaming. Copies of the proposed amendment will be available from the Sergeant-at-Arms office.

TUESDAY, FEBRUARY 14

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

10:00 a.m. ***HB 1691-FN,*** establishing a state bank.

11:00 a.m. ***HB 1700-FN,*** repealing licensing requirements for money transmitters.
Work session on these bills may follow the public hearings.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. ***HB 1131,*** establishing a committee to study the revisions to laws which would be necessary if the supreme court and superior court were abolished as constitutional courts.

11:00 a.m. ***CACR 11,*** relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms.

1:00 p.m. ***HCR 41,*** urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void.

2:00 p.m. ***HB 415,*** relative to access to abuse and neglect investigation records pending a child custody dispute.
Executive session may follow.

2:30 p.m. Executive session on ***HB 1146,*** requiring pupils to stand during the pledge of allegiance, ***HB 1194,*** relative to the text of Article 73-a of Part II of the New Hampshire Constitution, ***HB 1536,*** relative to the preservation of religious freedom.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on ***HB 1654-FN,*** relative to earned time credits for inmates participating in rehabilitative programming.

10:00 a.m. Rescheduled public hearing on ***HB 1240,*** relative to license suspensions for refusal to consent to an alcohol test.

10:30 a.m. Rescheduled public hearing on ***HB 1312,*** relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury.

11:00 a.m. Rescheduled public hearing on ***HB 1584,*** relative to the authority of police chiefs.

1:00 p.m. Rescheduled public hearing on ***HB 1604-FN,*** relative to penalties for motor vehicle accidents involving death or serious bodily injury to a pedestrian.

1:30 p.m. Rescheduled public hearing on ***HB 1610-FN,*** relative to lowering the legal drinking age to 19 for active duty members of the armed forces.

2:00 p.m. Rescheduled public hearing on ***HB 1630,*** relative to traffic control at public meetings or functions.
Executive session may follow.

EDUCATION, Room 207, LOB

10:00 a.m. ***HB 1467,*** relative to educational requirements for teacher certification.

11:00 a.m. ***HB 1148,*** requiring the teaching of evolution as a theory in public schools.
Executive session may follow.

1:00 p.m. Executive session on ***HB 1167,*** repealing the 180 day school year requirement, ***HB 1139,*** making changes to the unique pupil identification system, ***HB 1403,*** allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.

2:00 p.m. ***HB 1606-FN,*** adopting the interstate compact on educational support for military children.
Executive session may follow.

ELECTION LAW, Room 308, LOB

10:00 a.m. ***HB 1719,*** relative to the filing period for elections.

10:15 a.m. ***HB 1232-FN,*** relative to prerecorded political messages.

10:30 a.m. ***HB 1673-FN,*** relative to complaints of election law violations.

11:00 a.m. ***HB 1595,*** relative to voting in primary elections.

11:30 a.m. ***HB 1681-FN,*** relative to reporting political expenditures and contributions.

1:30 p.m. ***HB 1704-FN,*** relative to limits on political contributions and relative to reporting by political committees.
Executive session may follow.

2:00 p.m. Executive session on ***HB 1126,*** relative to nomination of candidates for United States senator, ***HB 1164,*** requiring documentation of qualifications for presidential candidates, ***HB 1198-FN-L,*** relative to updating voter birth

information in the statewide centralized voter registration database, ***HB 1301,*** relative to challenges to voters, ***HB 1714,*** relative to the term "election" for the purposes of public meetings.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on ***HB 1572,*** establishing a commission to study the labeling of genetically modified foods, ***HB 1446,*** relative to the meat inspection program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. ***HB 1150,*** relative to examinations for licensure as a professional engineer or land surveyor.

10:30 a.m. ***HB 1155,*** relative to the regulation of dentists by the board of dental examiners.

11:00 a.m. ***HB 1190,*** relative to the dental hygienists committee of the dental board.

1:15 p.m. ***HB 1609-FN,*** relative to licensure of polysomnographers by the board of respiratory care practitioners.

2:00 p.m. ***HB 1260-FN,*** relative to poker games and charitable gaming.
Executive session may follow.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

8:45 a.m. Subcommittee work session on ***HB 1455-FN,*** relative to special licenses for taking lobster while engaged in recreational scuba diving.

10:15 a.m. Executive session on ***HB 1132,*** relative to fish and game laws concerning the Blue Mountain Forest Association, ***HB 1219,*** relative to the definition of wildlife for purposes of regulation by the fish and game department, ***HB 1332,*** relative to the law enforcement authority of fish and game conservation officers, ***HB 1333,*** relative to the revocation or suspension of a fish and game license for a conviction, ***HB 1334,*** relative to the suspension of a fish and game license by the executive director, ***HB 1335,*** relative to the authority of the fish and game department to refuse to issue a hunting license, ***HB 1336,*** relative to reciprocity for nonresident trainers of hunting dogs, ***HB 1337,*** relative to the enforcement of violations of fish and game laws, and establishing a committee to study the disposition of wildlife confiscated by the fish and game department, ***HB 1339,*** prohibiting agreements to limit or reserve access to hunting, fishing, and trapping on private land, ***HB 1392,*** relative to oyster aquaculture licenses, ***HB 1455-FN,*** relative to special licenses for taking lobster while engaged in recreational scuba diving, ***HB 1551,*** clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, ***HB 1555,*** relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department, ***HB 1646-FN,*** prohibiting the taking of deer from baited areas.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Rooms 210-211, LOB
(Please note room change.)

9:00 a.m. Subcommittee work session on ***HB 1680-FN,*** requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics.

10:00 a.m. ***HB 1617-FN,*** repealing the certificate of need law.

1:00 p.m. Rescheduled public hearing on ***HB 1596*** relative to the membership of the advisory council on child care.

1:30 p.m. Rescheduled public hearing on ***HB 1599*** relative to mammography
Executive session may follow.

2:15 p.m. Subcommittee work session on ***HB 1644,*** relative to the regulation of home health care providers by the department of health and human services.

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), Department of Education, Room 15, 101 Pleasant Street, Concord

3:30 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

9:00 a.m. Subcommittee B work session on ***HB 1217,*** relative to the form for executing advance directives for health care decisions, ***HB 1216,*** relative to the authority for withholding or withdrawal of life-sustaining treatment.

10:00 a.m. Executive session on ***CACR 22,*** relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court, ***CACR 26,*** relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed, ***HB 1178,*** relative to the losing party's payment of the prevailing party's costs in tort actions, ***HB 1252,*** relative to required documentation of ownership in foreclosure proceedings, ***HB 1261,*** relative to recovery of delinquent condominium fees, ***HB 1269,*** relative to immunity from civil liability for sports officials, ***HB 1290,*** relative to self-storage facility liens, ***HB 1300,*** relative to removing public officials for cause, ***HB 1347,*** requiring the courts to file reports of complaints against court officers, court staff, and any other person involved in the administration of justice, ***HB 1363,*** relative to banking regulations and foreclosures, ***HB 1450,*** eliminating the requirement that the county attorney be a member of the New Hampshire bar, ***HB 1474,*** relative to eliminating the requirement that attorneys be members of the state bar association, ***HB 1594,*** abolishing assessment of damages in tort actions by joint and several liability, ***HB 1601,*** relative to the notice to defendant in small claims actions.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 303, LOB

1:00 p.m. Full committee work session on ***HB 1174,*** relative to negotiations for contracts for county employees, ***HB 1587,*** relative to employer safety programs, ***HB 1206,*** prohibiting the state from withholding union dues from the wages of state employees, ***HB 1661-FN-A,*** repealing the department of labor's workers' compensation safety program inspection duties and the workers' compensation safety inspection fund and adopting a federal provision which allows a small business to self-certify its spill prevention countermeasure and control plan for above ground storage tanks, ***HB 1513-FN,*** changing the membership of the public employee labor relations board, ***HB 1323,*** requiring employers who offer benefits to full-time employees to offer benefits on a pro-rated basis to part-time employees, ***HB 1645-FN,*** prohibiting all public employees from participating in collective bargaining, ***HB 1163,*** relative to the withholding union dues from wages, ***HB 1427,*** relative to declaring that private contracting of governmental operations shall not be deemed an unfair labor practice, ***HB 1579,*** authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments, ***HB 1270,*** requiring an employer to disclose non-compete and non-piracy agreements to a potential employee prior to making an offer of employment, ***HB 1570,*** relative to the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Executive session may follow.

LEGISLATIVE ADMINISTRATION, Room 205, LOB (Please note room change.)

