

HOUSE RECORD

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

Vol. 34 Concord, N.H.

Friday, March 2, 2012

No. 18

Contains: Reports for March 7 and March 8, 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 both **Wednesday, March 7th and Thursday March 8, 2012. Each session will begin at 9:00 a.m.**

I want to thank all of you who worked hard to get over 300 bills out of committee to meet the reporting deadline. We are also grateful to those members of the Committee Services and House Clerk staff who processed those reports.

I think most of us understand that it is particularly hard on some members to extend a session day into the evening. We are obligated however to vote on all the bills before the House and debate those that members want to discuss. It is my intention to continue with double session days or even a third consecutive day as is necessary for us to meet this obligation, but I will try to end each session day during the late afternoon.

You may note that a limited number of committee reports may 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. Members who draft majority reports are requested to include a brief description of the bill, particularly when the bill is not adequately described in its title.

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.

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. In addition, material is not to be distributed by members in Representatives Hall while the House is in Session.

Chairmen and Vice-Chairmen will meet **Tuesday, March 6th at 9:00 a.m. in LOB 305-**

307.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **March 7** and Thursday, **March 8** at **8:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **March 7** and Thursday, **March 8** at **8:15 a.m.** in Rooms 305-307, LOB.

Terie Norelli, Democratic Leader

NOTICE

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

CLOSES NOON THURSDAY:

March 8

March 15

AVAILABLE FRIDAY:

March 9

March 16

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2012 SESSION

Thursday, March 22, 2012

Last day to report all remaining House bills.

Thursday, March 29, 2012

Last day to act on House bills.
CROSSOVER.

REGULAR CALENDAR BILLS FROM FEBRUARY 15

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

BILLS REMOVED FROM CONSENT CALENDAR FEBRUARY 15

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.**

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.**

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

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

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.**

REGULAR CALENDAR BILLS FROM FEBRUARY 22

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.

HCR 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

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 REMOVED FROM CONSENT CALENDAR FEBRUARY 22

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.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

Rep. Maurice L Pilote 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.

JUDICIARY

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.**

MUNICIPAL AND COUNTY GOVERNMENT

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 proved 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 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 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.**

WEDNESDAY, MARCH 7

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1191, relative to responsibilities of parents of certain minors. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin F Gould 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-one (31) days under existing family 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, prohibited by Article 23 of our New Hampshire Constitution.

Almost all insurance plans, including Medicare and Medicaid have contracted rates with hospitals which are always far less than the amount of the hospital bill. 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. An uninsured, however, would be billed the full amount.

The sponsors, Republican and Democrat, are concerned about a lack of responsibility and want to develop a conversation. We agree, with the need for dialogue, but HB 1191 is not a viable vehicle for this. **Vote 11-0.**

HB 1267, relative to adjustments to the child support guidelines based on child support expenses documented by the parties. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M Gargas for Children and Family Law: This bill would allow a request for modification of child support if there is an indication that expenses incurred by the obligee, based on child support guidelines, varies by at least 10 percent of the actual expenses of the court ordered amount that the obligee incurred on behalf of the children. It would require the obligee to provide evidence of child support expenses for at least 6 months. The committee believes that this change is unnecessary because there is a thorough, in-depth sharing of financial data before a child support determination is made. The mandatory self-discovery rule currently in place in the Family Division requires the parties to exchange financial information before a child support order is determined and includes 1) current financial affidavit including monthly expenses, 2) past 3 years' personal and business tax forms and forms indicating income, 3) four most recent pay-stubs and year end pay stub; 4) for business owners and self employed, monthly, quarterly and year to date financial statements; 5) medical and dental insurance coverage; 6) loans, mortgages, statement of assets or liabilities; 7) employee benefits; 8) statements for all bank accounts; 9) financial assets such as investments accounts; 10) life insurance; 11) statements for all credit cards, 12) written pre-nuptial or postnuptial agreements. Current law also allows the court to deviate from the child support guidelines due to special circumstances either when the child support amount is initially determined or at modification. Further, current law permits either party to seek a modification of child support at any time when there is a substantial change in circumstances and parties are granted an automatic review of child support every three years if either party requests it. Finally, the committee notes that there is no fiscal note attached to this bill; however, it has the potential to increase litigation and court costs, as well as to increase the adversarial nature of an already very emotional and difficult situation which is antithetical to the purpose of current law. **Vote 14-0.**

HB 1419, relative to the rights of military parents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T Lovejoy for Children and Family Law: This bill establishes that parents who are absent due to military service have certain rights with regard to parenting arrangements involving minor children. Forty states have adopted all or part of this legislation.

