

HOUSE RECORD

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

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Friday, February 17, 2012

No. 14

Contains: Reports and Amendments for February 22, Legislative Ethics Committee Interpretive Ruling 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 22, 2012 at 9:00 a.m.**

The House will take a winter break from business the week of February 27 – March 2, 2012.

State House offices will be closed on Monday, February 20th in honor of President's Day.

You may note that some committee reports have an opening sentence or two in italics. This is wording that I have added to provide a better understanding of the contents of a particular bill.

In an attempt to keep spending down, there no longer is a general mailing of **House Calendars**. 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. 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. Also, material is not to be distributed by members in Representatives Hall while the House is in Session.

Chairmen and Vice-Chairmen will meet **Tuesday, February 21st at 9:00 a.m.** in LOB 305-307.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **February 22 at 8:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **February 22 at 8:00 a.m.** in Rooms 305-307, LOB.

Terie Norelli, Democratic Leader

NOTICE

There will be no House Calendar on Friday, February 24. The next calendar will be available on Friday, March 2. The 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:

March 1

March 8

AVAILABLE FRIDAY:

March 2

March 9

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2012 SESSION

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 22

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1470, establishing a committee to study administrative orders related to parental visitation. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A Dowling for Children and Family Law: The intent of the bill is commendable. However, attempting to make the parents of unwed minors involved in a pregnancy out-of-wedlock equally responsible for the medical costs associated with the pregnancy, birth and rearing of the child until one or both biological parents reaches 18 or become emancipated is fraught with problems. Some of the issues: Can the father be identified with certainty? Who would pay for paternity DNA testing? Would the parties be more inclined to abortion? What if some or all of the parents are not amenable to jurisdiction? Currently, health insurance providers in New Hampshire are required to provide newborns coverage for thirty (30) days under existing health insurance policies. This bill would impose financial obligations on insurers that were not factored into premiums and could cause substantial increases, cancellations and lawsuits against the state for retroactively impairing contract rights. If uninsured, would these medical costs have to be absorbed by doctors, hospitals and by the state itself? Neonates and newborns with complications can be immensely expensive, easily reaching half a million or more in hospital and physician charges which could end up in patient/parent bankruptcy and uncollectible provider charges. **Vote 11-0.**

HB 1554, relative to fire code requirements for licensed foster homes. **INEXPEDIENT TO LEGISLATE.**

Rep. Edith A Hogan for Children and Family Law: This bill provides that a foster family home located in a multi-unit dwelling which complies with fire code requirements shall not be required to install additional fire-warning devices. The committee understood that the State Fire Marshall's office already sets minimum standards for fire protection in communities. Individual communities have the ability to require enhanced fire protection beyond what the state requires, if they so desire. The committee believed that the current process was effective, respected local control and did not need further attention at this time. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1259-FN, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials. **OUGHT TO PASS.**

Rep. Dennis H Fields for Criminal Justice and Public Safety: The majority of the committee felt strongly about passage of this bill as it provides a person who surrenders himself or herself for confinement in a state or county facility and who, in the judgment of law enforcement or correctional officials, that person requires transportation to a medical facility for treatment prior to incarceration, shall be liable for all expenses related to such treatment. **Vote 12-1.**

HB 1581, relative to procedures for arrest. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H Fields for Criminal Justice and Public Safety: This bill would mandate that a police officer must obtain a warrant before arresting a domestic violence offender, even when there is probable cause that the offender has committed a crime against the victim. Over the past 10 years approximately 50% of all homicides in New Hampshire were domestic violence related. Testimony was given that the passage of this bill would likely result in more injuries and could increase the risk of legality for victims. This bill was opposed by the NH Coalition Against Domestic and Sexual Violence, the Attorney General's Office, the department of safety, the Troopers Association, the Chief's Association, the Police Association, NH Legal Assistance and the ACLU. **Vote 14-0.**

HB 1584, relative to the authority of police chiefs. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill, if enacted, states that a police chief shall not inhibit the discretion given to a police officer under the law. The prime sponsor stated that he was conflicted regarding this bill and would not have a problem if it was ITL'D. No one was in favor of this bill as it was "a chain of command issue" and the responsibility ultimately rests with the chief of police. **Vote 16-0.**

HB 1610-FN, relative to lowering the legal drinking age to 19 for active duty members of the armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill is in violation of Article 6 of the New Hampshire Bill of Rights stating: "And every person, denomination, or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established." Additionally, no evidence shows a 19-year-old enlistee is physically or emotionally different than a non-enlisted 19 year old. The dangers of drinking would apply equally. In addition, testimony from the New Hampshire Highway Safety Agency, the New Hampshire department of transportation and the department of safety have stated that they have contacted the Federal Highway Administration and the National Highway Traffic Safety Administration and found that they were not aware of any existing federal waiver or pilot program that would allow a reduction of the legal drinking age while protecting the state from losing Federal Highway funds as stated in HB 1610. **Vote 15-0.**

ELECTION LAW

HB 1126, relative to nomination of candidates for United States senator. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph D Thomas for Election Law: This bill establishes a new procedure for selecting candidates for the United States Senate. The State Senate and the House of Representatives would meet by party to select their primary candidates for the general election for U.S. Senate. The purpose for this is to make the Senator more responsible to his or her state. The XVII amendment establishes a procedure for the electorate to do this function. The majority of the committee believes this to be unconstitutional. **Vote 14-1.**

HB 1198-FN-L, relative to updating voter birth information in the statewide centralized voter registration database. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M Hoelzel for Election Law: This bill would mandate that supervisions of the checklist put the date and place of birth into the state wide voter database. The estimated cost for this project would be approximately \$376,000.00 over FY 2015 and 2016. If a person is a long time registered voter and wasn't required to give this information at the time of registration, they would be removed from the checklist if they do not provide the information. This would leave the elderly and disabled disenfranchised. This issue will resolve itself through attrition so it is not necessary to spend \$376,000.00 in these severe economic times **Vote 13-3.**

HB 1719, relative to the filing period for elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J Perry for Election Law: This bill as amended adds a new section clarifying the intent of this bill. Thus, the intent is to indicate that notwithstanding the finite filing deadline contained in RSA 655:14, the secretary of state is authorized to change or extend the filing period as necessary to implement revised elective districts should implementation of redistricting be delayed. It also changes the effective date to be upon passage. **Vote 11-1.**

ENVIRONMENT AND AGRICULTURE

HB 1446, relative to the meat inspection program. **INEXPEDIENT TO LEGISLATE.**

Rep. Warren J Groen for Environment and Agriculture: The committee thinks this bill is unnecessary for several reasons. If we exempt equine as livestock for this reason, then are there other ways that livestock will be exempted? The fact that horses can be pets and companion animals doesn't change their classification as livestock. This bill wouldn't help the cause of those who don't like concept of horse slaughter: it jeopardizes the concept of private property and the owners' desire and right to dispose of their assets as they see fit. Finally, it does muddy the waters of the whole meat inspection program. For these reasons we slaughtered this bill. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1155, relative to the regulation of dentists by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration This bill started as a housekeeping bill to clean up language in RSA317 relating to renewal applications, ethics, advertising, and misconduct for the dental board. The amendment corrects an error in the drafting and adds a compensation of \$50 per person attending the newly created dental hygienist committee to match the \$50 payment to the Dental Board members for attending meetings. **Vote 11-0.**

HB 1185-FN-A, relative to the police standards and training council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The bill, as amended, makes two changes to RSA188-F:26: (1) it replaces the Councils broad rule-making authority with specific areas of rule-making authority, (2) it adds a provision that all donations and grants require approval of the Governor and Executive Council. The amendment removes section 3 & 4 of the bill which proposed that the Council's current funding source, i.e. a share of the penalty assessment on fines be deposited in the General Fund. Removal of this funding source would require that the Council's appropriation be

funded exclusively by the General Fund. Concern was expressed that this could lead to a downshift of training costs to municipalities and corrections institutions.

HB 1190, relative to the dental hygienists committee of the dental board. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: *This bill addresses the appointment procedure for the dental hygienists committee of the dental board and addresses the rulemaking authority of the committee.* This bill is premature. Last year we passed a law creating a hygienists committee within the board of dental examiners. The board is scheduled to report about that committee by October 1, this year. Now, when the committee has barely started, is not the time to make changes to the committee. **Vote 10-1.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark L Proulx for Executive Departments and Administration: The committee agreed that although the Commission on the Status of Men made some excellent recommendations that, in many cases, should be implemented in legislation, a committee to do so was entirely unnecessary. The recommendations have been made public, and any Representative, or group of Representatives, can develop bills from them without forming a formal committee to do so. **Vote 9-0.**

HB 1315, relative to the effective date of revisions to the state building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J Winter for Executive Departments and Administration: The contents of this bill were contained in HB 137 which was passed by the House in January of this year. This bill therefore became redundant and is no longer needed as a vehicle for the provisions contained therein. **Vote 10-0.**

HB 1351, relative to disclosure of confidential information by the board of medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration: This bill would have made more precise the language protecting the confidentiality of investigations of complaints against physicians. The committee concluded that existing language was adequate to protect confidential information and, to that extent, the bill was unnecessary. However, as the committee examined other professions in considering this bill, it noticed that the language protecting confidential information was not consistent among them. The amended bill provides this consistent language for embalmers and the allied health professions. **Vote 9-0.**

HB 1362, establishing a service animal registration commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: As amended, this bill creates a one-time registration option for service animals that have been certified as such and properly tagged by the governor's commission on disability. Upon the death or retirement of the service animal, the registration expires and the tag must be returned. All other state and local ordinances regarding service animals remain in effect. Misrepresenting an animal as a service animal is unlawful. **Vote 14-0.**

HB 1496-FN, relative to the certification of county correctional personnel for purposes of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for Executive Departments and Administration: Currently, county correction officers are trained and certified by the New Hampshire Association of Counties using courses approved by the police standards and training council for a fee of \$500.

Currently, each county can train its corrections personnel using the standards from the association, and they are then certified. Many of the counties only have a few new hires so they have joint training classes with the other counties to keep the costs to the taxpayers to a minimum. We could find no reason to change the current procedures as it may increase the cost. **Vote 13-0.**

HB 1539-L, relative to the state building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J Winter for Executive Departments and Administration: The contents of this bill were contained in HB 137 which was passed by the House in January of this year. This bill therefore became redundant and is no longer needed as a vehicle for the provisions contained therein. **Vote 10-0.**

HB 1550, relative to conflicts of interest. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark L Proulx for Executive Departments and Administration: This bill is unnecessary as city and towns already have provisions in place on conflicts of interest. This bill also lacks definitions that it needs to be clear on what it is trying to do. **Vote 13-1.**

HB 1702-FN, relative to materials collected during certain proceedings of the board of medicine. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The first part of this bill would have required the board of medicine to establish criteria by which old (3 years +) unfounded complaints would be destroyed. Existing law permits the board of medicine to destroy these records already. The second part of the bill would have also required the board of medicine to establish rules for the disclosure of information in disciplinary proceedings, which they have done already. The committee felt that existing statutory language was adequate and that this bill was not necessary. **Vote 10-0.**

FISH AND GAME AND MARINE RESOURCES

HB 1132, relative to fish and game laws concerning the Blue Mountain Forest Association. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Reed for Fish and Game and Marine Resources: The Blue Mountain Forest Association (originally known as Corbin's Park) was established in 1891 and has had legislative exemption from various fish and game laws since 1895. After testifying the main sponsor asked the committee to ITL this bill. There were four others to speak and they all spoke against this bill. **Vote 14-0.**

HB 1335, relative to the authority of the fish and game department to refuse to issue a hunting license. **INEXPEDIENT TO LEGISLATE.**

Rep. James C Webb for Fish and Game and Marine Resources: The committee agreed that the current law in place keeps a level of protection for the agents selling hunting licenses and if the law changed there would be no way for the agent to comply with the new law and the liability could shift to the agent or the state. **Vote 14-0.**

HB 1336, relative to reciprocity for nonresident trainers of hunting dogs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marc D Tremblay for Fish and Game and Marine Resources: This bill corrects an existing flaw in the reciprocity statute to restore the original intent of the bill. Non residents from states or provinces or territories of Canada which allow the training or taking of bear with dogs, and who do not limit or prohibit New Hampshire residents from training or hunting bear with New Hampshire dogs, shall be the only nonresidents allowed to bring dogs into New Hampshire to train or take bear. **Vote 14-0.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Marc D Tremblay for Fish and Game and Marine Resources: The committee unanimously felt that the present relationship between the various law enforcement agencies function admirably. The present policy is for fish and game to donate confiscated wildlife to needy families and food banks. **Vote 14-0.**

HB 1392, relative to oyster aquaculture licenses. **OUGHT TO PASS.**

Rep. Richard Okerman for Fish and Game and Marine Resources: HB 1392 is both pro-environment and pro-business. Oysters take three years to mature. During this time they clean nitrogen from Great Bay. A multi-year license would encourage the establishment, investment and operation of an oyster aquaculture plan. **Vote 14-0.**

HB 1455-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lyle E Bulis for Fish and Game and Marine Resources: This amended bill provides license availability to scuba divers for the taking of legally sized lobster during the month of September. A scuba licensee can not hold a recreational or commercial lobster harvesting license, nor can the holder of a commercial or recreational license also hold a scuba license. A subcommittee and the sponsor crafted the amendment in a manner that satisfied all concerns and allows scuba divers access to a state resource. **Vote 12-0.**

HB 1555, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department. **OUGHT TO PASS.**

Rep. David H Watters for Fish and Game and Marine Resources: This bill requires that the penalty for possession of a firearm in a state fish and game refuge applies only to a person who discharges his or her firearm for the purpose of taking wildlife. The bill particularly applies to Bear Brook State Park. Existing statutes prevent carrying a firearm, which the committee believes violates Articles 2 and 2-a of the New Hampshire Constitution. Poaching laws can still be enforced under this bill. National parks were open to firearm possession in 2010 following the 2008 Supreme Court ruling on the right to bear arms, so this bill extends the same logic to state areas reserved for the propagation of game. **Vote 13-0.**

HB 1646-FN, prohibiting the taking of deer from baited areas. **INEXPEDIENT TO LEGISLATE.**

Rep. Benjamin P Lefebvre for Fish and Game and Marine Resources: This bill was heavily vetted in committee and subcommittee. Hours of testimony were heard from both sides of the debate that proved to be very emotional. The committee had serious reservations about lack of specific data presented by the Fish and Game Department specifically linking the act of baiting to a decline in health or overall heard of deer. Testimony was heard regarding baiting sites leading to disease in deer populations but many of the studies referenced contradicted each other making the specifics of the subject even more complicated. Committee members agreed that issues of ethics as well as the argument of public perception of baiting and hunting are very real but can not be legislated. The committee also expressed concerns regarding the enforcement and interpretation of the law by conservation officers if changed. The committee feels strongly that there were too many anecdotal facts and not enough substantial data at this time to recommend this bill for passage. **Vote 12-0.**

JUDICIARY

HB 1180, relative to awards of noneconomic damages. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: The committee was unanimously of the opinion whatever deficiencies may exist in other states' civil justice systems, New Hampshire does not have a problem, either systemic or even in isolated cases, of excessive awards of damages. If it did, the public hearing on this bill would assuredly have attracted the attendance and testimony of representatives of the state's very able and very alert insurance defense trial bar and of distressed and disgruntled civil defendants, but just as in past years' hearings of similar bills, no such persons appeared. The committee concluded that this well drafted, well intended, and well presented bill was in the end a solution in search of a problem. **Vote 16-0.**

HB 1273, relative to the termination of parental rights in cases where the child is born of rape. **OUGHT TO PASS.**

Rep. Brian JX Murphy for Judiciary: This bill provides a mechanism to terminate the parental rights of a rapist father for any child born as a product of that rape. The parental termination is only applicable in instances where the rapist father was convicted of felonious sexual assault or pled guilty to felonious sexual assault, and in those instances, the child's legal guardian must petition for the termination. The committee found that this bill was an appropriate safeguard to allow the victim of rape to insulate a child born of that rape from the convicted rapist. The termination of parental rights will also terminate the rapist

father's support requirements and it was noted by the committee that such a consequence would need to be weighed and balanced by the petitioner. **Vote 14-2.**

HB 1386, relative to offers of judgments. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for Judiciary: This bill seeks to address the very real problem of protracted litigation in New Hampshire civil courts. The bill offers a comprehensive statute designed to deal with the treatment and consequences of formal offers of settlement between civil litigants. The committee has acknowledged the need for tort reform in this area.