10:15 a.m. Executive session on ***CACR 27,*** relating to the membership of the house of representatives. Providing that the number of representatives shall be reduced, ***HB 1276,*** establishing a committee to study general court policies and procedures related to persons with disabilities, ***HB 1632,*** establishing a committee to assess the cost savings of digitizing the general court, ***HB 1662-FN,*** relative to preparation of fiscal notes.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

11:00 a.m. Executive session on ***HB 1151,*** relative to the default budget in official ballot towns and districts, ***HB 1376,*** relative to amending warrant articles in towns that have adopted the official ballot referendum form of meeting, ***HB 1453,*** relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments, ***HB 1405,*** relative to refugee resettlement, ***HB 1545,*** relative to control of land received or acquired by a conservation commission, ***HB 1586,*** relative to the acquisition of land for conservation purposes, ***HB 1674-FN,*** reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes, ***HB 1303,*** amending certain requirements to obtain a local vendor license, ***HB 1522-FN,*** reducing the penalty for violating a local vendor ordinance, ***HB 1201,*** relative to the assessment of property taxes on Pinkerton Academy, ***HB 1159,*** defining a default budget for a municipality, ***HB 1561-FN,*** discontinuing regional planning commissions, ***HB 1497,*** relative to the writing of warrant articles, ***HB 1329,*** relative to the default budget in certain towns, ***HB 1588,*** recodifying the laws relative to sheriffs, constables, and police officers.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. ***HB 1716,*** relative to the state 10-year transportation improvement program. This is the 10-year highway plan. The hearing will deal with the 10 year process; schedule and capital funding for highways and bridges.

1:00 p.m. Continued public hearing on ***HB 1716,*** relative to the state 10-year transportation improvement program. The continued hearing will deal with Federal Aid and Highway Program – I-93 widening and GACIT and Governor's recommendations.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

10:00 a.m. Rescheduled public hearing on ***PETITION 20,*** grievance of Carl E. Dow.

1:00 p.m. Rescheduled public hearing on ***PETITION 22,*** grievance of Joseph Haas.
Work session may follow.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:15 a.m. ***HB 1721,*** relative to the approval process to increase the load on a sewage disposal system.

10:45 a.m. Public hearing on proposed amendment to ***HB 1721,*** relative to the approval process to increase the load on a sewage disposal system. Copies of the proposed amendment available from the Sergeant-at-Arms office.
Executive session may follow.

11:15 a.m. Subcommittee work session on ***HB 1501-FN-L,*** establishing a fund to upgrade wastewater treatment plants, ***HB 1373,*** relative to the definition of first-in, first-out as it applies to wastewater or public water supply projects.

1:15 p.m. Subcommittee work session on ***HB 1416-L,*** relative to the introduction of substances into the New Hampshire public water supply.

SCIENCE, TECHNOLOGY AND ENERGY, Representatives Hall

10:15 a.m. ***HB 1490-FN,*** repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.
Executive session may follow.

SPECIAL COMMITTEE ON REDISTRICTING, Room 205, LOB (please note room change.)

11:30 a.m. ***SB 201,*** apportioning state senate districts.
Executive session may follow.

TRANSPORTATION, Room 203, LOB

9:00 a.m. Subcommittee work session on ***HB 1309-FN-A,*** establishing a special number plate to support public elementary and secondary schools.
10:00 a.m. ***HB 1635,*** relative to motor vehicle inspections.
10:20 a.m. ***HB 1578,*** relative to the suspension of registration of vehicles.
10:45 a.m. ***HB 1585-FN,*** relative to inspections of trucks and buses.
1:00 p.m. ***HB 1695-FN,*** increasing certain speed limits.
1:45 p.m. Continued public hearing on ***HB 1478,*** relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.
Executive session may follow.
2:30 p.m. Executive session on ***HB 1143,*** relative to speed limits on certain residential ways, ***HB 1193,*** relative to requirements for temporary certificates of safe boating education, ***HB 1307,*** relative to agricultural plates, ***HB 1309-FN-A,*** establishing a special number plate to support public elementary and secondary schools, ***HB 1374-FN,*** relative to speed limits approaching toll booths, ***HB 1414,*** relative to revocation or suspension of youth operators' licenses for speeding, ***HB 1442,*** relative to motorcycle noise emission regulation.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Tax presentation by NH Society of CPAs.
12:15 p.m. Subcommittee work session on ***SB 153-FN,*** relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.
1:00 p.m. Executive session on ***HB 1697-FN-A,*** establishing keno in New Hampshire, ***HB 1698-FN-A,*** establishing keno and providing scholarship money to New Hampshire students and rescheduled executive session on ***HB 1607-FN-L,*** establishing an education credit against the business profits tax.
2:00 p.m. Subcommittee work session on ***HB 602-FN-A,*** relative to funding the law requiring reporting of health care acquired infections.

WEDNESDAY, FEBRUARY 15

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

3:00 p.m. Or immediately following the House session, continued executive session on ***HB 1129,*** establishing a committee to study the frequency and financial consequences of erroneously dialed 911 calls, ***HB 1133,*** relative to membership of the enhanced 911 commission, ***HB 1152,*** establishing a committee to study high speed digital subscriber line (DSL) service, ***HB 1214,*** banning corn-based ethanol as an additive to gasoline sold in New Hampshire, ***HB 1238,*** relative to divestiture of Public Service of New Hampshire (PSNH) generation assets, ***HB 1295,*** establishing a committee to study the potential effects of total deregulation of the telecommunications industry, ***HB 1296,*** relative to net energy metering, ***HB 1324,*** establishing a committee to study the public utilities commission, ***HB 1390,*** relative to the regulation of incumbent local exchange carriers, ***HB 1391,*** relative to

transmission and distribution utility line extension construction and relative to pole attachments, ***HB 1458,*** relative to the responsibilities of telecommunications companies that permit third party billing, ***HB 1477,*** relative to the definition of spent materials, ***HB 1487,*** relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs, ***HJR 22,*** supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable and executive session on ***HB 1490-FN,*** repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions, ***HB 1239,*** requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility, ***HB 1346,*** relative to the construction of power line extensions, ***HB 1401,*** relative to site evaluations and certificates for energy facilities, ***HB 1428,*** relative to public utilities commission orders concerning renewable portfolio standards.

THURSDAY, FEBRUARY 16

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Rescheduled executive session on ***CACR 31,*** relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. Continued executive session from February 9, if needed.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Subcommittee work session on ***HB 1297,*** relative to health care exchanges, ***HB 1471,*** relative to authority for opticians to replace eyeglasses, ***HB 1700-FN,*** repealing licensing requirements for money transmitters, ***HB 1172,*** authorizing nano brewery licensees to sell their products at farmers' markets, ***HB 1691-FN,*** establishing a state bank, ***HB 1409,*** relative to definitions under the Uniform Securities Act, ***HB 1590,*** requiring the disclosure to patients and prospective patients of the charges for medical procedures, ***HB 1157,*** relative to signage at fuel service stations, ***HB 1182,*** prohibiting the sale of baby food products containing bisphenol A in New Hampshire, ***HB 1243,*** establishing a committee to study the requirements of the deposit of certain checks, ***HR 27,*** urging New Hampshire policymakers to declare "brainpower" a state resource, ***HB 1262,*** prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction.

1:15 p.m. Executive session on ***HB 1228,*** prohibiting the sale of grave markers and memorial markers by funeral directors, ***HB 1283-FN,*** relative to insurance payments for domestics, ***HB 1231,*** repealing the prohibition on the sale, gift, or display of certain young birds and rabbits, ***HB 1439,*** establishing a committee to study sprinkler requirements in nightclubs, ***HB 1153,*** relative to fire protection of floors in certain detached dwellings, ***HB 1493-FN,*** relative to copayments for certain specialists, ***HB 1410,*** relative to securities regulation, ***HB 1471,*** relative to authority for opticians to replace eyeglasses, ***HB 1157,*** relative to signage at fuel service stations, ***HR 27,*** urging New Hampshire policymakers to declare "brainpower" a state resource, ***HB 1590,*** requiring the disclosure to patients and prospective patients of the charges for medical procedures, ***HB 1262,*** prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction, ***HB 1243,*** establishing a committee to study the requirements of the deposit of certain checks, ***HB 1172,*** authorizing nano brewery licensees to sell their products at farmers' markets, ***HB 1182,*** prohibiting the sale of baby

food products containing bisphenol A in New Hampshire, ***HB 1208,*** relative to restrictions on beverage manufacturers, ***HB 1236-FN,*** relative to ownership and operation of liquor licensees, ***HB 1251-FN,*** permitting off-premises licensees to sell liquor, ***HB 1297,*** relative to health care exchanges, ***HB 1348,*** relative to playing mind sports for money, ***HB 1359,*** relative to exceptions for municipal regulation of hawkers and peddlers, ***HB 1370,*** making technical changes to the New Hampshire real estate practice act, ***HB 1409,*** relative to definitions under the Uniform Securities Act, ***HB 1411,*** establishing a committee to study small brewer relationships with distributors, ***HB 1500-FN,*** relative to on-premises liquor licenses, ***HB 1600-FN,*** relative to collection notification practices, ***HB 1628-FN-L,*** relative to compliance with fire safety and state building code requirements by municipalities, ***HB 1691-FN,*** establishing a state bank, ***HB 1700-FN,*** repealing licensing requirements for money transmitters.