The amendment states it is in the best interest of the children for courts to address the military membership of the parents at the time of the initial parenting plan and allows the court to hear a motion for permanent modification of parental rights and responsibilities prior to or upon return of the deploying parent. The committee and sponsors were in accord. **Vote 13-0.**

HB 1469, relative to enforcement of parenting plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Debra L DeSimone for Children and Family Law: This bill directs the court to provide notice of the type remedies the court may order to enforce a parenting plan. It provides that, if a party has violated a parenting plan, the court may modify the parenting plan or schedule, require the party to post a bond, require either or both parties to attend counseling, award attorney's fees to the prevailing party, or modify a spousal support order. It also provides that the Department of Health and Human Services may initiate an abuse and neglect investigation under RSA 169-C based on parenting plan violations, and it authorizes law enforcement to enforce court orders relative to residential responsibility for a child, including forcible entry and removal of children from a home.

The courts' prime enforcement tool is contempt. RSA 461-A: 4-a, entitled "Judicial Enforcement of Parenting Plan" speaks in terms of a motion for contempt or enforcement of an order where the courts can fashion the remedy to fit the case. With contempt, that remedy can reach all the way to imprisonment. Thus, the courts already have the necessary tools and this bill is simply redundant in this respect. But it is destructively aggressive in encouraging the use of law enforcement to forcibly remove children from their home as a partial penalty. It also misconstrues the definition of abuse and neglect in RSA 169-C in an attempt to make a violation of a parenting plan grounds for filing an abuse or neglect petition. Without a change in the definition, the Division for Children, Youth and Families (DCYF) could get copies of an order but have no ability to pursue them. Even if that were resolved, it presents a resource issue for the agency whose main mission is child safety. It would potentially pull the agency into ongoing marital disputes on a regular basis.

The courts have, with some significant success, managed conflicts inherent in failed relationships with dependent children coming before them. In the overwhelming majority of the cases, the parties are able to successfully navigate these dissolutions with the courts having to do little more than review and approve the relative responsibilities agreed upon. This bill brings an unnecessarily adversarial and potentially traumatic sledge hammer to situations that really require more awareness of the serious damage inflicted on vulnerable children by ongoing parental conflict. We cannot mandate maturity and should not enable vendettas. **Vote 12-1.**

COMMERCE AND CONSUMER AFFAIRS

HB 1153, relative to fire protection of floors in certain detached dwellings. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: In the name of "fire safety," HB 1153 would require 1½2-inch gypsum sheetrock to be installed on the basement ceiling of all new single or two-family homes or single or two-family homes with substantial renovations after January 1, or as an alternative, the bill would require an automatic sprinkler system to be installed in these circumstances. The committee heard testimony from builders who said in many New Hampshire basements, it would be impossible to install sheetrock on the basement ceiling and still meet occupancy code standards due to clearance issues. In addition, when there are pipes or other obstructions on the ceiling, the requirement for sheetrock would be an expensive proposition. Also, sheetrock in the basement has a higher likelihood to develop health-hazardous mold, and would therefore have to be replaced frequently. Because the opportunities for installation of sheetrock in the basement are significantly limited and thus sprinkler systems would be the regular default, some committee members felt this bill was really just a back-door approach to require sprinklers in single and two-family homes. The legislature has already taken a strong position against the installation of these expensive sprinkler systems by inserting language into RSA 153:5 that says "rules shall not require automatic suppressant or sprinkler systems in detached one- or 2-family dwelling units in a structure used only for residential purposes." Builders testifying against this bill said the regulations required within it would kill what's left of a struggling building industry during tough economic times. This House has pledged to

do the opposite by reducing regulations, spending and taxation. Therefore, the committee thought it was best to uphold the legislature's clear positions and kill this bill. **Vote 16-0.** **HB 1157**, relative to signage at fuel service stations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F Headd for Commerce and Consumer Affairs: This bill eliminates the necessity of posting and displaying fuel prices on pump toppers on top of all fuel pumps in New Hampshire if the gas stations have the prices posted on large signs at the street. Eliminating the pump toppers ensures that the consumer is looking at the current price on the electronic dispensers rather than the toppers. Toppers can be tampered with and are also a redundant posting of the price of fuel. The amendment insures that toppers may continue to be used. **Vote 13-0.**

HB 1172, authorizing nano brewery licensees to sell their products at farmers' markets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill, as amended, accomplishes two things. First, it enables nano breweries, brew pubs, and beverage manufacturers to sell their products at New Hampshire farmers' markets, should said markets care to carry their products. Second, it establishes a category of alcohol consultants in our liquor statutes to allow in-home wine, beer or liquor tasting parties for the purpose of educating consumers about their product. The bill, as amended, places clear requirements and restrictions on that activities of holders of alcohol consultant licenses. **Vote 18-0.**