However, the committee believes that a previous bill - already passed through the House this session (HB 1181) - would be a better mechanism to affect the necessary change. **Vote 16-0.**

HB 1479, relative to the definition of "charitable trust" for the purpose of paid solicitors. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick H. Watrous for Judiciary: The attorney general's office testified that passage of this bill would eliminate the director of charitable trusts' authority to regulate police, law enforcement, and firefighters' unions utilizing a charitable pitch in seeking donations from the public through the employment of a paid solicitor. Removal of this authority does not seem to be what the sponsor intended. This statutory authority was requested by the charitable trusts unit in the 1990s because many states at that time, including the State of New Hampshire, were experiencing problems with some police, firefighter, and law enforcement unions who were soliciting donations through paid solicitors "for charitable purposes" but actually using the funds for non-charitable purposes. The committee believes that current law, containing this oversight authority, should be maintained. **Vote 14-0.**

HB 1509, relative to guardianship of elderly persons. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for Judiciary: This bill, brought at the request of a constituent, would have barred a public guardian from selling any of the assets of an elderly ward during the first six months of the guardianship. Committee members were concerned that guardianships are typically established when some crisis exists and assets may need to be sold to provide for the most appropriate care for the elder. As every case is different, the specific needs of each elder under guardianship must be addressed on an individual basis. The current statute provides needed flexibility so the guardian can make decisions that meet the needs of each individual elder. **Vote 15-0.**

HB 1616, relative to procedures and standards for expert testimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The sponsor stated this was model legislation from ALEC. Parties opposing the adoption of the proposed legislation pointed out that certain portions of the proposed statute already exist in NH statutes or court rules, or have been adopted and followed by the NH supreme court in its decisions. In other areas, the proposed statute would create a conflict with current statutes or court rules, but there was no testimony that there is any need for modification of the present system. To adopt this bill would cause needless duplication and confusion in these areas. Finally, the department of safety opposed certain provisions of the proposed statute on the grounds that these provisions relating to mandatory pre-trial disclosure of expert testimony were enacted into law in NH in 2004, and repealed again in 2005 as being unworkable. **Vote 16-0.**

HB 1624, relative to the fiduciary capacity of persons collecting contributions for a nonprofit organization. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: As drafted, the bill would have removed the fiduciary duty from persons collecting contributions for charitable purposes. The committee members were unanimous in their belief that anyone collecting on behalf of a charity is indeed acting in a fiduciary capacity, and must be held to the standards of conduct of a fiduciary. The sponsor of the bill informed the committee that the bill, as drafted, did not address the problem that is of concern to her. Attorneys from the charitable trust division have offered to work with the sponsor to articulate and address the actual problem. **Vote 14-0.**

HB 1625, relative to reports of fund raising counsel for charitable trusts. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: The term “fund raising counsel” refers to a person, not in the employment of a charity, who for compensation advises the charity on fundraising, but who does not directly solicit contributions for the charity. For example, a paid consultant who designs a capital campaign for a charity would be a fund raising counsel. Currently, RSA 7:28-b requires fund raising counsel to register with the attorney general’s office, requires payment of a registration fee, and sets out requirements for the conduct of these activities. One of these requirements is a written contract between the charity and the fund raising counsel which must be provided to the attorney general’s office for review. This bill would have removed the registration and contract review requirements of the current statute. This was of concern to committee members because of the number of paid solicitors, many from out of state, who try to identify themselves as fund raising counsel to avoid compliance with the more stringent accounting rules for those who are, in fact, acting as paid solicitors. Once again, the sponsor of the bill informed the committee that the bill, as drafted, did not address the problem that is of concern to her. Attorneys from the charitable trust division have offered to work with the sponsor to articulate and address the actual problem. **Vote 14-0.**

HB 1656-FN, relative to compensation of jurors. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would make what the committee agrees would be long overdue increases in the per diem compensation and mileage reimbursement rates paid to jurors, currently only \$10 for each half day’s service and 20¢ per mile, respectively. This bill would amend RSA 500-A:15 by increasing them to \$80 and to the maximum mileage rate established in the United States Internal Revenue Code and Regulations (presently 55.5¢). The fiscal note made clear that this - indeed any - significant increase in either component would have a very great impact on the judicial branch appropriation, and that there is simply no room in the current biennium’s budget to offset this. The committee felt that a more propitious time to file a bill such as this would be the first year of a future biennium so that it can be considered as a component of the biennial budget in the normal course of the budgeting process. **Vote 16-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1323, requiring employers who offer benefits to full-time employees to offer benefits on a pro-rated basis to part-time employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin P Sullivan for Labor, Industrial and Rehabilitative Services: While this bill has merit as to some benefits such as vacation and sick leave, it is onerous as to how to pro-rate health benefits and retirement plans. Health benefits are paid prior at the beginning of the month, so it is difficult to determine hours of a part-time employee. **Vote 15-1.**

HB 1513-FN, changing the membership of the public employee labor relations board. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Labor, Industrial and Rehabilitative Services: The committee believes there was confusion about the functions of the public employee labor relations board (PELRB). This bill prohibits state employees from serving on the negotiating team for successor agreements between state negotiators and state employees. The PELRB does not engage in collective bargaining; rather it hears and adjudicates conflicts between public employers and their public employee unions. Those complicated conflicts often deal with who should be in the bargaining unit and whether behavior by either side may be an unfair labor practice. **Vote 16-0.**

HB 1579, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin P Sullivan for Labor, Industrial and Rehabilitative Services: The department of employment security has over 22 million dollars in overpayments. 8.4 million is fraudulent overpayment. These are individuals who are collecting benefits, and gain reemployment with a new employer, and continue to collect benefits from New Hampshire department of employment security. Process is in place to attempt to come to an agreement of repayment,

but when the fraudulent collection does not come to said agreement, this allows the department of employment security to garnish wages from new employment. **Vote 16-0.** **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. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne A Ward for Labor, Industrial and Rehabilitative Services: The intent of the bill was to reduce the burden on a small business owner. While well intended, the bill was comprised of too broad a scope for the due diligence of the labor committee. The above ground storage tank section of the bill will be reviewed as an amendment to a resources, recreation and development bill and the remainder of the bill will be addressed in HB 1587. **Vote 16-0.**

LEGISLATIVE ADMINISTRATION

CACR 27, relating to the membership of the house of representatives. Providing that the number of representatives shall be reduced. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Michael Ball for Legislative Administration: The opinion of the committee is that this bill would move the New Hampshire General Court significantly down the path towards creating a professional political class in our state and away from the true citizen legislature which we now enjoy. The relatively small number of constituents each member of the General Court currently represents is well served by our current structure. Reducing the number of representatives would move the individual citizen farther away from having his or her voice heard in the state house. **Vote 11-0.**

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities. **OUGHT TO PASS.**

Rep. J. Michael Ball for Legislative Administration: This bill would serve to establish a study committee to explore ways to make accessibility to the functions of the General Court more readily available to both citizens and legislators who have disabilities. In testimony before our committee, we heard numerous examples of both physical and practical barriers to the public who wish to participate in their government and to disabled legislators who have great difficulty in serving as representatives. We feel that this study group is in keeping with the true spirit of New Hampshire's citizen legislature. **Vote 11-0.**

HB 1632, establishing a committee to assess the cost savings of digitizing the general court. **OUGHT TO PASS.**

Rep. J. Michael Ball for Legislative Administration: This bill seeks to establish a committee to investigate efficiencies and cost savings associated with introducing modern digital technology to the operations of the General Court. Modern communications devices including smart phones, tablet-style computers and the like show great promise in saving printing costs as well as making information more readily available to legislators and the general public. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1149, allowing the planning board chairperson to administer oaths and compel the attendance of witnesses. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: This bill would allow a planning board chair to administer oaths and compel the attendance of witnesses. The Zoning Board of Adjustment has these powers but it operates in a quasi-judicial manner and its members adhere to jury standards. Witnesses who are aware that their testimony may be subject to taking an oath may be reluctant to testify, denying the board of valuable input. Most of the testimony given before a planning board is more of an opinion in nature and being subject to allegations that testimony could be under judicial scrutiny would hamper the operation of the board. The informal nature of planning board presentations and citizen input would be hampered by this and the committee felt that witnesses should be invited to

attend meetings and participate without being compelled to do so and appear as hostile witnesses. A unanimous vote of the committee to ITL was reached by committee members with many years of experience in planning board and other municipal positions. **Vote 14-0. HB 1160**, establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L Munck for Municipal and County Government: The process by which a municipality can be split or combined into new political subdivision is through action of the legislature and has been clearly articulated in the creation of the town of Sugar Hill in 1961 and the failed attempt of Weirs Beach to separate from the city of Laconia in 1991. Separating a political subdivision of the state into new cities or towns inevitably is complex and involves issues unique to the parties involved. For this reason, general principles beyond those available in existing chapter laws and case law probably cannot be established. A study committee could not add to this meaningfully and is not justified. **Vote 14-0.**

HB 1177-L, relative to the limitation on appropriations under the municipal budget law. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L Munck for Municipal and County Government: In towns operating under the official ballot law or the municipal budget law, the budget proposed by the budget committee can be increased by a maximum of ten percent or reduced without limit. Under the proposed bill, the budget can be increased or reduced by no more than 2.5%. This limit would make the budget committee the de facto appropriating authority of the town rather than the town meeting. **Vote 14-0.**

HB 1215-L, relative to town library budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: There are at least two ways the library trustees can propose their budget. One is a separate warrant article voted on individually or as a line item as part of the town's operating budget. HB 1215 would guarantee in an official ballot town, commonly known as SB2 municipality, that a library would be funded if the warrant article did not pass. The committee felt that the library trustees need to understand the process of budgeting so that their budget in an SB2 town will be funded. **Vote 15-0.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip L Munck for Municipal and County Government: This local option bill gives tax collectors who wish to electronically send tax, water and sewer bills to customers who wish to receive them. Taxpayers would have to affirmatively "opt-in" to such delivery and would be able to "opt-out" at any time. Notices of delinquent and past due amounts will still have to be sent by mail. This option has been reviewed by the Tax Collectors Association and the banking industry who support it. This bill will assist localities in streamlining and improving service to their customers. Many communities currently transmit such data electronically to mortgage holders and escrow services when requested by the taxpayer. **Vote 17-0.**

HB 1355, relative to county budget adoption by the county convention. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L Munck for Municipal and County Government: This bill is an inappropriate response to a hypothetical situation in which a county convention fails to adopt a budget within the statutory time limits. Instead of the county commissioner's proposed budget going into effect, it would substitute the prior year's budget as a kind of "default" budget. The statute provided ample opportunity for the convention to adopt a budget and this change is not needed. **Vote 14-0.**

HB 1371, relative to conflicts of interest of county government officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: Currently there is no requirement to address a conflict of interest by county government officials. HB1371 sets up a prohibition against a conflict of interest and requires that if a conflict exists on a specific

issue then the official shall not vote. The bill includes a process for the reporting of a complaint of a conflict of interest as set up in RSA 28:10-a. The committee voted unanimously to have open and transparent government at the county level as well. **Vote 15-0.**

HB 1425, relative to the creation or elimination of employment positions in Hillsborough county government. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: This bill attempts to modify the procedures for creating or eliminating new positions in the Hillsborough County Government. County commissioners are responsible for creating a new position with the approval of the executive committee and they are equally responsible for eliminating positions when the workload or budget demands it. This bill would remove that authority to reduce positions from the Commissioners and require executive committee approval. This would upset the balance of power and place it at the top of the chain with the end result being that employees could no longer have confidence in their direct supervisors, the commissioners, to retain their jobs. The chain of command should be observed in the workplace in assigning work and also in the creation or elimination of positions. Amendments were offered to correct deficiencies in this bill but did not achieve results acceptable to the committee. **Vote 14-0.**

HB 1466, relative to the investigation by the state attorney general of conflicts of interest of municipal officers and employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry Accornero for Municipal and County Government: This bill would give the attorney general the authority to investigate certain conflicts of interest and evaluate for both civil as well as criminal penalties. The majority of the committee felt this would put an undue burden on the attorney general's office and questions if this would require a need for more staff. The committee also felt this would bypass the local county attorney taking away any local input and control. **Vote 13-1.**

HB 1497, relative to the writing of warrant articles. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: The laudable purpose of this bill is to prevent warrant articles which tend to sway the voter in one direction or another by the persuasive way they are worded. In this writer's 40 years experience with municipal government and warrant articles, those types of wordings have never been seen. Warrant articles generally are vetted by town attorneys, by DRA, by statute and common sense usually prevails for those few others. Should this be evident in a community, it would most certainly be a self correcting issue as voters are not timid and such attempts would certainly be challenged and not recur. This bill describes a reactive measure and would not prevent the original occurrence of such wording. The proposed legislation would declare such a worded article to be null which, although not in keeping with objectivity, the article might be one which the voters certainly would want to act upon and not have it declared null. You are urged to support the committee's unanimous vote. **Vote 16-0.**

HB 1545, relative to control of land received or acquired by a conservation commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L Munck for Municipal and County Government: Conservation commissions are successfully fulfilling their purpose under the existing statutes. This bill would prevent conservation commissions from being a conduit for placing property into a permanently protected status and providing for perpetual management of the properties. Such management arrangements are a requirement to qualify for certain conservation land acquisition grants. **Vote 17-0.**

HB1561-FN, discontinuing regional planning commissions. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: This bill nearly instantly does away with all regional planning commissions, without providing any mechanism for existing critical functions that are currently in-place, such as the administration of grants. These planning commissions were enabled by state law and membership in them by our towns is

voluntary. Most of our towns, and even some cities, (91%) join these commissions to gain access to a talent pool that they need but could not afford to assemble and maintain on their own. This pooling of talent allows each of our communities to have access to a considerable amount of technical expertise with a minimum investment and overhead. The exact nature of each commission varies slightly with the input of its member towns through a board of directors and contact with commission staff. Some of these commissions are very adept at assisting towns with various types of grant applications and administration. The commissions have also taken a lead role in developing GIS systems for communities, along with other products. The commissions share and exchange information between themselves further enhancing their talent pool. These commissions continue to flourish because they have a high rate of municipal membership and perform an invaluable service for their members. After considering all the facts presented to us, including overwhelming support from local officials, we ask that you support our committee's unanimous 16-0 vote to recommendation. **Vote 16-0.**

HB 1586, relative to the acquisition of land for conservation purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: Selectmen already hold a public hearing before acquiring land. This bill would require them to hold two such hearings not more than 14 but at least 10 days apart. When a municipality has appropriated funds set aside for land purchases, the voters have already approved of the general purpose of those funds. Yet, if an opportunity arises to make a land purchase for conservation purposes and 50 voters submit a petition, that land cannot be purchased until the next annual town meeting via a warrant article. The opportunity may not be available at that time and the axiom of striking while the iron is hot would be thrown out the window. This legislation simply inserts one more road block in the path of land purchases for conservation purposes even after the voters have approved funds and set them aside with that specific intent. After the legislative body has pre-approved funds for any purpose and given the governing body the authority to expend those funds, there is no need for more than one hearing on the matter and especially no need to bring it back before the voters at another annual meeting.