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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Rescheduled public hearing on ***HB 1468,*** relative to seizure of personal property.

10:30 a.m. Rescheduled public hearing on ***HB 1499-FN,*** relative to criminal coercion.

11:00 a.m. Rescheduled public hearing on ***HB 1524-FN,*** expanding the definition of official oppression.

1:00 p.m. Rescheduled public hearing on ***HB 1514-FN,*** establishing the crime of oppressing an inhabitant's free exercise of rights.

1:30 p.m. Rescheduled public hearing on ***HB 1327,*** relative to official oppression. Executive session may follow.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on ***HB 1175,*** relative to the membership of the cooperative school district budget committees, ***HB 1456,*** relative to school district policies on health and sex education, ***HB 1467,*** relative to educational requirements for teacher certification, ***HB 1457,*** relative to scientific inquiry in the public schools, ***HB 1148,*** requiring the teaching of evolution as a theory in public schools.

1:00 p.m. ***CACR 8,*** relating to education. Providing that the legislature shall have the power to authorize schools.

1:30 p.m. ***HB 1637-L,*** authorizing a school district which uses official ballot voting to conduct a special meeting necessitated by changes in adequate education funding.

2:00 p.m. ***HB 1703-FN,*** requiring a course in business or financial literacy as a prerequisite to high school graduation.

2:30 p.m. ***HB 1715,*** relative to authorized regional enrollment area agreements. Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Subcommittee work session on ***HB 1185-FN-A,*** relative to the police standards and training council.

10:00 a.m. ***HB 1127,*** relative to barbering apprentices.

10:30 a.m. ***HB 1431,*** relative to requirements to obtain a barber license.

11:15 a.m. ***HB 1538,*** relative to innovative cosmetic or esthetic treatments.

1:15 p.m. ***HB 1631,*** allowing persons licensed to provide emergency medical services to

work public gatherings and events.

2:00 p.m. Rescheduled public hearing on ***HB 1687-FN,*** relative to state employee information available on the state transparency website.

2:45 p.m. Continued public hearing on ***HB 1593-FN,*** relative to the department of information technology.
Executive session may follow.

JUDICIARY, Room 208, LOB

10:00 a.m. Public hearing on proposed amendment to ***HB 1459,*** relative to court proceedings in civil actions. Copies of the proposed amendment will be available from the Sergeant-at-Arms office.
Executive session may follow.

10:30 a.m. Executive session on ***HB 1223-FN,*** relative to remedies under the right-to-know law, ***HB 1263,*** repealing the law requiring landlords of restricted residential property provide service of process information, ***HB 1308,*** relative to the definition of "public body" under the right-to-know law, ***HB 1462,*** relative to the eviction process, ***HB 1463,*** relative to abandonment of the tenancy and relative to property abandoned by a tenant, ***HB 1506-FN,*** relative to the right-to-know exemption for public employee personnel files, ***HB 1535-FN,*** relative to arrest records under the right-to-know law, ***HB 1598,*** relative to the definition of "meeting" under the right-to-know law and continued executive session from February 14, if needed.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Representatives Hall

9:00 a.m. Rescheduled public hearing on ***HB 1685-FN-L,*** relative to collective bargaining under the public employee labor relations statutes.
Executive session may follow.

10:00 a.m. Or immediately following the public hearing, full committee work session on ***HB 1677-FN,*** relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization, ***HB 1237,*** relative to the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations, ***HB 1543,*** relative to workers' compensation coverage and safety program requirements in state contracts, ***HB 1645-FN,*** prohibiting all public employees from participating in collective bargaining, ***HB 1639,*** relative to employment of certain disability retirees by retirement system employers, ***HB 1582,*** relative to medical and surgical benefits for state employees, ***HB 1492-FN,*** requiring employers to verify an employee's eligibility to work in the United States, ***HB 1574,*** relative to an employee's lunch or eating period, ***HB 1620,*** requiring employers to participate in the E-Verify system of the United States Citizenship and Immigration Services, ***HB 1663-FN-L,*** relative to payment of union fees by non-members, ***HB 1685-FN-L,*** relative to collective bargaining under the public employee labor relations statutes.
Executive session may follow.

1:00 p.m. Public hearing on proposed amendment to ***HB 1645-FN,*** prohibiting all public employees from participating in collective bargaining. Copies of the proposed amendment are available from the Sergeant-at-Arms office.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Continued public hearing on ***HB 1716,*** relative to the state 10-year transportation improvement program. The 10 year highway plan portion of the hearing will deal with Turnpikes, Betterment Program, State Bridge Aid and State Highway Aid.

1:00 p.m. Continued public hearing on ***HB 1716,*** relative to the state 10-year

transportation improvement program. This part of the hearing will deal with Aeronautics, Rail, Transit, TE and CMAQ.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

10:00 a.m. ***PETITION 30,*** grievance of Bethany Capen.
Work session my follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

8:50 a.m. Public hearing on proposed ***HR 29,*** relative to the recently released rule by the United States Department of Health and Human Services relating to the mandating of contraception resulting from the Patient Protection and Affordable Care Act (PPACA).
Copies of the resolution will be available at the Sergeant-at Arms office on Friday, February 10 and will be on-line as soon as it is available.

9:00 a.m. Executive session on ***HB 1629-FN,*** relative to state photographic identification indicating veteran's status, ***HR 21,*** requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties, ***HCR 40,*** for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification, ***HCR 39,*** urging Congress to privatize all aspects of social security and continued executive session from February 9, if needed.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. ***HB 1204,*** relative to matching funds of highway projects.
Immediately following the public hearing, public hearing on proposed amendment to ***HB 1204,*** relative to matching funds of highway projects.
Copies of the amendment are available from the Sergeant-at-Arms office.
Executive session may follow.

11:00 a.m. Rescheduled executive session on ***SB 153-FN,*** relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board, ***HB 602-FN-A,*** relative to funding the law requiring reporting of health care acquired infections, ***HB 1418-FN-A,*** increasing the threshold amounts for taxation under the business enterprise tax and rescheduled executive session on ***HB 1678-FN-A-L,*** establishing video lottery and table gaming at certain locations in New Hampshire.

FRIDAY, FEBRUARY 17

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

9:00 a.m. Regular meeting.

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), Employment Security, 32 South Main Street, Concord

9:30 a.m. Regular meeting.

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

10:00 a.m. Regular business.

10:30 a.m. Audits: State of New Hampshire, Department of Health and Human Services, New Hampshire Hospital financial audit report for the nine months ended March 31, 2011.

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 205, LOB
12:00 p.m. Rescheduled regular meeting.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Upham Walker House, Park Street, Concord
11:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306-308, LOB, LOB
10:00 a.m. Executive session on ***HB 1306-FN-L,*** requiring retirement system employers to make contributions for part-time employment of retired members of the retirement system, ***HB 1460,*** establishing a committee to study additional public employee pension reforms, ***HB 1483-FN,*** repealing the retirement system special account.

TUESDAY, FEBRUARY 21

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB
10:00 a.m. Executive session continued from February 16, if needed.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB
10:00 a.m. Executive session on ***HB 1131,*** establishing a committee to study the revisions to laws which would be necessary if the supreme court and superior court were abolished as constitutional courts, ***CACR 11,*** relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms, ***HCR 41,*** urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void, ***HB 415,*** relative to access to abuse and neglect investigation records pending a child custody dispute.

EDUCATION, Room 207, LOB
10:00 a.m. Executive session on ***HB 1199,*** relative to school district voting on school building projects, ***HB 1424-FN,*** relative to a parent's conscientious objection to a school, school program, or school curriculum, ***CACR 8,*** relating to education. Providing that the legislature shall have the power to authorize schools, ***HB 1606-FN,*** adopting the interstate compact on educational support for military children, ***HB 1637-L,*** authorizing a school district which uses official ballot voting to conduct a special meeting necessitated by changes in adequate education funding, ***HB 1703-FN,*** requiring a course in business or financial literacy as a prerequisite to high school graduation, ***HB 1712,*** relative to the teaching of the Bible in public schools, ***HB 1713-FN,*** abolishing the department of education and transferring all functions, duties, and responsibilities to the commissioner of education and the state board of education, ***HB 1715,*** relative to authorized regional enrollment area agreements.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
10:00 a.m. ***HB 1573,*** establishing a committee to study the duties and responsibilities of the attorney general which are required in law.
10:45 a.m. ***HB 1248-FN,*** relative to emergency management compacts.

11:30 a.m. Rescheduled public hearing on ***HB 1255,*** relative to the membership of the commission on primary care workforce issues.
1:15 p.m. ***HB 1254,*** establishing a committee to study the effect of illegal immigration on the state and its political subdivisions.
2:00 p.m. ***HB 1549,*** prohibiting the adoption of a requirement that employers participate in the E-Verify system and the use of motor vehicle records for the E-Verify system.
Executive session may follow.