HB 1208, relative to restrictions on beverage manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean M McGuinness for Commerce and Consumer Affairs: In its original form this bill was introduced to accomplish three things relative to advertising in general, labeling of NH product and defining serving size parameters relative to nano breweries or brew pubs. Over the course of three work sessions the bill received much attention, testimony and participation. The bill in its final form as amended maintains restrictions on billboard advertising and further qualifies other forms including restricting targeted advertising directed at schools, colleges and persons under the age of 21. Further, the bill defines product labeling requirements for beverages manufacturers such as nano breweries that sell exclusively in the State of New Hampshire exempting these producers from costly and time consuming federal labeling approval. **Vote 18-0.**

HB 1228, prohibiting the sale of grave markers and memorial markers by funeral directors. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill was introduced to separate funeral establishments from marker sales by amending RSA 325:44. It was noted that while some funeral establishments do engage in this commerce, there did not seem to be a compelling reason submitted not to continue doing so. Funeral establishments offer a variety of services to their clients and to carve out this one service in a free market would be construed as anti-competitive. Federal law bans a funeral home from charging extra to provide pass through services such as grave markers. There were not complaints submitted by consumers and the committee felt that an ITL was in order. **Vote 15-0.**

HB 1231, repealing the prohibition on the sale, gift, or display of certain young birds and rabbits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This bill as amended repeals a law that requires any person who wants to buy baby chickens, geese or ducks to purchase at least 12 of these creatures when they are below four weeks of age. If this bill passes, people can purchase any number of young birds, which is more compatible with local ordinances that limit the number of birds a person can own on their property to less than 12 as well as households that don't need as many eggs as 12 chickens provide. The amendment ensures that young rabbits, for biological reasons, can still not be purchased before they reach four weeks of age. While well intentioned, RSA 437:15's limitation on the sale of young birds creates a serious problem for the growing number of people interested in raising a small flock

of chickens, ducks or geese on their land, and the businesses that sell such birds. By repealing the restrictions on the sale of these birds in RSA 437:15, New Hampshire citizens will be able to purchase chicks (and goslings or ducklings) from a few days old to raise and then provide eggs for their families, a trend that has been noted in the Wall Street Journal and Southwest Airline's Spirit magazine as good for business. Here in New Hampshire, raising anywhere from three to three-dozen chicks (or goslings or ducklings), or more, requires heat and other care until they have enough feathers and body weight to regulate their own temperature. This bill does not repeal a law requiring stores that sell young birds to also sell the equipment necessary to keep the birds healthy and to use while holding the birds as stock (RSA 437:16), nor does it repeal a law prohibiting the artificial coloring of young birds or rabbits (RSA 437:14). People interested in starting a small flock can learn more about the care of young birds from several sources, and the law still encourages them to do so. This bill will allow for citizens to develop a greater connection to New Hampshire's rural past and to our always-important food supply. Self-reliance, enjoyment and breakfast—what could be better? **Vote 16-0.**

HB 1236-FN, relative to ownership and operation of liquor licensees. **REFER FOR INTERIM STUDY.**

Rep. Sean M McGuinness for Commerce and Consumer Affairs: This bill was introduced in consideration of nano breweries, brew pubs and in fact all NH beverage manufacturers allowing them to operate up to five additional locations under a single liquor license. The bill also attempts to repeal restrictions in the code (RSA 179:11, III – IV) which prohibits employment and/or participation in the business interests of more than a single beverage manufacturer, beverage vendor or distributor licensed by the NH Liquor Commission. The concept of multiple locations under one license was largely rejected by the committee, the prohibition against dual employment or multiple business interest was found to be a more complex matter insofar as it affects many aspects of the law and a delicate balance between licensees in our three tier NH system. **Vote 17-1.**

HB 1243, establishing a committee to study the requirements of the deposit of certain checks. **INEXPEDIENT TO LEGISLATE.**

Rep. David J Palfrey for Commerce and Consumer Affairs: This bill is the result of an individual not being able to deposit a check at his local NH bank payable to him as trustee of his own revocable living trust. Subsequently the individual was advised of a procedure that would eliminate this problem by having the check issued differently which did work for the individual. Since there is a procedure under the UCC that, if followed, allows for cashing a check issued by a trust, the committee felt there was no need for a committee to study a problem that did not exist. **Vote 16-0.**