Vote 17-0.

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. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Burt for Municipal and County Government: At the committee hearing on February 7th, 2012 the prime sponsor requested the committee to ITL HB 1626. The problem has been worked out and HB 1626 is not needed. **Vote 14-0.**

HB 1643, relative to county appropriations. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: This bill adds a phrase to RSA 24:14, I-a that defines each appropriation as a single line item. This would result in chaos for those administering county budgets. The details of managing each county should rest with county commissioners and their delegations. We should avoid micro managing the counties and allow them to develop their own policies and procedures for day to day operation. **Vote 15-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1296, relative to net energy metering. **OUGHT TO PASS.**

Rep. Robert E Introne for Science, Technology and Energy: This bill increases from 2 to 4 the amount of megawatts of total capacity which may be generated from a combined heat and power (CHP) system for purposes of net energy metering. These systems (CHP) are a developing and promising technology which can produce your heat as well as generate your electric power (using for example natural gas). CHP systems produce electricity while heating your home or small business. Net metering makes sense in providing a small incentive for residential and small business installations of CHP systems. The expanded megawatt capacity increases the opportunity for small businesses to install and operate

these systems. CHP systems are proven to be more efficient, produce less emissions and reduce electric costs, producing an economic benefit. Net metering of CHP systems provides a benefit to consumers that will aid in the adoption of this technology. Nearly 20 others states have already approved net metering for CHP systems. **Vote 13-0.**

HJR 22, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them palatable. **OUGHT TO PASS.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: This bill supports the sale of antifreeze in the state that contains a bittering agent. The intent of this bill is to send a strong message to antifreeze manufacturers that we encourage use of such additives to help prevent potentially fatal ingestion of antifreeze by humans or animals, without placing mandates on businesses at this time. **Vote 13-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1353, relative to establishing an individual's status as a veteran. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: The committee felt that by adding in the notarized statement of service from the commanding office/administrative officer will ensure that not one veteran on active duty will be turned away for not having a DD 214, which is issued when you are released from active duty. The second part of the amendment ensures that Title 10 (active duty training) is accounted for when calculating active duty time while serving in our National Guard. **Vote 11-0.**

TRANSPORTATION

HB 1143, relative to speed limits on certain residential ways. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Transportation: The committee felt that this is a local issue and that the legislature should not insert itself into a local matter. **Vote 14-0.**

HB 1309-FN-A, establishing a special number plate to support public elementary and secondary schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas W Laware for Transportation: This bill would establish a specialty license plate to support public elementary and secondary schools. These plates would be similar to the "Moose" plates currently available to those willing to pay the additional fee. This is one of those bills that we, at first glance, might support, but soon realized the potential problems and consequences that it would cause. First is the question of how the funds would be allocated, to whom and by whom? This question was not answered. Second, the department of education has the rulemaking authority but no rules outline or formula have been established. The next reason for not supporting the bill is try to prevent the inevitable flood of other organizations rushing to get their own specialty plates. The transportation committee has over the years held to the position that license plates are a tool to aid law enforcement in their work. It can be difficult to identify in a split second, and accurately remember a license number especially when there are multiple styles of plates with different symbols, numbers and letters. And finally, this bill could be a moot point because DMV predicted that not enough interested people would participate in the program to pay for itself. **Vote 15-0.**

HB 1374-FN, relative to speed limits approaching toll booths. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E Scentsas for Transportation: The committee felt that the fines were excessive. The department of transportation stated it already patrols the highways and turnpikes for speeding violations, and enforcement of the law is in place. This bill adds cost to the state. **Vote 14-0.**

HB 1578, relative to the suspension of registration of vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas W Laware for Transportation: At the request of the prime sponsor this bill was voted 14-0 to ITL. No speakers for or against the bill were present for the public hearing.

Vote 14-0.

HB 1585-FN, relative to inspections of trucks and buses. **OUGHT TO PASS.**

Rep. Thomas W Laware for Transportation: The committee heard testimony from a diverse and varied group of speakers, ranging from safety directors of NH trucking companies to the department of safety to business associations – all in favor of OTP. The evidence seems clear that there are no known negatives to changing the requirement of trucks over 18,000 lbs. be inspected annually as opposed to the current biannual requirement. It was clearly shown that there would be no compromise to safety and that there is a redundancy built into the system such as random roadside inspections coupled with a strong motive for companies and drivers to keep their equipment safe. Some factors that make this case are: the level of driver responsibility charged to commercial truck drivers is much higher than that for passenger car drivers; the condition of, and safety for, the truck rests squarely on the driver and the owner of the vehicle. Safety is their main concern and most companies have sophisticated safety programs and incentives to accomplish this goal. According to available information, there are only two other states that still require semi-annual inspections and those states have not shown a higher level of safety because of the biannual requirement. And finally, it was calculated by NHMTA \$11,500,000. could be saved annually by changing to annual inspections, and this without any decrease in vehicle safety. **Vote 15-0.**

WEDNESDAY, FEBRUARY 22

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury. **OUGHT TO PASS.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill increases the statute of limitations for violators involving a motor vehicle accident resulting in death or serious bodily injury from three months to six months. Because of the work load of the state's criminal lab and the length of time that it can sometimes take to get subpoenaed records from phone companies, motor vehicle companies, etc., the current three month statute of limitations is not sufficient time to conduct a thorough investigation for an offense as egregious as taking the life of another. **Vote 13-1.**

ELECTION LAW

HB 1164, requiring documentation of qualifications for presidential candidates.

INEXPEDIENT TO LEGISLATE.

Rep. William B Smith for Election Law: Although the goal of this bill is worthy, the timing of its introduction would be better suited to be outside the presidential election cycle, so the policy consideration at issue could be considered apart from any connection to the question of President Obama's qualification for office. **Vote 14-3.**

HB 1301, relative to challenges to voters. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dino A Scala for the **Majority** of Election Law: The majority feel that HB 1301 removes an unnecessary step to the process of challenging a voter. Although we all believe the right to vote is and will continue to be held to the highest standard of fairness, a right to challenge a voter should remain valid and to a degree unencumbering to the challenger. The majority feels removing the paperwork of a challenge voter affidavit will not increase the amount of unwanted challenges because the moderator has the final authority in all challenges. The system of challenges has worked for many years with the affidavit. The majority feels it is time to remove this unnecessary requirement. **Vote 10-6.**

Rep. Kathleen M Hoelzel for the **Minority** of Election Law: This bill would eliminate the explicit requirements that a challenger to a voter must state a reason for the charge that a voter should not be allowed to vote, that the challenger must have evidence to back up his allegation. Instead, it requires the voter to disprove the allegation, and that challenge be in writing. This turns the law on its head. The minority believes that someone who wishes to take away someone else's most fundamental right to vote should be held to the highest standard, not the lowest. The minority felt strongly that eliminating the written challenge requirement leaves town moderators at real risk of legal action because the moderator cannot require documentation of the challenge. Without a written record of the challenge, the moderator would have no means to defend him or herself against a claim that he or she had done something wrong. But, most importantly, the deputy secretary of state testified that the bill creates an opportunity for mass, indiscriminate challenges that could have the effect of disenfranchising our fellow citizens' fundamental right to vote. This legislature is duty-bound to protect the right to vote, not create opportunities for taking it away.

HB 1714, relative to the term "election" for the purposes of public meetings. **REFER FOR INTERIM STUDY.**

Rep. William B Smith for Election Law: *This bill clarifies that elections at a public meeting can't be held by secret ballots.* The majority agrees with the intent to hold elected representatives accountable for their votes, but is concerned with the impact of public votes on influencing a multi-ballot election. The majority believes that a committee could arrive at an amendment that would achieve public votes while preserving the integrity of the election. **Vote 13-4.**

ENVIRONMENT AND AGRICULTURE

HB 1572, establishing a commission to study the labeling of genetically modified foods.

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

Rep. Stephen J Palmer for the **Majority** of Environment and Agriculture: Discussion concluded that labeling of product containing GMO's would be impractical. At what level of product would we not have to label. The committee decided that more information and study is required to make an accurate decision. **Vote 12-1.**

Rep. Suzanne J Smith for the **Minority** of Environment and Agriculture: The minority believes that there are many unanswered questions pertaining to genetic engineering or modification (GE/GM) of food crops. An Environment and Agriculture Committee study two years ago, focused on the labeling of seeds – not food products. At the public hearing we learned that over 90 percent of soybeans and 80 percent of corn grown come from genetically engineered or genetically modified (GE/GM) seeds. Twelve percent of zucchini grown in this country is GE/GM. One of our major trading partners, China, grows and distributes GE/GM sweet peppers. Consumers in New Hampshire deserve to know whether produce and food products they are buying come from GE/GM sources. Nearly 50 countries including the 15 European Union nations, Russia, Japan, China, Australia, New Zealand, and South Korea require mandatory labeling of products containing genetically engineered ingredients. GE plants are genetically modified using recombinant DNA methods of breeding. This leads to many unanswered questions. The FDA approves voluntary labeling, but is this enough? Therefore, the minority believes that a study committee is the first step towards better, more accurate labeling of our food products made here in New Hampshire.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1609-FN, relative to licensure of polysomnographers by the board of respiratory care practitioners. **REFER TO FOR INTERIM STUDY.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill was to license polysomnographers (sleep related disorders). The committee feels that more information is needed in order to make a decision. **Vote 11-2.**

FISH AND GAME AND MARINE RESOURCES

HB 1219, relative to the definition of wildlife for purposes of regulation by the fish and game department. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David H Watters for the **Majority** of Fish and Game and Marine Resources: This bill would remove the term wildlife from the regulation of certain livestock in agricultural operations. It would have the effect of removing regulatory authority of the fish and game department over such animals as elk and red deer. The department and the fish and game commission believe this is a first step towards legalizing the taking of game in propagation facilities which could promote importation of TB and chronic waste disease and negatively effect public perception regarding fair chase. The bill also would repeal licensing requirements for venison wholesalers and repeal recordkeeping and documentation of venison sale. For these reasons the committee opposed the bill. **Vote 12-2.**

Rep. Richard Okerman for the **Minority** of Fish and Game and Marine Resources: The minority of the committee felt that this proposal should pass. The “problems” that were stated as objections we could already have as one of the largest game preserve in the US is located in New Hampshire Corburn Park and is a “private” facility that has been here since the late 1800’s. This bill does not create any new laws only recognizes definition of wildlife between fish and game agency and New Hampshire department of agriculture as well as the endangered species act. This proposal could help credit some jobs in agriculture as well as generate some income on the farm.

HB 1332, relative to the law enforcement authority of fish and game conservation officers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lyle E Bulis for the **Majority** of Fish and Game and Marine Resources: This bill changes the law enforcement authority of conservation officers under RSA 206:26 by changing “reasonable cause” for stopping and searching. Existing law permits a conservation officer to stop and search, with reasonable cause, without a warrant for wildlife, or any illegal apparatus subject to forfeiture which may be concealed. It also changes the wording for such searches for marine species. The fish and game department, law enforcement, and members of the public argued that this change would make enforcement of fish and game laws all but impossible. Opponents argued that “probable cause” is the constitutional standard, but “reasonable cause” is also a constitutional standard, as demonstrated in case law, and in Black’s Law Dictionary. Moreover, reasonable cause is the standard for fish and game law enforcement in several other states. Law enforcement testified that officers scrupulously follow procedures to attain warrants when deemed necessary and to protect citizen’s rights. It is in the state’s interest in protecting and preserving the wildlife of this state for the benefit of current and future generations. Rules on the number, size and species of fish and game that may be taken would be impossible to enforce if a conservation officer could not stop and inspect all fish and game that have been caught by only those anglers and hunters who the officer has reasonable cause to believe may have violated fish and game laws. Searches and stops can only be conducted briefly and are strictly limited in scope. A search into locked containers, homes, curtilidge areas or other areas where people have a greater expectation of privacy must only be conducted after probable cause has been developed and a search warrant issued. This statute has been in effect since 1935 without challenge on constitutional grounds. **Vote 10-4.**

Rep. Marc D Tremblay for the **Minority** of Fish and Game and Marine Resources: The minority strongly believes that this is a fourth amendment issue. During executive session testimony was brought forth that the definition of probable cause from Black’s Law Dictionary Abridged sixth edition is the same as reasonable cause. If this is so, why would we not for consistency, change the word reasonable cause to probable cause and vote OTP.

HB 1333, relative to the revocation or suspension of a fish and game license for a conviction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Okerman for Fish and Game and Marine Resources: T This bill as amended would establish a committee to study a point system for violations of hunting and fishing

laws and regulations. Studying a point system could be a pathway to developing a penalty system that more appropriately meets the severity of the violation. **Vote 10-2.**

HB 1334, relative to the suspension of a fish and game license by the executive director.

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

Rep. Betsy McKinney for the **Majority** of Fish and Game and Marine Resources: There seems to be no compelling need for this law or this change. In the last nine years the removal of a license has happened once when a hunter was threatening his daughter with a gun. The lawyer for “Pro-Gun NH” and the sponsor were the only ones to testify for this bill. The committee felt that this was one more arrow in the quiver to protect the public ASAP.

Hearings on license removal occur within 30 days to protect due process. **Vote 10-4.**

Rep. Richard Okerman for the **Minority** of Fish and Game and Marine Resources: The minority of the committee felt that this proposal should pass. The bill would amend the current RSA 214:18 to allow the license holder the opportunity for a due hearing to determine if the license holder is innocent or guilty prior to a license being revoked.