FINANCE, Rooms 210-211, LOB
11:00 a.m. Continued executive session on ***HB 1638,*** establishing a commission to study and recommend standards for downshifting and cost shifting from the state to counties, cities, towns, and individuals.
11:10 a.m. ***SB 376,*** extending the committee to develop a plan for privatizing the department of corrections.
1:00 p.m. ***HB 1274-FN,*** transferring the McAuliffe-Shepard discovery center to a private operator and making a supplemental appropriation therefor.
1:30 p.m. ***HB 1285-FN,*** repealing the state art fund.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB
10:00 a.m. ***PETITION 11,*** grievance of David D. Vandenberg.
1:00 p.m. ***PETITION 31,*** grievance of Wade Henry.
Work session may follow.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB
11:00 a.m. Continued executive session on ***HB 1207-FN,*** defining the owner of timber rights for purposes of timber tax assessment, ***HB 1415,*** relative to exceptions for proposed sewage waste disposal systems, ***HB 1480,*** relative to requiring sprinklers in certain buildings, ***HB 1495-FN,*** establishing a Purple Heart Trail along U.S. Route 3 and relative to fees for state parks for members of the United States uniformed services, ***HB 1636,*** relative to the extension of fill and dredge in wetlands permits, rescheduled executive session on ***HB 1233,*** establishing a statute of limitations on wetlands filling and dredging, ***HB 1373,*** relative to the definition of first-in, first-out as it applies to wastewater or public water supply projects, ***HB 1416-L,*** relative to the introduction of substances into the New Hampshire public water supply, ***HB 1501-FN-L,*** establishing a fund to upgrade wastewater treatment plants and executive session on ***HB 1529-FN-L,*** relative to the introduction of fluoride and herbicides into the drinking water of the state, ***HB 1721,*** relative to the approval process to increase the load on a sewage disposal system.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB
10:00 a.m. Continued executive session from February 15, if needed.

THURSDAY, FEBRUARY 23

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB
10:00 a.m. Continued executive session from Feb 21, if needed.

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB
3:00 p.m. Full committee meeting.

FRIDAY, FEBRUARY 24

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord
9:30 a.m. Subcommittee meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB
10:00 a.m. Regular meeting.

MONDAY, MARCH 5

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 205, LOB
10:00 a.m. Regular meeting.

STATE COMMITTEE ON AGING (RSA 161-F:7, I), Department of Health and Human Services, Brown Building, Pleasant Street, Concord
10:00 a.m. Regular meeting.

TUESDAY, MARCH 6

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
10:15 a.m. ***HB 1360,*** relative to the rulemaking authority of the state board of education.
Executive session may follow.

FINANCE, Rooms 210-211, LOB
10:00 a.m. ***HB 1521-FN,*** relative to retired state employees group insurance participation.
11:00 a.m. ***HB 1652-FN-A,*** requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account.
1:00 p.m. ***SB 323,*** authorizing accounting transfers by the department of corrections.
Executive session may follow.

WEDNESDAY, MARCH 7

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Londergan Hall, Room 15, Concord
4:30 p.m. Regular meeting. Snow date: March 14.

THURSDAY, MARCH 8

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 104, LOB
3:00 p.m. Subcommittee meeting.
Room 303, LOB
3:00 p.m. Subcommittee meeting.

FRIDAY, MARCH 9

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB
9:00 a.m. Regular meeting.

MONDAY, MARCH 12

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 103, LOB
3:00 p.m. Regular meeting.

SHORELAND ADVISORY COMMITTEE (RSA 483-B:21), Department of Environmental Services, Room 214, 29 Hazen Drive, Concord
9:30 a.m. Lakes subcommittee meeting.

THURSDAY, MARCH 15

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Department of Health and Human Services, Room 312, 29 Hazen Drive, Concord
2:00 p.m. Subcommittee on public health services improvement.

FRIDAY, MARCH 16

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB
9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB
1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Committee on Monday, **February 13,** 2012 at 9:00 a.m. to work on the 2012 County Budget. The meeting will take place in the Carroll County Administration Building, Delegation Room, at 95 Water Village Road, Ossipee, NH. The delegation will also consider and act upon any other business that may be properly brought before the meeting.

Rep Karen Umberger, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **February 24**, 2012 at 9:00 a.m. at the Hillsborough County Complex.

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

COUNTY DELEGATION NOTICES

Rockingham County 2012 Budget schedule:
Rockingham County Executive Committee will meet on Friday, **February 10** at 9:30 a.m. at the Hilton Auditorium, RCNH, Brentwood for the Subcommittee Chairs to report budget recommendations and for the Executive Committee to vote on the budget to be presented to the full Delegation.
Rockingham County Executive Committee will meet on Tuesday, **February 21** at 5:30 p.m. at the Commissioners Conference Room, RCNH, Brentwood, to finalize unfinished business prior to the Delegation Meeting.
Rockingham County Delegation (RSA 24:21-b) will meet on Tuesday, **February 21** at 6:00 p.m. at the Hilton Auditorium, RCNH, Brentwood, to adopt the County Budget for 2012. Sandwiches and light refreshments will be provided. (Thursday, February 23 at 6:00 p.m. will be the storm date.)

Rep. David A. Welch, Clerk
Rockingham County Delegation

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REVISED FISCAL NOTES

The following House Bills and Senate bills have a revised fiscal note: HBs 102, 110, 186, 222, 234, 242, 247, 325, 351, 418, 420,445, 449, 494, 508, 518, 533, 602, 627, 1274, 1473, 1496, 1529, 1576, 1607, 1611, 1666, 1673, 1677, 1678, 1679, 1680, 1682, 1685, 1686, 1687, 1688, 1691, 1692, 1695, 1696, 1698, 1713. SBs 48, 153.

Karen O. Wadsworth, Clerk of the House

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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. Frank G. Case, 44 Beach Head Road, Nottingham, New Hampshire 03290-4921.
Rep. Jennifer R. Coffey, 748 Raccoon Hill Road, Andover, New Hampshire 03216-4040.
Rep. Karen K. Hutchinson, 11 Buttrick Road, Londonderry, New Hampshire 03053-3305.
Rep. Susan Emerson, PO Box 646, Rindge, New Hampshire 03461-0646.
Rep. James F. Powers, 135 Bow St., Unit 5, Portsmouth, New Hampshire 03801-5565.
Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

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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.

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Representatives Bowers, Howard and Cunningham will be sponsoring "Hot Breakfast and Hot Topics" with Deputy Speaker Tucker, candidate for Republican National Committeewoman on Saturday, **February 11** at the Sullivan County GOP office at 12 Main Street in Newport. All Sullivan County committee members are invited. The doors will open at 8:30 a.m. with hot coffee ready, with hot breakfast and Rep. Tucker ready at 9:00. Please RSVP to 763-4359 or drstevec@live.com

Rep. Steven L. Cunningham

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The Pemi Baker Valley Republican Committee is presenting the 4th Annual Lincoln-Reagan Day Dinner on Saturday, **February 11** at the Plymouth Elks Lodge, Route 175 Holderness. Donation $ 45 per person. Keynote Speaker Senate President Peter Bragdon. Special Guest Jim Miller as President Lincoln. Contact for tickets Reps. Charles Brosseau or William B. Tobin.

Reps. Charles Brosseau and William B. Tobin.

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Come visit the Red Hook Brewery in Portsmouth for its Legislative Educational Seminar of the New Hampshire craft beer industry, a brewery tour, and a food and beer tasting. The event will take place **February 11,** 2012 from 2:00 – 7:00 p.m., and is open to all legislators, please RSVP to Ted Lane at ted@lanepr.com**.**

Rep. Kyle Tasker

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The NH House Business Coalition invites all pro business Representatives to join us at our weekly meeting on Tuesday, **February 14,** at 3:00 p.m. in LOB 202. For more information, please contact Laurie Sanborn, Chair, at RepSanborn@gmail.com or go to ProBusinessNH.com.

Rep. Laurie Sanborn

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The annual Water Matters Legislative Breakfast is set for Wednesday, **February 15,** 2012 at the Holiday Inn on Main Street in Concord. Check in for the event begins at 7:00 a.m. with a buffet breakfast. During the breakfast water quality professionals will present information on drinking water, wastewater treatment and stormwater management in New Hampshire with an emphasis on aging infrastructure, sustainable funding, challenging regulations and why maintaining high quality water resources in New Hampshire is critical to our health and economic welfare. All legislators and staff are invited to enjoy a hearty breakfast and learn more about New Hampshire's water infrastructure. Please RSVP to nhwpca.linda@gmail.com by February 8th to reserve your seat at this important breakfast. The breakfast is sponsored by the NH Water Pollution Control Association in conjunction with a wide ranging coalition of other local non-profit water organizations. There is no cost for attending this event.

Rep. L. Mike Kappler

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All Representatives are invited to the Upham Walker House on Wednesday, **February 15** at 8:00 a.m. for morning prayer and fellowship. Coffee will be provided.