HB 1339, prohibiting agreements to limit or reserve access to hunting, fishing, and trapping on private land. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Duarte for the **Majority** of Fish and Game and Marine Resources: Public Trust Doctrine is principle of common law that establishes who owns and manages wildlife including game animals it is the core principle of the north American Model of Wildlife Management. The Public Trust Doctrine is based on three principles. State holds wildlife in trust for all the people. The state has affirmative duty to fulfill the responsibilities created by this trust. The state has no power to abrogate its trust over wildlife by transferring ownership or management of wildlife to private concern of individuals. This bill would prevent giving exclusive right to hunt for payment and excludes others who have the right to hunt while protecting property rights by placing the penalty on the licensee. **Vote 8-4.**

Rep. Norman A Tregenza for the **Minority** of Fish and Game and Marine Resources: The minority is sympathetic to the bills intent of prohibiting transactions for game, which belong to the citizens of New Hampshire even if they run onto private property. There is, however, a concern by the minority of infringement upon private property rights. The right to control access to one’s land is a fundamental right of property ownership. We believe it is unwise to permit government to intrude itself into private contract.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1197-FN, requiring the commissioner of the department of health and human services to apply for a state plan waiver. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Laurie Harding for the **Majority** of Health, Human Services and Elderly Affairs: The slim bipartisan majority of the Health and Human Service Committee who voted ITL on HB 1197-FN did so because they wanted to avoid placing additional tax burden on the property taxpayers or private payers in nursing homes. The Medicaid Quality Incentive Program (MQIP) was created by the legislature in 2003 and 2004 at the urging of the Republican leadership to bring in additional federal money for nursing home Medicaid reimbursement. This additional federal money was and remains indispensable to the nursing homes, given shrinking state budgets. Funds raised through the MQIP are matched with federal funds and returned to nursing homes. HB 1197 requires that DHHS apply to the federal government to exempt Continuing Care Residential Communities (CCRCs) from the MQIP tax base because the residents of CCRCs generally do not end up on Medicaid and therefore do not benefit from the MQIP tax. However, the inclusion of the CCRCs was thoroughly vetted by the legislature in 2004. Moreover, if CCRCs are now removed from the MQIP, this would reduce the federal funds which are derived from the MQIP, which would bring about two types of tax increases. First, county nursing homes would see reduced MQIP revenues, county property taxes would have to be increased to fill the hole. Second, this would lead to

an increase in the so-called “hidden tax” on private payers in county and private nursing homes. These are people who, like the residents of CCRCs, are not on Medicaid. They have saved so that they can pay for their own care. But since nursing homes are receiving less and less funding from the state to cover just a portion of the costs of the state’s Medicaid residents in nursing homes, the private pay residents in nursing homes end up paying a rate that is higher (\$238/day) than the costs of care (\$180/day), in order to subsidize the costs of the Medicaid residents (\$140/day). Furthermore, last spring, the state budget diverted 25 percent of MQIP funds away from nursing homes to the general fund. This was in addition to the loss of millions of dollars in MQIP ARRA funding. **Vote 8-7.**

Rep. Frank R Kotowski for the **Minority** of Health, Human Services and Elderly Affairs: The minority vote supports the contention that residents of Continuing Care Retirement Communities have been, and continue to be taxed unfairly. Discriminatory taxation for choosing to spare their family and the state of New Hampshire the expense for their elder care needs is inexcusable. Residents of these C.C.R.C. facilities who have the means, and who prudently planned to fund their own future care by entering into a contract for such care to the end of their lives deserve to have the legislature intervene on their behalf. The minority position requests that this legislature vote down the majority report and vote OTP. Doing so would direct the Department of H.H.S. & E.A. to request a federal waiver of the state plan which, upon approval, would relieve those residents from taxation in the future.

JUDICIARY

HB 1368, relative to real property held as a joint tenancy with rights of survivorship. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen F. Souza for Judiciary: This bill addresses a glitch in state title law. The committee heard testimony from intended heirs who did not indeed inherit property under current joint tenancy law. This bill ensures that if one joint tenant with right of survivorship decides to sever the joint tenancy, then the other joint tenant(s) must be informed. The committee amendment strengthens the protection of all parties by insisting that all parties not only be informed of proposed changes, as called for in the original bill, but that there is a record of their consent to the action. **Vote 16-1.**

HB 1422, relative to the applicability of foreign law in cases before New Hampshire courts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for the **Majority** of Judiciary: This bill, as amended, is a preventative measure. It anticipates and is intended to protect against future attempts to apply foreign or international law in the determination of any case or controversy before any tribunal of the state of New Hampshire where such application would supersede or take precedence over the constitution, laws, and public policy of New Hampshire. It provides an exception from this prohibition in cases where the parties before the tribunal have previously agreed in writing to be governed by foreign or international law. **Vote 7-3.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: Proponents of this bill argue it is necessary to prevent the courts in the state of New Hampshire applying the law of a foreign country in such a way as to deprive citizens of New Hampshire their rights under the constitutions of New Hampshire and the United States. Members of the minority are bemused by this argument, because the New Hampshire and United States constitutions, and under them, the statutes enacted by this legislature, are already the controlling law in this state. No one has furnished an instance in which a New Hampshire court has applied foreign law in defiance of either constitution. Vague references were made to the problem having occurred elsewhere in the country, but no actual cites were ever presented. The majority argues it is good to have this law on the books on the off-chance that such a case may arise in the future. The minority believes this is a true case of a solution in search of a problem, and would urge that we not clutter the statute books with unneeded legislation.

LEGISLATIVE ADMINISTRATION

HB 1662-FN, relative to preparation of fiscal notes. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Michael Ball for the **Majority** of Legislative Administration: This bill will add an additional requirement to describe the costs and benefits of state spending on our citizens and their businesses. This extra layer of explanation to our taxpayers will serve to reaffirm the state's responsibility to act as a good steward of our financial resources. Each and every expenditure should be properly explained to those who foot the bill. The taxpayers deserve to know that their hard earned dollars are spent in a thoughtful manner on programs and departments that serve the public. **Vote 7-4.**

Rep. Mary Jane Wallner for the **Minority** of Legislative Administration: The bill requires that departments when preparing fiscal notes include information on the cost and benefits to citizens and businesses. Fiscal notes are already complex and time consuming to prepare, this bill will require an enormous amount of additional work for the departments.

Determining the cost and benefits to businesses and citizens will take much additional time and expertise. The bill will greatly increase the workload on our departments and slow down the fiscal note process. The benefits of a bill are the sponsors responsibility to prove.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1279-L, relative to voting rights of certain budget committee members. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E Coffey for the **Majority** of Municipal and County Government: This bill significantly alters the character of the budget committees in municipal budget act towns by changing the representatives to the committee from the governing body, a school district wholly within the town and a village district wholly within the town from voting to non-voting members. This proposed change seems to assume that the members associated with the other boards would form a voting block that would work against the goals of the budget committee. In many towns only the selectmen have a voting representative. The members of the three boards, that could furnish a representative, often have diverse interests from each other and do not always represent a "stacking" of the board. What they can bring to a budget committee is better understanding of their boards needs and goals which should be used to produce a constructive consensus. Having a board member toil on a committee assigned to accomplish a difficult task of assembling a good budget without a voting voice in the outcome would be detrimental to budgeting process. It is the opinion of a bi-partisan majority of the committee that problems with local budget committees should be resolved at the local level and not by a global fix that would have negative unintended consequences in the many communities where the present process works well. **Vote 11-3.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill is intended to unify the provisions of RSA 32 and RSA 669:7 which read in part; "No selectman, town manager, school board member, full-time town, village district, school district or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32." At-large members are elected to serve in their positions. However, some members are appointed from the town selectmen and school board membership and have full voting rights on the budget committee; a position they were not, and cannot be elected to. This bill would make those positions advisory only and not allow them to continue to exercise two votes on town matters; one each in two incompatible positions.

HB 1342-FN, prohibiting state and local governments from using funds to employ a lobbyist. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Betsey L Patten for the **Majority** of Municipal and County Government: The General Court receives its information in many ways. The unbiased and non-partisan information is received from our legislative research staff – either through legislative services or from our research assistants. All other information we receive comes from lobbyists or individuals with a specific cause and agenda. Both the House and Senate members file legislation each year on many issues – for example, exemptions or credits for disabled persons and veterans,

mosquito control, trees and roadside growth, charter changes for local governments, SB2 issues, town clerk duties and responsibilities, tax collection, assessment of property, fire and police issues, manufactured housing parks, merger of lots or parcels, private property rights, public cemeteries, municipal and state budget processes, county corrections, water rights, libraries, licensing and permit requirement. These issues and many more touch each one of our citizens and all the officials of the state, towns and cities. In order for us, the members of the House, to get information stating each viewpoint would we now expect our officials and employees to travel to Concord to testify on each issue or are we advocating that the state and municipal voices be no longer heard? The committee voted to allow public money to be used so that all voices will be heard. **Vote 12-2.**

Rep. John A Burt for the **Minority** of Municipal and County Government: The minority believes that lobbying is an honorable profession and lobbyists supply much useful information. That is entirely proper when lobbyists are paid by private businesses which have something to gain (or lose) with the legislation in question. However, the minority is convinced that taxpayer money should not be used for lobbying purposes, especially since such monies often go against the wishes of those paying the taxes. It's kind of like public funding of campaigns when your money is taken to support candidates who could be diametrically opposed to your views. This bill would prevent taxpayer money from going to those who lobby either us or any others in decision making positions. While some would try to complicate this bill by claiming it's a denial of free speech, it's really a simply bill.

Exercise all the free speech you want, just don't ask taxpayers to pay for your "free" speech.

HB 1367, relative to the issuance of administrative inspection warrants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: This bill amends RSA 595-B:2, II regarding the definition of probable cause needed for the court to issue an administrative warrant. A refusal to consent to the entry onto one's property will not be considered a sufficient reason for probable cause. **Vote 14-3.**

HB 1376, relative to amending warrant articles in towns that have adopted the official ballot referendum form of meeting. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: Here we have yet another sincere attempt to fix the Official Ballot Referendum (SB2) method of annual meetings. It, however, does not affect all municipalities but only those with municipal budget committees. If passed, this legislation would prohibit the voters attending the deliberative session from making any changes to the annual budget as proposed by the budget committee. The budget is likely the warrant article with the most impact on a community but this bill would deny the voters any opportunity to modify it and would certainly result in removing reasons to even attend the deliberative session. If the budget committee's numbers would go directly to the ballot without benefit of voter input, the already sparsely attended deliberative sessions would be reduced to even fewer voters to act on the other articles. In effect, the budget committee would have free reign over the budget that gets presented to the official ballot. This would disenfranchise voters who do attend the deliberative session. **Vote 16-1.**

HB 1393, relative to the valuation of property for property tax purposes and procedures for imposing sanctions against appraisers who act in bad faith or violate statutory requirements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for the **Majority** of Municipal and County Government: After many versions the final amendment proposes changes which are not necessary. The first change redefines "market value" based on the federal Financial Institutions Reform, Recover and Enforcement Act (FIRREA) instead of the New Hampshire standards. Our New Hampshire definition of "as the same would be appraised in payment of a just debt due from a solvent debtor works today. Requiring consideration of changes due to zoning and wetlands is already covered in RSA 75:8 where selectmen and assessors annually consider adjusting assessments for any changes. The amendment requirement that generally accepted

procedure be used to justify the market value during the abatement process is already covered in RSA 76 regarding "Assessment and Abatement of Taxes." Section IV limits the assessing process to only use sales comparison approach. This takes away tools from the assessing practices that make the final town wide assessment reasonable and proportional as required by our Constitution, Part 2, Article 5. The last section of the amendment prohibits an assessor from entering any residential property for inspection without an administrative warrant. Passing this prohibition would more than double the cost and triple the time municipalities will have to spend to fulfill their constitutional obligation as stated in Part 2, Article 5. There are about 680,000 parcels of land with 234 taxing jurisdictions in New Hampshire and requiring an administrative inspection warrant on each of those lots is an unnecessary expense for our municipalities and our court system. The committee voted 15-1 to kill this bill knowing that there are assessing standards that are working well in New Hampshire. **Vote 15-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill as amended proposes a solution to fix the obvious and prolific problems that we have with subjective property assessments in this state. One example of this inequity is the so-called view tax, which may reflect anything from the mountains or lake out a back window, to the granite counter tops, leather couches and Monet paintings that go with them inside a home. In short, our current system allows for a subjective, and thus unfair, property tax that is not administered proportionately according to the requirements of the state constitution. The bill would enable a mathematical, in-office procedure for determining property appraisal market values and end the practice of inspecting homes, unless requested by a homeowner. Inspections are not needed for an accurate assessment, and in fact they may add a level of subjectivity that makes assessments less fair, as the example above shows, and thus unconstitutional. In conclusion, this bill as amended would make what is now a subjective, unfair and intrusive process more objective and clear, and it would potentially save a considerable amount of taxpayer money currently spent by communities on home inspections.

SPECIAL COMMITTEE ON REDISTRICTING

SB 201, apportioning state senate districts. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Paul Mirski for the **Majority** of Special Committee on Redistricting: The constitution provides that the House and Senate be responsible for determining the qualifications of their respective memberships. For this reason and also for the simple reason that no discrepancy in overall deviation is present in the proposed Senate plan, the Redistricting Committee recommends the Senate Redistricting Plan on Ought to Pass. **Vote 11-4.**

Rep. David M Pierce for the **Minority** of Special Committee on Redistricting: The sole constitutional purpose for redistricting is to equalize the population of elective districts to comply with the federal one-person/one-vote requirement. SB 201 draws elective district boundaries for senate districts 4-8 and 15 that make those districts' populations less equal, not more. The committee heard testimony that this was necessary to accommodate a public request to include Holderness into District 2, a claim the minority finds inexplicable. The witness did not respond to the direct question of whether the Senate considered any plans that made all the districts of more equal size rather than less equal. The minority hopes it did, but there is no evidence it did. The House has an independent constitutional duty to ensure equal size districts and the minority believes we should do our duty.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1277, requiring federal law enforcement agencies to notify New Hampshire law enforcement agencies prior to investigation or enforcement of federal law in New Hampshire, as all lawful police work is local. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Lynne F Blankenbeker for the **Majority** of State-Federal Relations and Veterans Affairs: This is an unnecessary bill. A number of New Hampshire law enforcement officials including sheriffs, reported that they have a very good working relationship with federal law enforcement and investigative agencies and their communications with those agencies are excellent and timely. This bill, if adopted, has the potential to compromise and/or impede highly classified federal investigations of national security (i.e., antiterrorism efforts). While the amendment improves the original bill, the majority of this committee felt the potential threat to national and local security far outweigh the mandate to correct a problem that simply does not exist. **Vote 9-2.**

Rep. Robert P Kingsbury for the **Minority** of State-Federal Relations and Veterans Affairs: There have been violations of the provisions of the U.S. Constitution that limit the federal police to doing police work in Washington, D.C. and federal property only. Those violations have resulted in thousands of deaths and billions on billions of property damage as in 9/11 for one example.