Rep. Susan C. DeLemus

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All House members, along with business and education leaders, are invited to a discussion and briefing on *Aligning Employer Needs with Higher Education* on Wednesday, **February 15th** from 4:00 to 6:00 p.m. at the Holiday Inn in Concord. The discussion and presentation will be moderated by Senator Nancy Stiles, Chair of the Senate Education Committee, and the keynote speaker will be Dr. Stephen J. Rose, a research professor at the Georgetown University Center on Education and the Workforce who is a nationally recognized labor economist and co-author of *Education for What*. This event is sponsored by Campus Compact for New Hampshire, The New Hampshire Forum on the Future, NH High Tech Council, and the New Hampshire College & University Council. Reservations are requested by e-mail to Brenda Perry at perry@nhcuc.org

Rep. DJ. Bettencourt and Terie Norelli

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Please join the NH Association of Regional Planning Commissions and the NH Planners Association for breakfast in the State House Cafeteria on **February 16** from 8:00 a.m. to

9:30 a.m. Come learn about the associations and enjoy a light breakfast.

Rep. James E. Coffey

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The Vesta Roy Excellence in Public Service Series mixer will be held on Thursday, **February 16** at 5:00 p.m. at The Draft. Donation is $10. Speaker will be Charlie Arlinghaus. For more information please contact Rep. Joanne Ward.

Rep. Joanne Ward

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Ovide Lamontagne, candidate for governor, will be speaking at the Sullivan County Republican Committee meeting, Saturday, **February 18**, at 9:00 a.m. at our office at 12 Main St., Newport, NH. All republicans are encouraged to attend.

Rep. Steven Cunningham

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All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet Tuesdays at 8:30 a.m. in Room 308 LOB.

. Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

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The Main Street Republicans will meet every Tuesday, prior to a Wednesday session, at 9:00 a.m. in Room 209, LOB. All Republican House members are welcome.

Reps. David H. Kidder and Rick M. Ladd

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The Natural Rights Council will hold its weekly meeting at 8:00 a.m. Wednesdays at Caffenio, 84 North Main Street. All House members are welcome. NRC is a bi-partisan group dedicated to upholding principles outlined in Article 2, Part I of the NH Constitution.

Reps. Kevin Avard and John Burt

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 **2012**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
Feb. 10	9:00	St. Benedict Academy – Manchester	25/4
Feb. 10	10:30	Peter Woodbury School – Bedford	40/4
Feb. 13	11:15	Moultonborough Central School	49/4
Feb. 14	11:30	ELL Civics Concord High School	20/9
Feb. 15	9:45	Haigh School – Salem	34/4
Feb. 15	9:00	UNH Policy group	25/Col

Feb. 15	10:15/11:30 SH/HM	Swasey Central School – Brentwood	67/4
Feb. 16	9:30/11:00 SH/HM	Webster Elementary School – Manchester	90/4
Feb. 16	1:30	World Affairs Council – India visitors	
Feb. 17	9:00/10:30 SH/Manse	Peter Woodbury School – Bedford	80/4
Feb. 17	11:30	Sandwich Central School	17/4
Feb. 17	11:30	Nashua Christian Academy	15/4
Feb. 17	1:00	Phoenix House Academy – Dublin	12/HS
Feb. 21	8:30	Concord High School Civics class	25/HS
Feb. 21	9:45/11:00 SH/HM	Hooksett Elementary School	89/4
Feb. 22	9:45/11:00 SH/HM	Hooksett Elementary School	89/4
Feb. 22	1:00	Kimball Walker School – Concord	46/4
Feb. 23	10:15/11:30 SH/HM	New Searles Elementary School – Nashua	64/4
Feb. 24	10:00	Concord High School Civics class	50/HS
Feb. 28	2:00	Boy Scout Troop #123- Goffstown	10
Feb. 29	10:00	Portsmouth Christian Academy @ Dover	9/HS
March 1	10:00	Derry Girl Scouts	20/1-3rd
March 2	9:30/11:00 SH/HM/SC	Hanover St. School – Lebanon	62/4
March 2	3:00	Cub Scouts – Concord	10/2
March 5	9:00	Broken Ground School – Concord	25/4
March 5	10:00/11:30 SH/HM	Idlehurst School – Somersworth	100/4
March 6	9:00/10:00	Broken Ground School – Concord	50/4
March 7	9:45/11:00 SH/HM	Loudon Elementary School	60/4
March 7	10:00	American Cancer Society Day	
March 8	10:00	Tuftonboro Elementary School	35/4
March 8	11:00	New Franklin School – Portsmouth	50/4
March 9	10:15/11:30 SH/SC	Sandown Central School	88/4

WEDNESDAY, FEBRUARY 15

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 604
(2011-2778h)
Proposed by the Committee on Education - C

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

1 School Building Aid; Approval of Plans, Specifications, and Costs. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

I. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the

district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education ***no later than September 1 of the fiscal year prior to the fiscal year in which the first grant payment is to be made*** on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. [~~Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal.~~]

II.(a) The commissioner shall accept school building aid applications based upon completeness and submit a preliminary school building aid list to the school building authority established pursuant to RSA 195-C. By December 1 of each fiscal year, the school building authority shall develop a rank ordered list of all school building construction and renovation aid proposals submitted by school districts and shall categorize each proposal based on school building and site criteria in descending order. The school building authority shall recommend prioritized proposals to be funded in descending rank order to the state board of education for approval. School districts which have projects approved for funding shall be notified by the department of education of the projected amount to be funded by January 15.

(b) The project rating system and criteria used to rate project applications, which shall include an administrative review process for appeal of a school district's project point rating, shall be developed by the department of education and be approved by the state board of education no later than November 1, 2013. All rules necessary to implement this section shall be adopted pursuant to RSA 541-A.

(c) A ranking system in support of primary categories criteria shall include consideration of unsafe conditions; obsolete, inefficient, or unsuitable facilities or mechanical and building systems; overcrowding and associated influences to instructional areas and programming; enrollment projections and population shifts; and other conditions as determined necessary. The ranking system shall also include criteria to determine if a school district has made a reasonable attempt to accommodate maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventative maintenance necessary to achieve the design life expectancy of building systems and components.

(d) Those proposals not approved and funded shall be considered for funding in the next biennial budget. Available resources will determine the number of designated projects to be funded during any one funding cycle.

(e) Emergency requests shall be dealt with on a case-by-case basis as deemed appropriate by the state board of education.

III. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive an annual grant as provided herein.

2 School Building Aid; Proration and Unexpended Funds. Amend RSA 198:15-e to read as follows:

198:15-e Proration and Unexpended Funds. [~~If~~] In any ***fiscal*** year, the amount appropriated for distribution as school building grants in accordance with RSA 198:15-b ***shall first be awarded to a school district for an eligible project approved in a prior fiscal year. If the amount appropriated*** is insufficient [~~therefor, grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget,~~] the appropriation shall be prorated proportionally among the districts entitled to a grant. ***If the amount appropriated exceeds the amount necessary to fully fund grants to a school district for eligible construction in a previous year, the remaining amount of the appropriation shall be awarded to a school district for an eligible new proposal in the ranked order developed pursuant to RSA 198:15-c, ll(a). Such a district shall receive a grant equal to 100 percent of the eligible amount of the request until the amount appropriated has been exhausted. A partial grant may be awarded to the extent that funds are available. If a school district declines a full or partial grant, a grant shall be made to the next ranked school district until the amount appropriated has been exhausted.*** Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

3 Effective Date. This act shall take effect July 1, 2012.

Amendment to HB 1128
(2012-0425h)
Proposed by the Majority of the Committee on Criminal Justice and Public Safety - R

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

AN ACT relative to ignition interlock device recalibration and data reports.

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

1 Ignition Interlock Program Rules; Recalibration. Amend RSA 265-A:36, VI(a) to read as follows:

(a) Provide recalibration of each device within 30 days of installation and every 60 days thereafter, unless otherwise ordered by the court***, or every 180 days when an enhanced technology ignition interlock device is being used***;

2 Ignition Interlock Program Rules; Reporting Failures to Pass Breath Test. Amend RSA 265-A:36, VI(e)-(f) to read as follows:

(e) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program by reserving for this purpose a hardship credit equal to 2 percent of the service provider's gross receipts, excluding the purchase or rental cost of the interlock device, which credit and free service shall be reported annually to the department; [~~and~~]

(f) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock rules***; and***

(g) Provide reports to the department when data specified in department rules becomes available. The department shall make data from the reports available to the appropriate prosecutor, prosecuting agency, treatment provider, probation officer, and defense attorney by means of authorizing the interlock

provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal.

3 New Section; Definition Added; Enhanced Technology Ignition Interlock Device. Amend RSA 259 by inserting after section 28-a the following new section:

259:28-b Enhanced Technology Ignition Interlock Device. "Enhanced technology ignition interlock device" shall mean an ignition interlock device equipped with a camera and which is capable of transmitting data as events occur.