HC 36, urging Congress to amend or repeal legislation expanding the constitutionally delegated powers of federal government. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven L Cunningham for State-Federal Relations and Veterans Affairs: Many resolutions with similar themes pass through this committee. While sympathetic with most of these, the committee feels it inappropriate to forward but a few representative resolutions. As a redundant resolution, the committee recommends ITL. **Vote 8-2.**

HR 25, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A Vita for the **Majority** of State-Federal Relations and Veterans Affairs: This resolution is in support of the state's efforts to preserve and enforce the Constitution of the United States of America with specific reference to part 1, article 7 of the Constitution of the State of New Hampshire and the tenth amendment of the Constitution of the United States of America. **Vote 8-2.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: The minority believes that another resolution advocating state rights which is guaranteed by the 10th Amendment of the United States Constitution is not warranted. Furthermore, the resolution does not meet the definition of a "simple resolution" per House Rules passed and adopted March 30, 2011

TRANSPORTATION

HB 1307, relative to agricultural plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle D Jones for Transportation: This bill would allow cargo vans to qualify for agricultural plates as long as they are only used for agricultural purposes and only used within a 20-mile radius of the farm. Cargo vans would be included with trucks, truck tractors and tractors to qualify for agricultural registration rates and plates. It was brought to the committee's attention that there are some farmers who have vans that they want, or need, to use on their farm but they can't because of the way the law is written. This bill would save those New Hampshire farmers money by allowing them to use the vehicles they already have instead of having to purchase another vehicle or a more expensive plate. **Vote 10-5.**

HB 1442, relative to motorcycle noise emission regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A Packard for Transportation: Realizing from both inside and outside of the motorcycling community that some motorcyclists believe excessive noise is alright, they are wrong. It is time to change our motorcycle statute to provide relief from excessive exhaust noise. After working for many months with the department of safety, state police, police chiefs from N. Hampton and Rye, NH, motorcyclists rights organization, NH auto dealers association, motorcycle dealers, American motorcycle association the group decided that the

bill as written would not solve the problem. Instead, all agreed that the state should adopt a new roadside testing procedure that was recently developed by SAE International. This standard is J2825 (measurement of exhaust sound pressure levels of stationary on-highway motorcycles.) Our current testing procedure that was implemented in 1993 was originally developed for off road motorcycles, but this was the only test available. The bill as originally written would require police to test a motorcycle the way a manufacturer does the test. At 50 feet, a motorcycle would drive by at 35 mph numerous times to establish the decibel level. The new J2825 test would allow a police officer to test a motorcycle while it is idling, with either the rider sitting on the bike or the bike on the kickstand. The amendment replaces the original bill with the J2825 testing procedure. Unlike the original bill J2825 allows police to ticket out of state motorcycles who violate our noise laws. The amendment has almost universal supported by the parties involved and all previously mentioned groups. This amendment is business, motorcycle and law enforcement friendly and gets to the heart of the problem. This amendment identifies the small number of motorcyclists who have no respect for other people's rights. Support the committee 14-1 vote to pass HB 1442 as amended. **Vote 14-1.**

WAYS AND MEANS

HB 1489-FN, repealing the decrease of the fuel oil importation fee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith Murphy for the **Majority** of Ways and Means: The "fuel oil importation fee" is slated to decrease from .0125 cents per gallon to .01 cents per gallon on July 1, 2012. The department of environmental services requested this bill, which would cancel that reduction. While the committee is confident that the cleanup fund does important work protecting our environment from abandoned or leaking tanks, the fund currently has a healthy surplus, enough to fund operations for at least two years under the department's most pessimistic projections. Further, testimony was heard that outlays from the fund have been declining over time. Thus, the majority of the committee sees no need to cancel the planned reduction. We are cognizant of the fact that all fees and taxes on goods are ultimately paid for by consumers, and we are reluctant to force citizens to pay \$590,000 additional taxes per year unless necessary. **Vote 14-5.**

Rep. William A Hatch for the **Minority** of Ways and Means: This bill repeals the decrease of \$.0025 to the fuel oil importation fee for the fuel oil discharge cleanup fund. The majority believes the fund has ample income and repeal is not necessary and voted to ITL the bill. The minority disagrees and believes passage is necessary which was clearly illustrated by the facts presented at the public hearing. One should also note the business organization that represents the businesses that pay the fee spoke in favor of this important program and in favor of passing the bill. The fuel oil discharge fund provides contamination cleanup funds for homeowners, landowners, businesses, government, schools and churches. It also has "Safetank" program to pay for replacing old and unsafe heating oil tanks before they leak which saves thousands of dollars in avoided cleanup cost. It is important to consider there is no private insurance or other programs available if this fund becomes insolvent. In 2009 the fund became critically low and the legislative budget assistant reported the fund was undercapitalized, which caused delays in cleanups and tank replacements. That information prompted the Ways and Means Committee to request a performance audit of the fund. The fee and some administrative practices were adjusted in response to the audit and it is important to note the fee is where the audit and LBA showed it absolutely should be and any reduction in fees would jeopardize the program's ability to continue to effectively protect the public. The fund is now under additional pressure due to the decrease in imports of oil, thus lower revenues. The minority also believes the majority did not consider the cyclical nature of the fund and demand can be higher even though use is down which means less revenues to accommodate demand. In addition the minority does not believe the majority gave the statutory ceiling of the import fee collections consideration. If they get \$2.5 million the collections automatically cease. This amount was determined after a complete audit and

review of the fund and is considered the correct amount. The minority believes to not pass this bill will not allow the fund to have an appropriate balance for contingency disaster preparedness and future planned cleanups at large bulk fuel storage areas. This fund provides for very important public safety and health activities and to put the fund at risk the minority believes it is putting public safety and health at risk.

BILLS FROM WEDNESDAY, FEBRUARY 15

REGULAR CALENDAR

SPECIAL COMMITTEE ON REDISTRICTING

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 inchutzpah 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 that 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.**

BILLS REMOVED FROM CONSENT CALENDAR

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.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

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.**

ENVIRONMENT AND AGRICULTURE

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.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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.**

JUDICIARY

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.**

SCIENCE, TECHNOLOGY AND ENERGY

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.**

TRANSPORTATION

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.**

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 interpretive ruling, which is printed below in its entirety.

INTERPRETIVE RULING 2012-#1 (February 9, 2012)

Request of Rep. Steve Vaillancourt for Interpretation of Ethics Guidelines
Section 1 Principles of Public Service, Paragraphs II and III

Rep. Vaillancourt has asked the Committee to determine whether the alleged use of certain methods and procedures by House leadership to persuade legislators to support its positions (characterized in his letter as “bullying”), and non-public activities pursued on the part of leadership in the development of legislation (characterized as “secrecy”), are violative of the Ethics Guidelines, specifically Section 1 Principles of Public Service, Paragraphs II and III.

Those paragraphs state:

“II. Principle Of Independent Objective Judgment

Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

“III. Principle Of Accountability

Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.”

RSA 14-B:3, I(b) authorizes the Ethics Committee to:
“Issue interpretative [*sic*] rulings explaining and *clarifying* any law, guideline, rule or regulation within the jurisdiction of the committee” (emphasis added).

We treat the request as asking for clarification of the cited Principles through an Interpretive Ruling.

Committee Analysis

The issue is whether the types of conduct alleged in the request fall within the scope of the Guidelines as they presently exist. In that regard, in a series of previous decisions dismissing certain Complaints on a confidential basis as required by law, we have recognized that there are substantial limitations on the scope of the Guidelines. More particularly, we have ruled that the Guidelines do not create an opportunity to raise every asserted grievance against legislators’ behavior. Specifically:

In a Complaint which alleged repeated uncivil or abusive conduct toward another legislator, we said:

“The Ethics Guidelines are not intended to provide a general grievance procedure for legislators to complain about uncivil or other inappropriate activity by their colleagues, but rather are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office.”

In another Complaint, which alleged false or offensive testimony by a legislator before a committee, we said:

“The Ethics Guidelines are not intended to provide a general grievance procedure to complain against legislators for making untrue or other inappropriate presentations to their colleagues. Rather, they are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office.”

In yet another Complaint, which alleged failure on the part of a legislator to adopt the complainant’s view toward specific legislation, we said:

“ The Ethics Committee's complaint procedure is not intended as a mechanism to challenge a legislator's position on a matter of policy, or to enforce a complainant's position regarding such policy. Rather, the Guidelines are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office.”

As these decisions demonstrate, the Committee has repeatedly rejected efforts to use its processes as a general grievance mechanism for challenging offensive or abusive conduct by legislators toward each other, or for challenging how matters of policy are developed or resolved.

As in its previous decisions, the Committee does not believe that the purpose of the Guidelines covers the conduct in question. Our previous rulings have suggested that as the governing law presently stands, the Committee’s role is more limited. Based on those rulings, we perceive no basis for us now to become judges of the political conduct of legislative leadership, through clarification of the Guidelines.

In addition, the conduct described in Rep. Vaillancourt's request would not fall within the definition of "conflict of interest," as presently provided in the Guidelines. That definition narrowly defines the term only as "the condition in which a legislator has a financial interest in any official activity." See Ethics Guidelines, Section 2 Definitions, Paragraph II.

The issues Rep. Vaillancourt has raised, while important, are fundamentally political, rather than questions of ethics we are currently charged with deciding. For better or worse, the conduct Rep. Vaillancourt describes has, in widely varying degrees, always been part of the legislative process. To accept Rep. Vaillancourt's contentions would thrust the Committee into the middle of the House's political processes.

Such political questions must be determined by legislators themselves in the selection of their leadership, or adopting appropriate legislation or rules, or ultimately by the voters, but not by us under the present state of the Guidelines. It is for the legislature, rather than the Committee, to further define and articulate what should be the functional line between permissible and impermissible efforts to influence fellow legislators' votes (apart from use or threats of physical force, bribery or other offers of economic advantage, which we believe are prohibited by present law, but which Rep. Vaillancourt's request does not allege). Similarly, it is for the legislature, rather than the Committee, to determine the line between permissible and impermissible methods for shaping policy in the development of legislation.

If the legislature were to articulate such limits through statute, rule or otherwise, to govern legislators in the performance of their duties, actions in violation of such limits would fall within the Committee's statutory jurisdiction. See RSA 14-B:1, I. However, under present law, they do not.

Accordingly, the Committee respectfully declines to interpret the Guidelines, as they presently stand, to prohibit the conduct alleged by Rep. Vaillancourt.

For the Committee,
Martin L. Gross
Chairman

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 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (SJ 2/8/12)

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 Nonconcurrent 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 Nonconcurrent; 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 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.

CHILDREN AND FAMILY LAW, Room 206, LOB

1:30p.m. Subcommittee work session on **HB 1267**, relative to adjustments to the child support guidelines based on child support expenses documented by the parties.

2:30 p.m. Subcommittee work 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.

EDUCATION, Room 207, LOB

9:00 a.m. Subcommittee work session on **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.

FINANCE – (DIVISION II), Room 209, LOB

1:00 p.m. Work session on **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

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

10:00 a.m. Non-public session of the complaint review committee.

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.

WAYS AND MEANS, Room 202, LOB

1:00 p.m. Subcommittee work session on **HB 593-FN-A-L**, relative to video lottery and table gaming.

TUESDAY, FEBRUARY 21

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

1:15 p.m. Rescheduled executive session continued from February 16..

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. **HB 1553**, repealing obsolete and outdated provisions of the Revised Statutes Annotated.

Executive session may follow.

10:30 a.m. Rescheduled 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, **HB 1475**, relative to enforcement of interstate compacts, **HB 1546**, recodifying the laws relative to religious societies, **HB 1553**, repealing obsolete and outdated provisions of the Revised Statutes Annotated.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on **HB 1212**, relative to resisting arrest, **HB 1220**, repealing the criminal history record and protective order check for the sale of firearms, **HB 1244**, relative to firearms possession while trapping, **HB 1246**, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department, **HB 1249**, relative to the child protection reporting law, **HB 1304**, relative to the waiver of financial responsibility requirements for certain habitual offenders, **HB 1318**, relative to carrying firearms, **HB 1341**, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town, **HB 1423**, relative to justification for use of deadly force in defense of another, **HB 1438**, relative to confidentiality of police personnel files, **HB 1449**, requiring a search warrant for searches of privately-owned property, **HB 1520-FN**, prohibiting law enforcement officers from failing to investigate criminal complaints against public servants, **HB 1523-FN-L**, relative to the return of personal property seized by law enforcement agencies from a person charged with a crime, **HB 1526-FN**, decriminalizing possession of less than one ounce of marijuana, **HB 1527-FN**, exempting cultivation of marijuana from manufacturing under the controlled drug act, **HB 1528-FN**, requiring criminal penalties for attorneys in the attorney general's office and the county attorneys' office for failing to prosecute offenses related to falsification

in official matters, **HB 1531-FN**, relative to prosecution for victimless crimes, **HB 1532-FN**, relative to trespass on land which is not posted, **HB 1562-FN**, establishing a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device, **HB 1568**, relative to imposition of consecutive sentences, **HB 1615**, relative to industrial hemp, **HB 1651-FN**, requiring the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras, **HB 1654-FN**, relative to earned time credits for inmates participating in rehabilitative programming, **HB 1665-FN**, adopting the model drug offender accountability and treatment act, **HB 1696-FN**, limiting the offense of speeding to cases resulting in property damage or personal injury to another and excluding speeding offenses from the habitual offender statute, **HB 1705-FN-A**, allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana, **HB 1707-FN**, relative to penalties for operation after revocation or suspension, **HB 1709-FN**, establishing a criminal offense for failure to report a missing or deceased child, **HB 1240**, relative to license suspensions for refusal to consent to an alcohol test, **HB 1327**, relative to official oppression, **HB 1468**, relative to seizure of personal property, **HB 1499-FN**, relative to criminal coercion, **HB 1514-FN**, establishing the crime of oppressing an inhabitant's free exercise of rights, **HB 1524-FN**, expanding the definition of official oppression, **HB 1604-FN**, relative to penalties for motor vehicle accidents involving death or serious bodily injury to a pedestrian, **HB 1511-FN**, relative to felons possessing firearms.

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.

ELECTION LAW, Room 308, LOB

10:30 a.m. **CACR 21**, relating to referendums, Providing that voters may veto laws by referendum.

11:00 a.m. **HB 1664-FN**, transferring election law enforcement to the secretary of state. Executive session may follow.

1:00 p.m. Executive session on **CACR 21**, relating to referendums. Providing that voters may veto laws by referendum, **HB 1595**, relative to voting in primary elections, **HB 1704-FN**, relative to limits on political contributions and relative to reporting by political committees, **HB 1673-FN**, relative to complaints of election law violations, **HB 1345**, prohibiting party committees from selecting candidates for office, **CACR 29**, relating to the attorney general. Providing that the attorney general be elected for a 2-year term, **HB1569-FN**, relative to nomination of political organizations, **HB 1664-FN**,

transferring election law enforcement to the secretary of state, **HB 1676-FN-A**, relative to campaign contributions and expenditures.

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.
- 3:00 p.m. Executive session on **HB 1668-FN**, relative to an individual's right to access to all state government files concerning the individual, **HB 1260-FN**, relative to poker games and charitable gaming, **HB 1265**, relative to criteria for the government regulation of occupations and professions, **HB 1362**, establishing a service animal registration commission, **HB 1381**, exempting note finders from licensing requirements for real estate brokers and mortgage brokers, continued executive session on **HB 1476**, prohibiting the enforcement of out-of-state laws, rules, codes, and fees not approved by the New Hampshire legislature, executive session on **HB 1508**, relative to procedures of the board of mental health practice, **HB 1550**, relative to conflicts of interest, **HB 1593-FN**, relative to the department of information technology, **HB 1127**, relative to barbering apprentices, **HB 1431**, relative to requirements to obtain a barber license, **HB 1538**, relative to innovative cosmetic or esthetic treatments, **HB 1631**, allowing persons licensed to provide emergency medical services to work public gatherings and events, **HB 1687-FN**, relative to state employee information available on the state transparency website, **HB 1573**, establishing a committee to study the duties and responsibilities of the attorney general which are required in law, **HB 1248-FN**, relative to emergency management compacts, **HB 1255**, relative to the membership of the commission on primary care workforce issues, **HB 1254**, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions, **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,

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.

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

- 10:00 a.m. Continued public hearing on **HB 1599**, relative to mammography.
- 10:30 a.m. Continued public hearing on **HB 1618**, relative to fire safety standards for community living facilities.

- Executive session may follow.
- 10:45 a.m. Executive session on **HB 1340**, relative to reimbursing chiropractors, **HB 1596**, relative to the membership of the advisory council on child care, **HB 1599**, relative to mammography, **HB 1613**, relative to protected health information, **HB 1614**, establishing a committee to study the public health implications involved with the imposition of the energy provisions of the state building code, **HB 1617-FN**, repealing the certificate of need law, **HB 1618**, relative to fire safety standards for community living facilities, **HB 1640**, establishing a committee to study application requirements for nursing home patients seeking respite care, **HB 1644**, relative to the regulation of home health care providers by the department of health and human services.
- 2:00 p.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.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1723**, making technical corrections regarding parental notification prior to abortion.
- 10:15 a.m. **HB 1722**, relative to disqualification of judges and lawyers from practicing in the circuit courts.
- Executive session may follow.
- 10:30 a.m. Rescheduled executive session on **HB 1216**, relative to the authority for withholding or withdrawal of life-sustaining treatment, **HB 1217**, relative to the form for executing advance directives for health care decisions, executive session on **HB 1264**, establishing a religious exemption for individuals who do not wish to provide accommodations, goods, or services for marriages, **HB 1510-FN**, relative to taxpayer standing for declaratory judgments, **HB 1605-FN**, relative to checking firearms at courthouse entrances, **HB 1653-FN**, relative to the rights of conscience for medical professionals, **HB 1655-FN**, relative to the use of superior court facilities in Nashua, **HB 1659-FN**, relative to the women's right to know act regarding abortion information, continued executive session on **HB 1660-FN**, relative to abortions after 20 weeks, **HB 1679-FN**, relative to partial-birth abortions and third trimester abortions, **HB 1682-FN**, relative to forfeiture of personal property, **HB 1720-FN**, relative to jury trials under the consumer protection act, **HB 1722**, relative to disqualification of judges and lawyers from practicing in the circuit courts, **HB 1723**, making technical corrections regarding parental notification prior to abortion.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Representatives Hall

- 10:00 a.m. Public hearing on proposed amendment to **HB 1163**, relative to the withholding union dues from wages. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
- 11:00 a.m. Public hearing on proposed amendment to **HB 1206**, prohibiting the state from withholding union dues from the wages of state employees. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
- Executive session may follow.