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

AMENDED ANALYSIS

This bill establishes recalibration requirements for enhanced technology ignition interlock devices and requires that ignition interlock device rules require interlock service providers to report data specified in the rules and make it available through a secure web-based portal.

Amendment to HB 1136
(2012-0459h)
Proposed by the Committee on Election Law - C
Amend the bill by replacing all after the enacting clause with the following:

1 Nominations for Special State Elections. Amend RSA 655:81, I to read as follows:

I. The special election shall be held on a Tuesday not less than [~~131~~] ***110*** nor more than [~~145~~] ***124*** days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between [~~131~~] ***80*** and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on a Tuesday not less than [~~131~~] ***110*** nor more than [~~145~~] ***124*** days following the day that the governor and council declare that there shall be a special election; and

2 Nominations for Special State Elections. Amend RSA 655:81, IV to read as follows:

IV. The primary shall be held [~~63~~] ***49*** days prior to the special election; and

3 Uncontested Primary. Amend RSA 655:82 to read as follows:

655:82 Uncontested Primary. In the event that no party has more than one candidate file ***and no nonparty or other candidate files a declaration of intent***, the primary election shall not be conducted. ***In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election.***

4 Vacancies; State Representative. Amend RSA 661:8, III to read as follows:

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than [~~63~~] ***56*** days prior to the date of the city's primary election. The filing period shall be held not more than [~~57~~] ***50*** days nor less than [~~50~~] ***43*** days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

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

Amendment to HB 1184
(2012-0552h)
Proposed by the Committee on Criminal Justice and Public Safety - C

Amend the title of the bill by replacing it with the following:
AN ACT relative to the use of video evidence to support an arrest for willful concealment of merchandise.
Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Use of Force by Merchants. Amend RSA 627:8-a by inserting after paragraph II the following new paragraph:

III. A peace officer to whom a merchant or his or her agent has surrendered a person the merchant has lawfully detained for willful concealment of goods or merchandise as defined in RSA 637:3-a, notwithstanding RSA 594:10, shall have probable cause to accept custody of and arrest the person without a warrant upon the statement of the merchant or the merchant's agent or employee that he or she witnessed the offense, or if unlawfully obtained goods or merchandise of the store were recovered from the person.

2 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill permits a peace officer to arrest a person who has been detained by a merchant for willful concealment of merchandise without a warrant if the merchant witnesses the offense or recovers the unlawfully obtained goods or merchandise from the person.

Amendment to HB 1211
(2012-0524h)
Proposed by the Committee on Environment and Agriculture - C

Amend RSA 425:26, I as inserted by section 1 of the bill by replacing it with the following:

425:26 Lease of State Land for Farming Study Committee.

I. There is established a committee to study the promotion of lease of state-owned land for use for beginning farmers. The members of the committee shall be as follows:

(a) One member of the house of representatives who is a member of the environment and agriculture committee, appointed by the speaker of the house of representatives.

(b) One member of the senate who is a member of the energy and natural resources committee, appointed by the president of the senate.

(c) One member of the New Hampshire Farm Bureau Federation, appointed by the federation.

(d) One member of the New England Farmers Union, appointed by the New England Farmers Union.

(e) The commissioner of the department of agriculture, markets, and food, or designee.

(f) The commissioner of the department of resources and economic development, or designee.

(g) The commissioner of the department of environmental services, or designee.

(h) A member from the New Hampshire Institute of Agriculture and Forestry, appointed by that organization.

Amend RSA 425:26, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

Amendment to HB 1227
(2012-0435h)
Proposed by the Majority of the Committee on Legislative Administration - R

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Vacancy; Prohibited Remuneration. Amend RSA 652:12 by inserting after paragraph VI the following new paragraph:

VII. Is a member of the general court and simultaneously receives remuneration of any sort from:

(a) A party, as defined in RSA 652:11;

(b) A political committee of a political party, as defined in RSA 664:2, V; or

(c) A lobbyist required to register under RSA 15.

AMENDED ANALYSIS

This bill provides that a vacancy occurs if a member of the general court simultaneously receives remuneration of any sort from a party, a political committee of a political party, or a lobbyist.

Amendment to HB 1241
(2012-0444h)
Proposed by the Committee on Environment and Agriculture - C

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

1 Definitions; Table Wine and Wine Vendor. Amend RSA 175:1, LXIX-LXX to read as follows:

LXIX. "Wine-table" means a product obtained by the fermentation of the natural content of fruit or other agricultural products containing sugar and containing more than 6 percent but not more than [~~15.5~~] ***18*** percent alcoholic content by volume at 60 degrees Fahrenheit. ***The commission may approve as a table wine a higher alcoholic content product, not to exceed 24 percent, that is obtained in the same manner.***

LXX. "Wine vendor" means an individual, partnership, limited liability company***,*** or corporation, which sells table wine to the state, containing more than 6 percent but not more than [~~15.5~~] ***24*** percent alcoholic content by volume at 60 degrees Fahrenheit.

2 Wine Manufacturer License. Amend RSA 178:8, I-II to read as follows:

I. Wine manufacturer licensees may ferment fruit or other agricultural products naturally containing sugar to produce table wine [~~containing at least 6 but not more than 15.5 percent alcohol by volume~~], and to produce from that wine fortified wine [~~containing at least 15.5 but not more than 24 percent alcohol by volume~~].

II. Each ***wine*** manufacturer [~~of domestic wines~~] in this state shall have the right to sell and to transport and deliver wines manufactured by it directly to the holders of on-premises or off-premises licenses issued by the commission. No [~~domestic~~] wine manufactured in this state by any manufacturer shall be sold or delivered in this state in any manner which is inconsistent with the provisions of this title.

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

AMENDED ANALYSIS

This bill defines fermented fruit and agricultural products with an alcohol content of 15.5 to 18 percent as table wine.

Amendment to HB 1294
(2012-0604h)
Proposed by the Committee on Municipal and County Government - R

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

1 Abatement of Property Taxes; Application Form; Signature. Amend RSA 76:16, III(g) to read as follows:

(g) A place for the [~~applicant's~~] signature ***of the applicant, the applicant's authorized attorney, or the applicant's authorized nonattorney representative acting pursuant to RSA 71-B:7-a*** with a certification [~~by the person applying~~] that the application has a good faith basis and the facts in the application are true.

2 New Paragraph; Abatement Application. Amend RSA 76:16 by inserting after paragraph IV the following new paragraph:

V. In the case of a taxpayer being deceased or incapacitated, an heir or a guardian may sign the application.

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

AMENDED ANALYSIS

This bill provides that the signature authorizing a property tax abatement may be from an applicant's authorized attorney or nonattorney representative, or if deceased or incapacitated, from an heir or guardian.

Amendment to HB 1298
(2012-0414h)
Proposed by the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

1 Eminent Domain Procedure Act: Definition of "Public Use." Amend RSA 498-A:2, VII(b) to read as follows:

(b) Except as provided in subparagraphs (a)(2) and (4) of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities***; nor shall "public use" include use by a for-profit, private, participant funded transmission line or facility or other uses not needed for system reliability***.

Amendment to HB 1310
(2012-0517h)
Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 Motorcycle Learner's Permit; Validity. Amend RSA 263:32, III to read as follows:

III. The permit shall be valid for [~~30~~] ***45*** days from the date of issuance or until the holder of the permit obtains a special license to drive motorcycles, whichever is sooner.

AMENDED ANALYSIS

This bill increases from 30 to 45 the number of days a motorcycle learner's permit is valid.

Amendment to HB 1328
(2012-0559h)
Proposed by the Committee on Transportation - C

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires that driver education include instruction on dealing with a stuck throttle or runaway engine.

Amendment to HB 1331
(2012-0541h)
Proposed by the Committee on Criminal Justice and Public Safety - C

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

AN ACT relative to the grounds for termination of employment of a school administrative unit or school district employee.

Amend the bill by replacing section 1 with the following:

1 School Boards, Teachers; Dismissal of Teacher. Amend RSA 189:14-d to read as follows:

189:14-d Termination of Employment. [~~Employees~~] ***An employee*** of a school administrative unit or school district in this state who [~~have~~] ***has*** been convicted of homicide, [~~child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping,~~] ***or any sexual offense or offense against a child, as those terms are defined in RSA 651-B, which would require the employee to register as a sexual offender or an offender against children under RSA 651-B*** in this state or under any statute prohibiting the same conduct in another state, territory***,*** or possession of the United

States, shall have [~~their~~] ***his or her*** employment terminated by the school administrative unit or school district after it receives notice of the conviction.

AMENDED ANALYSIS

This bill requires the termination of employment of any school administrative unit or school district employee for conviction of homicide, or any sexual offense or offense against a child which would require the employee to register as a criminal offender or an offender against children under RSA 651-B.

Amendment to HB 1349-LOCAL
(2012-0362h)
Proposed by the Committee on Municipal and County Government - C

Amend RSA 128:5, V as inserted by section 1 of the bill by replacing it with the following:

V. May, if duly appointed to serve any New Hampshire town, serve temporarily at the request of the governing body of any other New Hampshire town and may perform any lawful duties within that other town. For those duties performed at the request of such town, all compensation, expenses and liability coverage shall be incumbent upon the requesting town. For the purposes of this paragraph, "temporarily" means 30 calendar days or fewer.

Amendment to HB 1361
(2012-0499h)
Proposed by the Committee on Constitutional Review and Statutory Recodification - R

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

AN ACT relative to fiscal notes on bills.

Amend the bill by replacing section 1 with the following:

1 Fiscal Notes on Bills. Amend RSA 14:46, IV to read as follows:

IV. The fiscal note for any bill with a fiscal impact shall be prepared and incorporated prior to the introduction of the bill or resolution. ***A fiscal note containing words to the effect of "the office of legislative budget assistant is unable to complete a fiscal note for this bill as it is awaiting information from an agency or agencies" shall not satisfy the requirements of this paragraph.***

AMENDED ANALYSIS

This bill clarifies the language which is permissible on a fiscal note to a bill.

Amendment to HB 1380
(2012-0476h)
Proposed by the Committee on Resources, Recreation and Development - C

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

2 Rulemaking; Funding for Mitigation Banks. Amend RSA 482-A:31, III(c) to read as follows:

(c) No project shall be funded with in lieu payments from losses that occurred outside the [~~hydrologic unit code 8 watershed, as developed by the United States Geological Survey,~~] ***service area*** in which the project is located. ***A service area may be a hydrologic unit code 8 watershed, as developed by the United States Geological Survey, or a modification of a hydrologic unit code 8 watershed by the department as approved by the United States Army Corps of Engineers.***

Amendment to HB 1387
(2012-0548h)
Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT requiring flags purchased with state funds or displayed in state facilities to be manufactured in the United States.

Amend the bill by replacing section 1 with the following:

1 New Section; State Flag, United States Flag, and POW-MIA Flag; Place of Manufacture. Amend RSA 3 by inserting after section 4 the following new section:

3:4-a State Flag, United States Flag, POW-MIA Flag; Place of Manufacture. Any state flag, United States flag, or POW-MIA flag purchased with state funds or displayed in a state facility shall be manufactured in the United States. This paragraph shall only apply to flags acquired after the effective date of this section.

AMENDED ANALYSIS

This bill requires United States flags, state flags, and POW-MIA flags purchased with state funds or displayed in state facilities to be manufactured in the United States.

Amendment to HB 1394
(2012-0412h)
Proposed by the Committee on Judiciary - C

Amend the bill by replacing section 2 with the following:

371:4 Procedure. ***Any party challenging the necessity and constitutionality of the taking may, within 60 days after receipt of the petition, file in the superior court of the county in which the land is located a petition to have the necessity and constitutionality of the taking determined by the court. In all other cases,*** the commission shall, upon notice to all parties in interest, hear and determine the necessity for the right prayed for and the compensation to be paid for such right, and shall render judgment accordingly. In such proceedings the provisions relating to flowage rights contained in RSA 482 shall not apply, but when petitions to acquire flowage or drainage rights are filed the commission shall notify the department of environmental services.

Amendment to HB 1402
(2012-0624h)
Proposed by the Committee on Environment and Agriculture - C

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

AN ACT relative to the sale of homemade food and licensing of certain milk producer-distributors.

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

1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting after paragraph VI the following new paragraph:

VII. Homestead food operations selling less than a maximum annual gross sales of $10,000 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I from the homestead residence, at the owners's farm stand, or at a farmers' markets.

2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as follows:

143-A:12 Homestead Food License Required.

I. In this subdivision:

(a) "Homestead food operation" means a person who produces homestead food products, excluding potentially hazardous food, only in the home kitchen of that person's primary residence in New Hampshire and only for sale directly to the consumer from the homestead residence, the owner's farm stand, or at farmers' markets.

(b) "Potentially hazardous food" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also include processed acidified and low acid canned foods.

(c) "Homestead food products" means all food except potentially hazardous food, and as defined in rule by the commissioner of the department of health and human services through rulemaking under RSA 143-A:13.

II. Homestead food operations selling less than a maximum annual gross sales of $10,000 of food, excluding potentially hazardous food, from the homestead residence at the owner's own farm stand, or at farmers' markets are exempt from licensure under this subdivision.

III. Homestead food operations that exceed the $10,000 maximum annual gross sales limit or homestead food operations who wish to sell food products, excluding potentially hazardous food, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers or other food distributors who will resell the homestead product shall be licensed under RSA 143-A:4.

IV. All homestead food products sold in packages from the home kitchen or farm stand of a homestead food operation or at farmers' market shall have individual labels on each package containing the following information: name, address, and phone number of the homestead food operation; name of the homestead food product; the ingredients of the homestead product, in descending order of predominance by weight; and allergy information. Such products shall also be clearly labeled with the following statement: "This product is exempt from New Hampshire licensing and inspection."

3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

I. Foods which may be made in a homestead food operation and potentially hazardous foods, which shall not be made in a homestead food operation.

II. Content and format of all labeling requirements.

III. Licensing requirements for homestead food operations exceeding the annual maximum gross sales limit or homestead food operations who wish to sell food products, excluding potentially hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

IV. Content and format of all forms required under this subdivision.

V. Fees for non-exempt homestead food operation licenses, including application fees and fees for renewal.

4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV the following new paragraph.

V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, or kefir shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food consumer within the state of New Hampshire only.

(a) Any product containing raw milk from the milk producer-distributor's farm or farm stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by the producer-distributor, the individual container shall have a label which contains the name, address, and phone number of the milk producer-distributor's farm; the name of the product; and the following statement: "This product is made with raw milk and is exempt from New Hampshire licensing and inspection."

(b) A milk producer-distributor selling raw milk products under this paragraph shall place a sign at the point of sale which contains the name, address, and phone number of the milk producer-distributor's farm; and the following statement: "Products from this farm made from raw milk are exempt from New Hampshire licensing and inspection."

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

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

Amendment to HB 1435
(2012-0510h)
Proposed by the Committee on Environment and Agriculture - C

Amend the bill by replacing section 1 with the following:

1 New Sections; Department of Environmental Services Oversight Committee. Amend RSA 21-O by inserting after section 22 the following new sections:

21-O:23 Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee on environmental services consisting of 12 members as follows:

(a) The chairperson, vice-chairperson, and ranking minority member of the senate energy and natural resources committee, appointed by the president of the senate; and

(b) Nine members of the house of representatives, who shall consist of the chairperson, vice-chairperson, and ranking minority member from the resources, recreation and development committee, the environment and agriculture committee, and the science, technology and energy committee, appointed by the speaker of the house of representatives.

II. Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

III. The oversight committee on environmental services shall provide legislative oversight of the department to support a cost effective, comprehensive, coordinated system of environmental services.

21-O:24 Organization and Compensation. The oversight committee shall have a chairperson who shall be chosen by committee vote from among the 4 house and senate committee chairpersons. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. The clerk's term of office shall be for the biennium. The members of the committee shall receive legislative mileage when in performance of their duties.

21-O:25 Duties of Oversight Committee. The committee shall:

I. Review quarterly reports of the number and kind of complaints, appeals of decisions and the final actions taken on such complaints and appeals as reported by the commissioner of the department of environmental services.

II. Review all state statutes relative to the department of environmental services in order to identify obsolete provisions and concepts and add clarifying language where necessary through recommendations for the following legislative session. Such review shall be completed every 6 years.

III. Invite the commissioner or his or her designee each meeting of the committee.

IV. Publish an agenda in advance of each committee meeting.

V. Review any other topics deemed helpful to the overview of the department by the commissioner or members of the committee.

VI. Meet at the call of the chair but in no case less than every 3 months.

VII. Make a report no later than the first day of November of the second year of the biennium as to its activities and recommendations to the speaker of the house of representatives and the president of the senate.

Amendment to HB 1461
(2012-0570h)
Proposed by the Committee on Education - C

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

1 Studies. Amend RSA 189:10 to read as follows:

189:10 Studies. The school board shall ensure that health education and physical education are taught to pupils as part of the basic curriculum. The school board shall ensure that all studies prescribed by the state board of education are thoroughly taught, especially physiology, hygiene, and health and physical education as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system. ***The use of outside speakers in the school is encouraged as an invaluable component in support of all studies.***

2 New Section; Notification and Parental Option of Outside Speakers in School. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Notification and Parental Option of Outside Speakers in School. Each public school district shall develop a policy to notify, in a timely manner, pupils' parents of any school-sponsored event or class that will include a speaker from outside the school who might be considered controversial. Such policy shall permit notified parents to withdraw their pupil from the presentation without penalty, and, if necessary, complete an alternative project, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The name of the parent and pupil and any specific reasons disclosed to school officials for the objection to the speaker shall not be public information and shall be excluded from access under RSA 91-A.