Room 307, LOB

- 1:00 p.m. Continued full committee work sessions from February 16 with executive session to follow. Full committee work sessions on **HB 1366**, establishing a committee to study seasonal employment and the calculation of unemployment compensation, **HB 1163**, relative to the withholding union dues from wages, **HB 1454**, establishing a task force to study the charging of reimbursing employers in certain situations for the purpose of calculating

unemployment benefits, **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 1587**, relative to employer safety programs, **HB 1443**, relative to unemployment compensation payments, **HB 1427**, relative to declaring that private contracting of governmental operations shall not be deemed an unfair labor practice, **HB 1174**, relative to negotiations for contracts for county employees, **HB 1206**, prohibiting the state from withholding union dues from the wages of state employees, **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 to follow.

LEGISLATIVE ADMINISTRATION, Room 303, LOB

- 1:15 p.m. **HB 1361**, relative to fiscal notes on bills.
1:45 p.m. **HB 1623**, relative to records of the legislative ethics committee.
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Public hearing on the proposed amendment to **HB 1716**, relative to the state 10-year transportation improvement program. The proposed amendment deals with language changes to the legislation establishing the public works Memorial Project. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
Executive session may follow.
10:15 a.m. Full committee work session on **HB 1716**, relative to the state 10-year transportation improvement program.

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.

SPECIAL COMMITTEE ON REDISTRICTING, Room 303, LOB

- 11:15 a.m. **HB 1671**, apportioning congressional districts.
11:45 a.m. **HB 1672**, apportioning delegates to state party conventions.
Executive session may follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

8:30 a.m. Executive session on **HR 29**, urging the United States Department of Health and Human Services to rescind its rule requiring health plans to provide sterilizations and contraceptives.

TRANSPORTATION, Room 203, LOB

10:30 a.m. Rescheduled executive session on **HB 1193**, relative to requirements for temporary certificates of safe boating education, **HB 1414**, relative to revocation or suspension of youth operators' licenses for speeding, executive session on **HB 1278**, relative to obstructions on highways, **HB 1287-FN**, relative to nonresident vehicle registration, **HB 1432**, relative to the release of motor vehicle registration information, **HB 1434**, relative to display of antique motor vehicle plates, **HB 1440**, relative to driver education, **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, **HB 1635**, relative to motor vehicle inspections, **HB 1695-FN**, increasing certain speed limits.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Executive session on **HB 593-FN-A-L**, relative to video lottery and table gaming, **HB 388-FN**, establishing the amount of the enhanced 911 services surcharge and requiring providers of voice over Internet protocol services to pay surcharges for deposit in the enhanced 911 system fund and rescheduled executive session on **HB 1698-FN-A**, establishing keno and providing scholarship money to New Hampshire students, **HB 1607-FN-L**, establishing an education credit against the business profits tax, **HB 1204**, relative to matching funds of highway projects, **HB 1418-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax.

THURSDAY, FEBRUARY 23

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Continued executive session on **HB 1267**, relative to adjustments to the child support guidelines based on child support expenses documented by the parties, **HB 1365**, relative to complaint investigation procedures of the guardian ad litem board, **HB 1419**, relative to the rights of military parents, **HB 1530-FN**, relative to oversight of guardians ad litem by the guardian ad litem board, **CACR 31**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:30 a.m. Public hearing on proposed amendment to **HB 1628-FN-L**, relative to compliance with fire safety and state building code requirements by municipalities. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
Executive session may follow.

1:15 p.m. Rescheduled 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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Continued executive session from February 21, if needed.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **HB 1552-FN**, relative to the reporting of funds.
Executive session may follow.

FINANCE – (DIVISION I), Room 212, LOB

1:00 p.m. Work session on **HB 1274-FN**, transferring the McAuliffe-Shepard discovery center to a private operator and making a supplemental appropriation therefor.
1:30 p.m. Work session on **HB 1285-FN**, repealing the state art fund.
2:00 p.m. Work session on **SB 376**, extending the committee to develop a plan for privatizing the department of corrections.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Rooms 210-211, LOB

1:15 p.m. Subcommittee on Mental Health and Substance Abuse.

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

9:30 a.m. Full committee work session on **HB 1642-FN**, relative to destination cancer hospitals.
1:00 p.m. Full committee work session on **HB1519-FN**, requiring hospitals to provide Medicaid patient outpatient services at outpatient Medicaid rates for certain hours.
1:30 p.m. Executive session on **HB 1642-FN**, relative to destination cancer hospitals, **HB 1680-FN**, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics, **HB 1519-FN**, requiring hospitals to provide Medicaid patient outpatient services at outpatient Medicaid rates for certain hours.

JUDICIARY, Room 208, LOB

9:00 a.m. Continued executive session from February 21, if needed.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 210-211, LOB

1:15 p.m. Joint public hearing on **SB 311-FN-A**, transferring authority over weights and measures to the department of safety.

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.
- 11:00 a.m. **SB 338-FN**, relative to military discipline by the national guard.
- 11:30 a.m. **SB 188-FN**, establishing a committee to study establishing an office of the inspector general.
- 1:15 p.m. **SB 332**, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.
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.
- 1:30 p.m. Full committee work session on **HB 1552-FN**, relative to the reporting of funds.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:15 a.m. **SB 239-FN**, relative to the membership and duties of the installation standards board.
- 11:00 a.m. **SB 226**, transferring the administration of the electricians' board to the joint board for licensure and certification.
- 1:15 p.m. **SB 177**, relative to training of directors and officers of nonprofit corporations.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Full committee work session on **HB 1658-FN**, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF).
- 11:00 a.m. Full committee work session on **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account.
- 1:00 p.m. **HB 1692-FN**, making changes to the administration of the university system of New Hampshire.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

10:00 a.m. Continued hearing on **PETITION 26**, grievance of Joshua Youssef.
1:00 p.m. **PETITION 32**, grievance of Randall Bowen, Shona Bowen, Jerry DeLemus, Robert Gates, Thomas Kaczynski, Jr., and 308 additional petitioners, all of Rochester, New Hampshire.
Work session may follow

FRIDAY, MARCH 9

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306-308, LOB

10:00 a.m. Presentation on defined contribution plans.

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.

TUESDAY, MARCH 13

FINANCE, Rooms 210-211, LOB

11:00 a.m. **SB 362-FN**, relative to benefits related to service of certain part-time judges of probate retiring because of permanent disability.

1:00 p.m. **SB 369-FN-L**, relative to aid to assisted persons.
Executive session may follow.

THURSDAY, MARCH 15

FINANCE – (DIVISION I), Room 212, LOB

10:00 a.m. Work session on **HB 1521-FN**, relative to retired state employees group insurance participation.

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.

MONDAY, MARCH 19

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

305, LOB

10:00 a.m. Regular meeting.

TUESDAY, MARCH 20

FINANCE, Rooms 210-211, LOB

11:00 a.m. Executive session on **HB 1274-FN**, transferring the McAuliffe-Shepard discovery center to a private operator and making a supplemental appropriation therefor, **HB 1285-FN**, repealing the state art fund, **HB 1521-FN**, relative to retired state employees group insurance participation, rescheduled executive session on **HB 234-FN-A**, relative to food service licensure and establishing a committee to study the regulation of food service establishments, **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year, executive session on **HB 1692-FN**, making changes to the administration of the university system of New Hampshire, **HB 1552-FN**, relative to the reporting of funds, **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account, rescheduled executive session on **HB 1658-FN**, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF).

THURSDAY, MARCH 22

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB

3:00 p.m. Regular meeting.

OFFICIAL NOTICES

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 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

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, 1552, 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

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. 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.

Rep. John B. Sedensky, PO Box 284, Hampstead, New Hampshire 03841-0284.

Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

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

The New Hampshire Liberty Alliance would like to invite all Representatives to a meet and greet dessert reception on Wednesday, **February 22** at 5:00 p.m. The reception will be held at Tandy's Top Shelf, 1 Eagle Square in Concord.

Rep. Tammy A. Simons.

All legislators and staff are invited to attend the 10th Annual NH Capital St. Patrick's Day Corned Beef and Cabbage lunch to benefit Children's Hospital at Dartmouth on Thursday, **March 15** at noon at the Courtyard Marriott-Grappone Center in Concord with a special comedy performance by Juston McKinney star of Comedy Central, The Tonight Show with Jay Leno and Conan O'Brien. For your complimentary reservation, please RSVP to James.Demers@Demers-Blaisdell.com.

Reps. DJ Bettencourt and Terie Norelli

The American Red Cross cordially invite all legislative members and staff to the annual State House Complex Blood Drive. The blood drive will take place on Tuesday, **March 20** from 9:00 a.m. to 3:00 p.m. The American Red Cross state of the art self-contained coach will

be parked out in front of the State House for this event. Appointments are strongly encouraged. To schedule an appointment, please call the State House Health Services, Ext. 2757. In the past the Blood Drive has had overwhelming support – please help make this year the best ever.

Rep. Peter L. Silva

Discover WILD New Hampshire Day is set for Saturday, **April 21**. This family friendly event takes place from 10:00 a.m. to 3:00 p.m. on the grounds of the NH Fish and Game Department at 11 Hazen Drive in Concord. Admission is free. Come enjoy dozens of exhibits presented by New Hampshire environmental, conservation and outdoor organizations. See live animals, big fish and trained falcons. The kids can try archery, casting and making arts and crafts. Explore new trends in recycling, environmental protection and energy-efficient hybrid vehicles. This is a great place to discover how you can connect with life outdoors. Co-sponsored by the New Hampshire Fish and Game Department and the New Hampshire Department of Environmental Services - now celebrating its 25th anniversary - with support from the Wildlife Heritage Foundation of New Hampshire. Visit <http://www.wildnh.com>.

Rep. Dennis Reed

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

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

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. 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 22

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 1155 (2012-0788h)

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 2 with the following:

2 Professional Misconduct. Amend RSA 317-A:17, II(b) to read as follows:

(b)(1) Commission of any felony or ~~of a~~ misdemeanor involving dishonesty, untrustworthiness, or unprofessional conduct[~~;~~]; or

(2) Any administrative or criminal conviction involving moral turpitude; or

(3) *The practice of fraud or untruthfulness* in obtaining educational credentials, examination scores, or professional licensure in this or any other jurisdiction.

Amend the bill by replacing all after section 3 with the following:

4 New Subparagraph; Dental Hygienists Committee; Compensation. Amend RSA 317-A:2-a, I by inserting after subparagraph (c) the following new subparagraph:

(d) Members of the committee shall each receive \$50 for each day actually engaged in the duties of their office, plus reasonable expenses necessarily incurred in the discharge of their duties. Board members serving on the committee shall not receive payment for both board and committee duties if the committee meets on the same day as the board.

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

AMENDED ANALYSIS

This bill makes changes concerning license renewal and misconduct concerning dentists, and compensation of the dental hygienists committee.

Amendment to HB 1185-FN-A (2012-0751h)

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing all after section 2 with the following:

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

AMENDED ANALYSIS

This bill specifies the rulemaking authority of the police standards and training council and requires governor and council approval of donations and grants made to the police standards and training council.

Floor Amendment to HB 1197-FN (2012-0843h)

Proposed by Rep. Abrami

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

1 Commissioner of Health and Human Services; Application for Federal Waiver From Nursing Facility Quality Assessment; Reports Required.

I. The commissioner of the department of health and human services shall, on January 15, 2013, submit a state plan waiver of the broad-based requirement as provided for in 42 C.F.R. section 433.68(e)(1), a state plan waiver of the uniform tax requirement as provided for in 42 C.F.R. section 433.68(e)(2), or both, and shall actively pursue approval of such waiver request. The waiver application shall be structured to reduce, to the greatest extent permissible under federal law, the amount of the nursing facility quality assessment paid by facilities that are prohibited under state law from having Medicaid beds.

II. The commissioner shall report quarterly to the oversight committee on health and human services, established in RSA 126-A:13, regarding the status of any state plan waiver request submitted pursuant to paragraph I. The reports shall include all data and other documents used to support the state plan waiver request. The reports required under this paragraph shall commence on September 1, 2012 and continue quarterly until a final decision on the waiver request is received.

III. If the waiver is approved, the commissioner shall immediately notify the commissioner of the department of revenue administration.

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

Amendment to HB 1224 (2012-0765h)

Proposed by the Committee on Municipal and County Government - C

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

AN ACT allowing municipalities to send tax, water, and sewer bills electronically.

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

1 Delivery of List; Notice to Taxpayer; Other Bills. Amend RSA 76:11 to read as follows:
76:11 Delivery of List; Notice to Taxpayer; Other Bills.

I. Such list shall be delivered to the collector within 30 days from the receipt of information by the selectmen from the commissioner of revenue administration of the rate percent of taxation as provided in RSA 41:15, unless for good cause the time is extended by the commissioner of revenue administration. The collector shall, within 30 days after the receipt of such list, send to every person taxed, a bill for such taxes by first class mail **or, with the approval of the governing body, by electronic means as provided in paragraph II**, unless for good cause the time is extended by the commissioner of revenue administration. Said bill shall be mailed separately and not included with mailing of other

town or city bills, unless the governing body of the town or city votes to mail other town or city bills or information directly related to municipal business along with the tax bill. Under no circumstances shall a city or town mail statements of position on matters of public policy along with the tax bill. Upon written request of a mortgagee or its representative, the tax collector of a city or town shall mail ***or transfer by electronic means as provided in paragraph II*** a duplicate copy of the property tax bill, as it was sent to the property taxpayer, to the party making such request. Other form of notification of tax owed, acceptable to the mortgagee and the tax collector, may be substituted for the duplicate tax bill. A separate written request, with specific property identification, shall be required for each duplicate copy or form. The governing body of a city or town may establish a reasonable fee to be charged for each duplicate copy or form. Resident tax bills may be included with property tax bills when the inclusion of such resident tax bills will not unduly delay the mailing of either the resident or property tax bills.

II. The collector may issue bills or notices by electronic means only after the taxpayer requests such delivery. There shall be no charge for delivery of bills or notices by electronic means and there shall be no penalty for not choosing to elect delivery by electronic means. Any request for electronic delivery of tax bills or notices shall contain the physical signature of the taxpayer or an electronic signature conforming to the requirements of the federal Electronic Signatures Act or its successor. Any agreement executed by a taxpayer to receive tax bills by electronic means shall contain a description of the delivery system proposed to be used and shall contain clear instructions on the method for terminating such delivery.

III. In the event that the collector has any reason to believe that bills or notices sent by electronic means have failed to be delivered, the collector shall promptly send a duplicate of the bills or notices by first class mail. A duplicate bill or notice mailed in compliance shall be at no cost to the taxpayer. Second and subsequent notices of payments due, or notices of tax delinquency shall be sent by first class mail. Sending a bill as provided in this paragraph shall not change the last date that taxes may be paid without penalty.

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

AMENDED ANALYSIS

This bill allows municipalities to send tax, water, and sewer bills electronically.

Amendment to HB 1307 (2012-0247h)

Proposed by the Committee on Transportation - R

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

1 Agricultural Plates. Amend the introductory paragraph of RSA 261:82, I to read as follows:

I. A truck, truck-tractor, ~~or~~ tractor, ***or cargo van*** shall qualify for agricultural registration rates and number plates and shall be driven with such registration only within a 20 mile radius from the main entrance to the farm upon which said vehicle is driven, and may be used for the following purposes:

2 Agricultural Plates. Amend RSA 261:82, V to read as follows:

V. To be eligible for the issuance of an agricultural vehicle registration, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of trucks, tractor-trucks, ~~or~~ tractors, ***or cargo vans*** registered under RSA 261:82, and hereby certify that my vehicle will be used only for agricultural and farming purposes and uses incidental thereto,

within a 20 mile radius of the main entrance of the farm upon which the vehicle is to be driven.

Signed: _____

Date: _____

Copies to:

Town or City Clerk

Applicant

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

AMENDED ANALYSIS

This bill permits cargo vans to qualify for agricultural plates.

Amendment to HB 1333

(2012-0616h)

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

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

AN ACT establishing a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

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

1 Committee Established. There is established a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

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

(b) One member of the senate, appointed by the president of the senate.

II. The committee shall solicit participation and advice from a representative of the fish and game department responsible for enforcement of law and rule violations, and at least 2 members of the public including one person who is a holder of a hunting or fishing license in this state.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

4 Chairperson; Meetings. 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.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2012.

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

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

Amendment to HB 1336

(2012-0302h)

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

Amend the bill by replacing section 1 with the following:

1 Fish and Game; Use of Dogs for Hunting Bear; Reciprocity. Amend RSA 207:12-b to read as follows:

207:12-b Restriction on Nonresident's Dog Training and Use of Dogs for Hunting ***Bear***.

I. Notwithstanding RSA 207:12-a, ~~[a nonresident shall not train or use dogs for hunting any specific wildlife species in this state during the period when residents of New Hampshire are prohibited from training or using dogs for hunting such wildlife species in the nonresident's state of residence or province or territory of Canada. This section shall also apply in cases in which the nonresident's state of residence or province or territory of Canada restricts or limits the number of dog training or dog hunting permits which are issued to citizens of New Hampshire]~~ ***nonresidents from states or provinces or territories of Canada which allow the training or taking of bear with dogs, and who do not limit or prohibit New Hampshire residents from training or hunting bear with New Hampshire dogs, shall be the only nonresidents allowed to bring dogs into New Hampshire to train or take bear.***

II. For the purposes of this section, the executive director shall determine the states, provinces or territories which prohibit or limit New Hampshire residents from the training or use of dogs for hunting ***bear***. Such determination as to the degree of reciprocity shall be final.

**Amendment to HB 1339
(2012-0794h)**

**Proposed by the Majority of the Committee on Fish and Game and Marine
Resources - R**

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

AN ACT prohibiting agreements for monetary consideration to limit or reserve access to hunting, fishing, and trapping on private land.

Amend RSA 207:57-a, I as inserted by section 1 of the bill by replacing it with the following:

I. No person authorized to hunt, fish, or trap under this title shall enter into any contract with, lease, or otherwise arrange with a private landowner for monetary consideration for the limiting of access of other persons for hunting, fishing, or trapping, or for the reservation of the right to access to property solely for oneself or one group, with the intent of excluding other persons licensed by the department to hunt, fish, or trap.

AMENDED ANALYSIS

This bill prohibits a person engaged in hunting, fishing, or trapping from contracting for monetary consideration for the limitation of access or the reservation of rights to enter private lands.

**Amendment to HB 1351
(2012-0716h)**

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to disclosure of information by the board of funeral directors and embalmers and governing boards of allied health professionals.

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

1 Board of Funeral Directors and Embalmers Disclosure of Information. Amend RSA 325:33, I to read as follows:

I. The board may investigate possible misconduct by licensees, and applicants, and any other matters within the scope of this chapter. Investigations may be conducted with or without the issuance of a board order setting forth the general scope of the investigation. Board investigations and information obtained by the board pursuant to such investigations, including complaints received under RSA 325:32, I(b), shall be privileged, confidential, and exempt from the public disclosure provisions of RSA 91-A, unless such information is

subsequently included in the record in a public disciplinary hearing. The board may disclose information obtained in its investigations to law enforcement or health licensing agencies in this state or any other jurisdiction ***or in accordance with specific statutory requirements or court orders.***

2 Allied Health Professionals; Disclosure of Information. Amend the introductory paragraph of RSA 328-F:24, II to read as follows:

II. Unless used in disciplinary proceedings or ~~[required to be]~~ disclosed ~~[by an order of a court]~~ ***to law enforcement or health licensing agencies in this state or any other jurisdiction or in accordance with specific statutory requirements or court orders,*** the following information obtained during investigations shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A:

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

AMENDED ANALYSIS

This bill clarifies the procedures for disclosure of information by the board of funeral directors and embalmers and the governing boards of allied health professionals

Amendment to HB 1353 (2012-0666h)

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C
Amend the bill by replacing all after the enacting clause with the following:

1 Documents Used to Establish Veteran Status. Amend RSA 21:50, I(b)(21) to read as follows:

(21) ***Notarized statement of service letter signed by the individual's commanding officer or administrative officer.***

(22) Other documents approved by the director, state office of veterans services.

2 Veterans' Tax Credit; Service. Amend RSA 72:28, IV(a) to read as follows:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, ***provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this subparagraph;***

3 Effective Date.

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

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds a notarized statement of service letter to the documents accepted to establish an individual's status as a veteran. This bill also specifies that training for active duty shall be included as service for purposes of the veterans' tax credit.

Amendment to HB 1362 (2012-0490h)

Proposed by the Committee on Executive Departments and Administration - C
Amend the title of the bill by replacing it with the following:

AN ACT exempting service animals from dog registration and licensing and establishing an option for permanent registration and licensing of service animals.

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

1 Service Animals; Exemption from Dog Registration and Licensing. RSA 466:8 is repealed and reenacted to read as follows:

466:8 Exemption From Fees for Registration and Licensing.

I. No fee shall be required for the registration and licensing of a dog which has served with armed forces of the United States and has received an honorable discharge therefrom.

II. No fee shall be required for the registration and licensing of a service animal as defined in RSA 167-D:1, IV. When registering and applying for a license for a service animal, the owner or trainer shall present an identification card issued by a recognized animal training agency. If a service animal has been trained by its owner and does not have an identification card issued by a recognized animal training agency or school, in order to register and license a service animal, the animal shall pass the Assistance Dogs International Public Access Test administered by a service animal trainer, as defined in RSA 167-D:1, V, and the owner shall present a letter from a health care professional stating that the individual requires the use of a service animal to perform tasks directly related to his or her disability.

III. The owner of a service animal may elect for the registration and licensing of such service animal to be permanent and not subject to annual renewal so long as the service animal has met the requirements of this section and has received a certificate and tag from the Governor's Commission on Disability under paragraph IV.

IV. Certificates and tags stamped "New Hampshire Service Animal – Permanent Registration" with a registration number, shall be issued by the Governor's Commission on Disability to those seeking permanent registration and licensing. Applications may be obtained from a town or municipality issuing agent under RSA 466:1-c upon initial registration and licensing of a service animal or directly from the Governor's Commission on Disability.

V. Upon the death or retirement of a service animal, the owner or person in possession of the service animal tag shall immediately return the tag to the Governor's Commission on Disability.

VI. The tag identifying a service animal shall be used only by an eligible service animal, as defined in RSA 167-D:1, IV.

VII. The owners and trainers of service animals shall comply with all state and local ordinances regarding rabies certification under RSA 436:102 and RSA 466:1-a.

2 Nonuse of Hearing Ear Dog, Guide Dog, or Service Dog. Amend RSA 167-D:8, II to read as follows:

II. It is unlawful for any person to fit an animal with a collar, leash, or harness of the type which represents that the animal is a service animal, ***or service animal tag issued under RSA 466:8*** if in fact said animal is not and to thus use the animal to misrepresent the physical status of said person.

3 New Paragraph; Service Animal Registration Tags; Governor's Commission on Disability. Amend RSA 275-C:6 by inserting after paragraph VI the following new paragraph:

VII. To design, produce, and issue special registration tags and certificates for permanent service animal registration and licensing.

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

AMENDED ANALYSIS

This bill:

I. Allows for the exemption of service animals from the fee for licensing and registration of dogs.

II. Allows the owner of a service animal to opt for a one-time licensing and registration of his or her service animal.

III. Requires the Governor's Commission on Disability with overseeing the permanent registration and licensing for service animals.

**Amendment to HB 1367
(2012-0511h)**

Proposed by the Committee on Municipal and County Government - R

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

**Amendment to HB 1368
(2012-0406h)**

Proposed by the Committee on Judiciary - R

Amend RSA 477:18, II as inserted by section 1 of the bill by replacing it with the following:

II. If the estate is in joint tenancy with rights of survivorship, a joint tenant shall not sever the joint tenancy without the recorded consent of the other joint tenants named in the deed.

AMENDED ANALYSIS

This bill prohibits a joint tenant from severing a joint tenancy with rights of survivorship without the consent of the other joint tenants.

**Amendment to HB 1371
(2012-0706h)**

Proposed by the Committee on Municipal and County Government - C

Amend RSA 30-A:3, II as inserted by section 1 of the bill by replacing it with the following:

II. County government officials shall not participate in any matter in which they, or their spouse, parent, sibling, child, or dependents have a private interest, personal or pecuniary, which may directly affect or influence the performance of their duties.

**Amendment to HB 1393
(2012-0399h)**

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

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

AN ACT relative to the assessment of property for property tax purposes.

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

1 Taxable Property; Market Value; Residential and Commercial Property. Amend RSA 75:1 to read as follows:

75:1 How Appraised.

I. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, and all other taxable property at its market value. Market value means the property's full and true **market** value ~~[as the same would be appraised in payment of a just debt due from a solvent debtor]~~ ***substantially as provided by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and as defined in paragraph II. Market value of residential property shall be applied according to paragraph III.*** The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination. ***If existing zoning restrictions, new zoning changes, or wetland issues diminish the market value of the property these factors shall be taken into consideration. The review of abatement requests under RSA 76:16 shall follow generally accepted appraising procedures to support and justify the market value of the property when the owner requests an abatement.***

II. Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale,

the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (a) Buyer and seller are typically motivated;*
- (b) Both parties are well informed or well advised, and acting in what they consider their own best interests;*
- (c) A reasonable time is allowed for exposure in the open market;*
- (d) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
- (e) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

III. The selectmen or assessors shall assess residential property as follows: The assessed value of residential property shall be based on the sales comparison approach using arms-length sales in the same community of the prior 3 years, adjusted for time when appropriate. The sales used to determine market value shall be the same sales used to calculate the equalization rate for the community provided under RSA 21-J:9-a. If no comparable arms length sales are available in the subject community, sales from nearby communities may be used. In no case shall sales from out of state be used to determine market value of residential property, and in no case shall a separate addition of the value of a view be included in an assessment under the sales comparison approach.

IV. Assessing officials shall at no point enter a residential property for a physical inspection for any purpose, unless they have probable cause to believe that a homeowner has willfully refused to obtain a necessary building permit for an improvement, and in such cases, the assessing official shall obtain an administrative inspection warrant pursuant to RSA 595-B prior to entering a property. A homeowner, at any time, may request in writing an inspection during the abatement or appeals process and the assessor shall inspect the property within a reasonable time subsequent to the receipt of such notice.

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

AMENDED ANALYSIS

This bill establishes requirements for determining the market value of property for property tax assessments by the selectmen or assessors.

Amendment to HB 1422 (2012-0713h)

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to the applicability of foreign law in cases before New Hampshire tribunals.

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

1 Statement of Intent. The general court finds that the laws and constitution of the state of New Hampshire and the constitution of the United States of America afford New Hampshire citizens and businesses many rights, liberties, and privileges. It is the continuing public policy of this state that these rights, liberties, and privileges, and the peace, tranquility, and well-being of the citizens and businesses of this state not be threatened, abridged, violated, or restricted in any way. It is the public policy of this state to protect its citizens and businesses from the application of foreign law when its application could result in a violation of the rights, liberties, or privileges, or disturb the security, peace, tranquility, or well-being of its citizens or businesses. The general court finds that the

application of foreign law in various agreements, contracts, claims, and other controversies could violate this public policy.

2 New Section; Applicability of Foreign Law. Amend RSA 490 by inserting after section 14-a the following new section:

490:14-b Applicability of Foreign Law.

I. In this section:

(a) "Foreign law" or "international law" means any law, regulation, rule, instruction, principle, edict, doctrine, system, tenet, precept, or legal code or system established and used or applied outside the United States or its territories, including but not limited to those of any denomination, sect, or geographical locale.

(b) "Tribunal" means any New Hampshire court, board, administrative agency, arbitration and mediation service and provider, enforcement authority, commission, and any other body having similarly binding proceedings, and any other adjudicative, mediation, or enforcement authority, whether formal or informal. The term shall also include persons acting on behalf of such tribunal.

(c) "Business" means a corporation, partnership, limited liability company, sole proprietorship, financial institution, and any other form of entity authorized to do business in the state of New Hampshire.

(d) "Claim" means any matter that is the subject of litigation, arbitration, mediation, application, lawsuit, or public claim filed in the state of New Hampshire or any municipality or subdivision thereof.

II.(a) Unless the parties have previously agreed in writing to the contrary, no tribunal shall apply or enforce a foreign law or a state law or decision enforcing a foreign law, or base a determination in whole or in part on foreign law, if such application or enforcement would supersede or take precedence over any right, liberty, or privilege under the constitution of the state of New Hampshire, the laws or public policy of the state of New Hampshire, or the constitution of the United States.

(b) If a person subject to personal jurisdiction in New Hampshire asserts a claim alleging that foreign law governs, in whole or in part, any substantive, procedural, or jurisdictional provision thereof, including but not limited to choice of law, forum non conveniens, venue, or forum provisions, and the tribunal determines that granting the claim would supersede or take precedence over any right, liberty, or privilege of any New Hampshire citizen or business under the constitution of the state of New Hampshire, the laws or public policy of the state of New Hampshire, or the constitution of the United States, the claim shall be denied.

III. A tribunal denying any relief requested under authority of this section shall make written findings of fact and conclusions of law in support of such denial.

3 Applicability. The provisions of RSA 490:14-b as inserted by section 2 of this act shall apply to claims filed, and contracts and agreements executed, on or after July 1, 2012.

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

AMENDED ANALYSIS

This bill declares that no New Hampshire tribunal shall enforce foreign law or a state law enforcing foreign law if such enforcement violates the rights of an individual or business under the New Hampshire constitution or the constitution of the United States.

Amendment to HB 1442

(2012-0683h)

Proposed by the Committee on Transportation - R

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

1 Motorcycle Noise Levels. RSA 266:59-a is repealed and reenacted to read as follows:
266:59-a Motorcycle Noise Levels.

I. No person shall operate in this state any motorcycle which produces a sound level in excess of the following decibels, when measured in accordance with the provisions of the

SAE International Recommended Practice SAE J2825, "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles":

(a) For all motorcycles, 92 decibels while the engine is operating at idle speed; or
(b) For motorcycles with less than 3 or more than 4 cylinders, 96 decibels while the engine is operating at 2,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less; or

(c) For 3 and 4 cylinder motorcycles, 100 decibels while the engine is operating at 5,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less.