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

Amendment to HB 1534-FN
(2012-0359h)
Proposed by the Committee on Finance - R

Amend paragraph II of section 14 of the bill by replacing it with the following:

II. RSA 6:12, I(b)(306), relative to the department of labor restricted fund.

Amendment to HB 1537-FN
(2012-0539h)
Proposed by the Committee on Constitutional Review and Statutory Recodification - C

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

AN ACT relative to violations of privacy occurring outside a private place.

Amend the bill by replacing section 1 with the following:

1 Violation of Privacy. Amend RSA 644:9, I(c) to read as follows:

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, ***observing,*** or in any way transmitting images***, location, movement,*** or sounds originating in such place which would not ordinarily be audible***, visible,*** or comprehensible outside such place.

AMENDED ANALYSIS

This bill amends the statute governing violations of privacy occurring outside a private place.

Amendment to HB 1571
(2012-0554h)
Proposed by the Committee on Education - C

Amend RSA 193-A:6, III(a) as inserted by section 2 of the bill by replacing it with the following:

(a) May be used to demonstrate the child's academic proficiency in order to participate in public school programs, and co-curricular activities which are defined as school district-sponsored and directed athletics, fine arts, and academic

activities. Home educated students shall be subject to the same participation policy and eligibility conditions as apply to public school students.

Amendment to HB 1597
(2012-0411h)
Proposed by the Committee on Judiciary - C

Amend the bill by replacing section 1 with the following:

1 Residential Owner Option. Amend RSA 371:5-a, I to read as follows:

I.***(a)*** When private real property which is used for residential purposes is proposed to be acquired in part for the construction of an above ground substation or transmission line, the owners of the residential property shall have the option to***:***

(1) Require the utility to condemn and take in fee the entire tract of land impacted by the proposed partial taking including all buildings and improvements thereon [~~if~~]***; or***

(2) Require the utility to compensate the owners for the devaluation of the remaining part, including but not limited to the view and electronic interference, if any.

(b) All owners, excluding lien holders and mortgagees, of the private real property ***shall*** make such an election and provide the commission and the utility with written notice of their election within 30 days after receipt of the notice under RSA 371:4. If the utility acquires the entire tract of land with buildings and improvements thereon pursuant to this section or by agreement with the owners, the entire acquisition shall be deemed to be an acquisition for a public purpose and for use in the utility's business.

AMENDED ANALYSIS

This bill grants an owner of real property which was subject to eminent domain whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value.

Amendment to HB 1611-FN
(2012-0337h)
Proposed by the Committee on Criminal Justice and Public Safety - C

Amend section 1 of the bill by deleting paragraph V.

Amendment to HB 1623
(2012-0606h)
Proposed by the Committee on Constitutional Review and Statutory Recodification - C

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

AN ACT relative to records of the legislative ethics committee.

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

1 New Section; Legislative Ethics Committee; Records; Publication. Amend RSA 14-B by inserting after section 6 the following new section:

14-B:6-a Publication of Records. All records required to be filed or placed on file with the secretary of state under the provisions of this chapter, or the rules or guidelines adopted in accordance with RSA 14-B:5, if otherwise available to the public, shall be made available on the website maintained by the committee, in a timely manner.

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

AMENDED ANALYSIS

This bill requires the legislative ethics committee to make committee records, rules, and guidelines available on the website maintained by the committee.

Amendment to HB 1666-FN

(2012-0662h)

Proposed by the Majority of the Committee on Finance - R

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

AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

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

1 New Section; Legislative Approval Required. Amend RSA 273-A by inserting after section 3 the following new section:

273-A:3-a Legislative Approval Required. Every collective bargaining agreement entered into by the state shall be approved by the legislature before it can take effect.

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

AMENDED ANALYSIS

This bill requires legislative approval of any collective bargaining agreement entered into by the state.

Amendment to HB 1670

(2012-0518h)

Proposed by the Majority of the Special Committee on Redistricting - R

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Coos and Grafton, the unincorporated place of Hale's Location, the towns of Albany, Alton, Andover, Bartlett, Brookfield, Center Harbor, Chatham, Conway, Cornish, Croydon, Danbury, Eaton, Effingham, Freedom, Gilford, Grantham, Hart's Location, Hill, Jackson, Madison, Meredith, Middleton, Milton, Moultonborough, New Durham, New Hampton, New London, Newport, Ossipee, Plainfield, Sanbornton, Sandwich, Springfield, Sunapee, Tamworth, Tilton, Tuftonboro, Wakefield, Wilmot, and Wolfeboro, and the cities of Claremont and Laconia.

II. Councilor district number 2 is constituted of the towns of Acworth, Alstead, Barnstead, Belmont, Boscawen, Bradford, Canterbury, Charlestown, Dublin, Durham, Farmington, Gilmanton, Gilsum, Goshen, Harrisville, Hopkinton, Langdon, Lempster, Madbury, Marlborough, Marlow, Nelson, Newbury, Newington, Northfield, Rollinsford, Roxbury, Salisbury, Stoddard, Strafford, Sullivan, Surry, Sutton, Unity, Walpole, Warner, Washington, and Webster, and the cities of Concord, Dover, Franklin, Keene, Portsmouth, Rochester, and Somersworth.

III. Councilor district number 3 is constituted of the towns of Atkinson, Barrington, Brentwood, Candia, Chester, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Hudson, Kensington, Kingston, Lee, New Castle, Newfields, Newmarket, Newton, North Hampton, Northwood, Nottingham, Pelham, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham.

IV. Councilor district number 4 is constituted of the towns of Allenstown, Auburn, Bedford, Bow, Chichester, Derry, Epsom, Goffstown, Hooksett, Londonderry, Loudon, Pembroke, and Pittsfield, and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Antrim, Bennington, Brookline, Chesterfield, Deering, Dunbarton, Fitzwilliam, Francestown, Greenfield, Greenville, Hancock, Henniker, Hillsborough, Hinsdale, Hollis, Jaffrey, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Richmond, Rindge, Sharon, Swanzey, Temple, Troy, Weare, Westmoreland, Wilton, Winchester, and Windsor, and the city of Nashua.

Amendment to HB 1686-FN
(2012-0643h)
Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT relative to state contracts and making an appropriation therefor.

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

2 Appropriation. There is hereby appropriated the sum of $4,000 for the biennium ending June 30, 2013, to the department of administrative services to provide computer equipment to the governor and council for the purposes of section 1 of this act. This appropriation shall be in addition to any other appropriations to the department and shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill requires all contracts entered into by the state as a result of requests for proposals to be posted on the state transparency website. The bill makes an appropriation for the purposes of the bill.

Amendment to HB 1701-FN
(2012-0692h)
Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

1 New Chapter; Prohibition on Certain Reciprocity Agreements With Other States. Amend RSA by inserting after chapter 12-M the following new chapter:

CHAPTER 12-N
PROHIBITION ON CERTAIN RECIPROCITY AGREEMENTS WITH OTHER STATES

12-N:1 Prohibition on Certain Reciprocity Agreements With Other States. The state of New Hampshire is prohibited from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state; provided, that this prohibition shall not apply to the following multi-jurisdictional reciprocal agreements and related taxes and fees:

(a) The international fuel tax agreement authorized pursuant to RSA 260:65-b.

(b) The international registration plan authorized pursuant to RSA 260:73.

(c) The Uniform Carrier Registration System as authorized by section 4305 of the federal Unified Carrier Registration Act of 2005, 49 U.S.C. section 14504a, as amended pursuant to RSA 21-P:4, XIV.

2 New Paragraph; Division of Motor Vehicles. Amend RSA 263:56-a by inserting after paragraph II the following new paragraph:

II-a. Under no circumstances shall the director suspend, revoke, or fail to renew a driver's license for failure to pay taxes to a state other than New Hampshire. The director, upon receipt of request by a driver, accompanied by substantial evidence that a New Hampshire driver license suspension is the result of an out-of-state conviction for failure to pay taxes or an offense not pursuant to New Hampshire state law shall either restore the driver's New Hampshire driving privilege or forward the request to the bureau of hearings for a hearing to evaluate the evidence.

3 Effective Date. This act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill prohibits New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. Three existing reciprocal agreements are excepted from this prohibition.

Amendment to HB 1718
(2012-0617h)

Proposed by the Majority of the Special Committee on Redistricting - R

Amend the bill by replacing section 1 with the following:

1 New Section; Elective Districts; Judicial Review. Amend RSA 662 by inserting after section 6 the following new section:

662:7 Judicial Review.

I. Any court deciding the merits of a challenge to the validity of electoral districts shall give precedence to the challenge over all other matters before it and shall hear and rule on the challenge as expeditiously as possible. No decision of the superior court on the validity of electoral districts shall be subject to appeal unless filed with the supreme court within 5 days after the date of the decision. The supreme court shall give the appeal precedence over all other matters before it.

II. The house of representatives and the senate shall be necessary parties to any case involving a challenge to the validity of their electoral districts and may be represented by counsel chosen by the speaker of the house of representatives and the president of the senate respectively. The provisions of this paragraph shall not relieve the attorney general of any duty to represent the state in such case.