II. No person shall pass for the purposes of the inspection required by RSA 266:1 any motorcycle which produces a sound level in excess of the following decibels, when measured in accordance with the provisions of the SAE International Recommended Practice SAE J2825, "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles":

(a) For all motorcycles, 92 decibels while the engine is operating at idle speed; or
(b) For motorcycles with less than 3 or more than 4 cylinders, 96 decibels while the engine is operating at 2,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less; or

(c) For 3 and 4 cylinder motorcycles, 100 decibels while the engine is operating at 5,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less.

III. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not less than \$100 nor more than \$300.

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

AMENDED ANALYSIS

This bill modifies motorcycle noise level restrictions.

Amendment to HB 1455-FN (2012-0780h)

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

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

1 Lobster Licenses; Recreational Licenses. Amend RSA 211:18, III(a) to read as follows:

(a) If a person is a resident of this state and does not take lobsters or crabs for the purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and crab license. ***A person receiving a recreational lobster and crab license may not also receive the scuba diver lobster license under paragraph III-c.***

2 New Paragraph; Special Scuba Diver Lobster License. Amend RSA 211:18 by inserting after paragraph III-b the following new paragraph:

III-c. For a \$35 fee, a person who wishes to engage in scuba diving as a recreational activity and not for the purpose of sale, and who is in compliance with RSA 270:31 through 32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba diver lobster license issued by the executive director. The executive director shall make available a number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and crab licenses available each calendar year under subparagraph III(a).

(a) The scuba diver lobster license shall be valid for the month of September only.

(b) The license shall consist of letters and/or numbers which the person engaged in scuba diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it readily visible to a conservation officer.

(c) The number of lobsters taken per day by a scuba diver holding an license under this subparagraph shall not exceed 5 per licensee and shall be taken only for the consumption by the licensee, and the licensee's family and guests. No person shall at any time take any lobsters by any method except by hand. Use of a tickle stick, which is a

straight or slightly bent stick used to agitate a lobster into coming out of its hole, shall be permitted.

(d) All lobsters taken under a scuba diver lobster license shall be of legal size, as provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on the seafloor before surfacing. An equipped scuba diver shall not have in his or her possession more than 5 lobsters at any time.

(e) The scuba diver lobster license may not be transferred to any other person.

(f) Annual catch reports shall be required of all scuba diver lobster license holders at the time of renewal or, if not renewing license, at year end. Annual catch information, in a format determined by the executive director, shall be required of all divers before renewal application will be accepted.

(g) The executive director shall adopt rules for the issuance of the license under this paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph provided such rules conform with requirements applicable to non-commercial 5 pot licenses and commercial lobster license holders.

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

AMENDED ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for non-commercial taking of lobsters while engaged in recreational scuba diving.

Amendment to HB 1579 (2012-0317h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C
Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Wage Garnishment. Amend RSA 282-A by inserting after section 152 the following new section:

282-A:152-a Garnishment

I. Definitions. In this section:

(a) "Commissioner" means commissioner of the department of employment security.

(b) "Date that the determination creating the overpayment becomes final" means the date a person has no appeal or appeal period pending under RSA 282-A:164, RSA 282-A:165, and RSA 282-A:42-68.

(c) "Department" means the department of employment security.

(d) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld or required by the employer to be withheld as a condition of employment.

(e) "Earnings" means any form of payment to a person for his or her labor including, but not limited to, salary, wages, commission, or other compensation.

(f) "Employer" means any person, business, organization, employing unit, firm, corporation, or association, or any political subdivision or department of the state or federal government, which employs a person or pays income or any other compensation to a person for his or her labor.

(g) "Individual debtor" means a person determined to have been overpaid under RSA 282-A:164, provided the department provided to such person notice of the determination that he or she was overpaid, provided an opportunity for appeal, and opportunities for appeal have been exhausted.

(h) "Notice of garnishment" means a notice requiring an employer to garnish an individual debtor's earnings without a court order.

(i) "Notice of court-ordered garnishment" means a notice requiring an employer to garnish an individual debtor's earnings based on a court order for payments.

II. Upon the failure of any individual debtor to pay any overpayment due to the state under RSA 282-A:164 within 90 days of the date that the determination creating the fraud

overpayment becomes final, the department may serve duplicate notices of garnishment upon any employer that owes, or may owe in the future, earnings to such individual debtor. Any notice of garnishment served upon any employer shall be simultaneously served upon the individual debtor by first-class mail to his or her last known address. The department shall send the individual debtor by first-class mail to his or her last known address a Notice of Intent to Garnish Earnings 14 days before serving any notice of garnishment. No individual debtor shall be deemed under this section to have failed to pay any fraud overpayment due to the state within 90 days of the date that the determination creating the overpayment becomes final, if the debtor:

- (a) Has agreed to a payment plan approved by the department; and
- (b) Is in substantial compliance with such payment plan.

III. The notice of garnishment shall advise the individual debtor and individual debtor's employer:

- (a) Of the employer's obligation to provide one of the duplicate copies of the notice of garnishment to the individual debtor upon receipt;
- (b) Of the amount which may be garnished for any week;
- (c) Of the total amount subject to garnishment;
- (d) That the garnishment applies to any current or subsequent earnings paid 21 or more days after the date of mailing of the notice of garnishment;
- (e) Of the individual debtor's right to file, at any time, for suspension of the notice of garnishment;
- (f) That any amounts which the employer is obligated to withhold pursuant to RSA 458-B have priority over amounts subject to garnishment under this section;
- (g) That, including any fee added and retained under paragraph V, the amount garnished pursuant to this section when added to the amount withheld pursuant to RSA 458-B may not exceed 25 percent of the individual debtor's weekly disposable earnings, or the amount by which the individual debtor's weekly disposable earnings exceed 50 times the minimum hourly wage as established by the Fair Labor Standards Act, whichever is less;
- (h) That the employer must implement garnishment no later than the first earnings that are paid 21 days after the notice was mailed;
- (i) That the garnishment is binding upon the employer until payment in full is made of the total amount subject to garnishment;
- (j) That the employer must send the garnished amount to the commissioner at the same time the individual debtor is paid;
- (k) Of the provisions, liabilities, and penalties in paragraphs IV-IX; and
- (l) Of the employer's right to add and retain a fee of \$1.00 for each garnishment for the administrative cost incurred as a result of the garnishment procedures.

IV. With respect to the individual debtor's right to file for suspension of the notice of garnishment, the notice of garnishment shall state as follows, in at least 12-point type:

This notice of garnishment requires your employer to garnish (take) some of your earnings for work and send them to the department of employment security to repay overpaid unemployment insurance benefits. Once earnings for a week have been garnished, you will not be able to get them back.

You have the right, at any time, to file for suspension (stopping) of this garnishment. If you file for suspension of garnishment, the department of employment security has the right to take you to court to ask a judge to decide how much, if any, of your earnings should be garnished. Instead of going to court, you and the department may be able to agree to a different amount of garnishment. If you want to file for suspension or make an agreement with the department, you must call the department of employment security at _____.

V. The amount which may be garnished for each week shall be determined by the department based on the individual debtor's financial circumstances known to the department, including but not limited to the individual debtor's financial affidavit, if available.

VI. Garnishment under this section shall have priority over any other legal process under state law against the same earnings except withholding under RSA 458-B.

VII. In addition to the amount garnished under this section, the employer may add and retain a fee of \$1.00 for each garnishment for the administrative cost incurred as a result of the garnishment procedures.

VIII. An employer shall:

- (a) Provide one of the duplicate copies of the notice of garnishment to the individual debtor upon receipt;
- (b) Apply the garnishment to any current or subsequent earnings paid 21 or more days after the date of issuance of the notice of garnishment;
- (c) Not garnish for any week more than the amount allowed;
- (d) Suspend garnishment of earnings paid not later than 8 days following receipt of notice from the department of the requirement to do so;
- (e) Give priority to any amounts that the employer is obligated to withhold pursuant to RSA 458-B over amounts subject to garnishment under this section;
- (f) Not allow the amount garnished pursuant to this section, including any fee added and retained under paragraph V, when added to the amount withheld pursuant to RSA 458-B to exceed 25 percent of the individual debtor's weekly disposable earnings, or the amount by which the individual debtor's weekly disposable earnings exceed 50 times the minimum hourly wage as established by the Fair Labor Standards Act, whichever is less;
- (g) Implement garnishment no later than the first payment of earnings that occurs 21 or more days after the notice was mailed;
- (h) Treat the garnishment as binding upon the employer until payment in full is made of the total amount subject to garnishment;
- (i) Send the garnished amount to the commissioner at the same time the individual debtor is paid;
- (j) Notify the commissioner within 20 days of the individual debtor's termination of employment, and shall provide the individual debtor's last known address and the name and address of the present employer, if known.
- (k) Be liable for the accumulated amount it should have garnished if it fails to garnish in accordance with the provisions of the notice.

IX. The employer shall be liable for an administrative fine of \$100 per pay period for each individual debtor with respect to whom the employer has willfully failed to comply with the provisions of subparagraphs VI(g) and VI(j). For other willful violations of this section an administrative fine of not less than \$100 or more than \$500 may be imposed. Prior to assessing such fine against the employer, the commissioner shall notify the employer of its intent to assess the fine, the amount of the fine, the date by which the fine is payable, and shall provide the employer with the opportunity to appeal the imposition of the fine.

X. An employer shall be guilty of a misdemeanor and subject to a fine of up to \$1,000:

- (a) For discharging, refusing to employ, or taking any disciplinary action against an individual debtor because of the garnishment procedures.
- (b) For failure to comply with the provisions of paragraph VI.

XI. Notwithstanding the 90 day limitation in paragraph II an individual debtor may, subject to the approval of the department, agree to voluntary garnishment at any time.

XII. An individual debtor may file for suspension of the notice of garnishment at any time. If the individual debtor files for suspension of the notice of garnishment, the department may file a motion for periodic payments in the Merrimack County Sixth Circuit Court seeking establishment of an order for payments.

XIII. If an individual debtor files for suspension of the notice of garnishment, the department shall suspend the notice of garnishment and advise any employer upon which the notice of garnishment was served to suspend garnishment of earnings paid not later than 8 days following receipt of notice to suspend.

XIV. If an individual debtor who filed for suspension of the notice of garnishment and the department reach an agreement as to the amount which may be garnished for any week, the department may issue a new notice of garnishment consistent with such agreement.

XV. Following the expiration of 90 days after the date a determination which finds an individual debtor overpaid under RSA 282-A:164 becomes final, such determination with interest under RSA 282-A:141, shall be for purposes of RSA 524:6-a the judgment of any circuit court-district division in which the department files a motion for periodic payments.

XVI. Following the issuance of an order for payments by any circuit court-district division on any overpayment due to the state under RSA 282-A:164 for more than 90 days, the department may serve a notice of court-ordered garnishment upon any employer that owes, or may owe in the future, earnings to such individual debtor. Any notice of court-ordered garnishment served upon any employer shall be simultaneously served upon the individual debtor by certified mail to his or her last known address. The amount which may be garnished for any week shall not exceed that amount, applied weekly, deemed appropriate by the circuit court-district division in its order for payments.

XVII. The notice of court-ordered garnishment shall advise the individual debtor and individual debtor's employer:

(a) Of the information required by III(a)-(d) and (f)-(l) of this section; and

(b) Of the individual debtor's right to file a motion with the Merrimack County Sixth Circuit Court seeking a change in the amount of the payments based on a change in financial circumstances;

XVIII. With respect to the individual debtor's right to file a motion with the Merrimack County Sixth Circuit Court, the notice of court-ordered garnishment shall state as follows, in at least 12-point type:

This notice of court-ordered garnishment requires your employer to garnish (take) some of your earnings for work and send them to the department of employment security to repay overpaid unemployment insurance benefits. The amount of the garnishment is based on an order of the Merrimack County Sixth Circuit Court. Once earnings for a week have been garnished, you will not be able to get them back.

You have the right, at any time, to file a motion with the Merrimack County Sixth Circuit Court asking for the amount of the garnishment to be changed based on a change in your financial circumstances. If you want to file a motion, you should contact the Merrimack County Sixth Circuit Court. Nothing in this paragraph prevents you and the department of employment security from agreeing to a greater or lesser amount of garnishment and filing the agreement with the Merrimack County Sixth Circuit Court. If the department of employment security does not agree, you still have the right to file a motion.

XIX. The department may agree to a greater or lesser periodic amount than that amount deemed appropriate by the Merrimack County Sixth Circuit Court in its order for payments, whether or not the individual debtor has requested a hearing before the court to obtain a change in the court's order, and any such agreement shall be filed with the Merrimack County Sixth Circuit Court.

XX. Within 7 days of receiving written notice that the individual debtor has filed a motion to request a change in the court's order, the department shall suspend or modify its notice of court-ordered garnishment consistent with the individual's request to the court.

2 Restitution. Amend RSA 282-A:164 to read as follows:

282-A:164 Restitution. ~~[Whoever]~~ **Any individual who** willfully makes a false statement or representation or knowingly fails to disclose a material fact, whether before a representative of the department of employment security of the state of New Hampshire or in another state before a representative of the unemployment compensation agency of that state which is acting in the capacity of agent for the state of New Hampshire, to obtain or increase any benefit or other payment under this chapter, or under the laws of any other state or the federal government, either for ~~himself~~ **such individual**, or for any other

person, may, in the discretion of the commissioner or his **or her** authorized representative, be determined to be disqualified for benefits for each week directly affected by the false statement or representation or failure to disclose a material fact. All benefits received for each week of such disqualification shall be deemed overpaid, and restitution in an amount equal to such overpayment **plus a penalty equal to 20 percent of the overpaid benefits** shall be ordered by the commissioner or his **or her** authorized representative. In addition to such disqualification, ~~he~~ **such individual** shall be deemed ineligible to receive benefits for not less than 4 nor more than 52 consecutive weeks, beginning with the week in which the decision is made, as determined by the commissioner or his **or her** authorized representative. For each week of determined ineligibility, an amount equal to the individual's maximum weekly benefit rate during such week shall be deducted from the maximum benefits available to ~~him~~ **the individual** during the benefit year in which such week falls; but no change shall be made in his **or her** weekly benefit amount because of this deduction. **Payments of the 20 percent penalty on determinations made under this section on or before October 20, 2013 shall be deposited into the fund established by RSA 282-A:140. Payments of the 20 percent penalty on determinations made under this section on or after October 21, 2013 shall be divided with ¼ of such payments being deposited into the fund established by RSA 282-A:140 and ¾ of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103.** Any proceeding or action taken under this section shall be in lieu of and not in addition to any proceeding or action taken under RSA 282-A:161.

3 New Hire Report; First Day of Work. Amend RSA 282-A:117-a, IV(a) to read as follows:

(a) The individual's complete name, address, ~~and~~ social security number, **and first day of work.**

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

AMENDED ANALYSIS

This bill authorizes the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.

This bill is a request of the department of employment security.

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.

Amendment to HB 1719

(2012-0851h)

Proposed by the Committee on Election Law - C

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

1 New Section; Change in Filing Period. Amend RSA 655 by inserting after section 14-b the following new section:

655:14-c Change in Filing Period. Notwithstanding the provisions of RSA 655:14, if the elective districts for any office in RSA 662 have not been amended according to the most recently completed federal decennial census before the commencement of the filing period, the secretary of state is hereby authorized to change or extend the filing period as necessary to implement revised elective districts.

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

**Amendment to HR 25
(2012-0704h)**

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

Amend the bill by replacing the second paragraph after the resolving clause with the following:

That copies of this resolution be transmitted by the House Clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the New Hampshire congressional delegation.