HB 1262, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction. **REFER FOR INTERIM STUDY.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This bill would declare blood samples, fingerprints or DNA samples a form of unreasonable identification, which banks could not use to verify a person's identity prior to cashing a non customer check. Some members of the committee expressed concern that this bill would place undue burdens on bankers' use of technology to ensure the security of their customers, and that customers who did not like such practices could bank somewhere else. The bank is liable if they cash a stolen check and check fraud is increasing in recent years. However, some other members of the committee said that some uses of technology are unethical, and it is the job of the state to protect the rights of all citizens from these unethical uses, particularly when the technological incursion involves a person's own biometric data, which is widely considered in Natural Law to be his or her own property. Ultimately, however, the committee recalled its action earlier this year to Interim Study HB 244, which would restrict the collection of biometric data by state agencies and private entities, and provide a private right of action for the misuse or unlawful collection of biometric data. The committee felt that since the bankers' use of biometric data had come up again, it would only be right to study it alongside

HB 244 as an issue of higher urgency among potential issues with the use of biometric data. The committee has pledged to truly study this issue and make a recommendation to the next Legislature, so this bill's Interim Study is not so-called "death with dignity," but a true effort to search for the right answers. **Vote 16-0.**

HB 1359, relative to exceptions for municipal regulation of hawkers and peddlers.

INEXPEDIENT TO LEGISLATE.

Rep. David J Palfrey for Commerce and Consumer Affairs: The intent of the bill is to control door to door sales persons. It would take away control from local communities interfering with how they regulate their businesses. The subject of the bill is also before another committee. **Vote 16-0.**

HB 1370, making technical changes to the New Hampshire real estate practice act.

OUGHT TO PASS.

Rep. Sean M McGuinness for Commerce and Consumer Affairs: This bill was requested by the New Hampshire real estate commission and was presented as needed house keeping legislation applicable to RSA 331-A:25 f and RSA 331-A:26 XXII. The bill is straight forward and does two things. First, it clarifies those ministerial acts of a licensee (Broker or Sales Person) acting in the capacity of a "facilitator" does not form an "agency" relationship in a real estate transaction. Second, it requires a licensee who has an ownership interest in a property being sold or leased, to disclose that fact to buyer or a lessee. The committee believed that these were reasonable technical changes consistent with the intents and purposes of Real Estate Practices Act, Chapter 331-A. **Vote 13-0.**

HB 1409, relative to definitions under the Uniform Securities Act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David J Palfrey for Commerce and Consumer Affairs: As introduced, HB 1409 makes various changes to definitions under the Uniform Securities Act. This bill is a request of the bureau of securities regulation. The impetus of the bill was the FRM scandal and is an attempt to address some of the legal questions of what is an investment contract. The amendment clarifies that in the definition of "security" that changes certificates of deposit to certificate of deposit for a security. This was a request of the banking department so that the definition did not draw in all certificates of deposit. **Vote 15-0.**

HB 1410, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: The amendment which replaces the bill makes changes to the state's securities statute in order to strengthen investigative powers and hearing procedures related to possible securities fraud or deceit. The definition of "willful" or "willfully" is added to make it clear that the individual is aware that his or her actions are in violation of the law but that "evil motive" is not required in order for the law to be in forced. Hearing procedures are expanded to specify the time frame for investigation and to improve oversight of said procedures to ensure that cases do not fall victim of inaction. The amendment makes two changes to the penalty section and moves a violation of a specific part from a felony to a misdemeanors for a first offense if committed by an individual. **Vote 16-0.**

HB 1411, establishing a committee to study small brewer relationships with distributors. **INEXPEDIENT TO LEGISLATE.**

Rep. James F Headd for Commerce and Consumer Affairs: The intent of this bill was to establish a committee to study brewer relationships with distributors. During the committee hearing the sponsor's concerns were issues in Massachusetts and he did not articulate or enumerate any real issues with the current New Hampshire law. There are contractual arrangements between brewer and distributor to insure the three tier system is maintained and that no brewer can control the market. **Vote 13-0.**

HB 1439, establishing a committee to study sprinkler requirements in nightclubs.

INEXPEDIENT TO LEGISLATE.

Rep. Donna L Schlachman for Commerce and Consumer Affairs: The committee heard from the state fire marshall that issues around fire sprinkler requirements for nightclubs as well

as other public venues has been studied since the late 1800's with the focus always on reducing risk. A study by the National Fire Protection Association, conducted after the tragic fire at Rhode Island's Station Nightclub, led New Hampshire to adopt the temporary interim amendment to the life safety code and most nightclubs in New Hampshire have sprinkler systems. New Hampshire has in place a clear process for seeking a variance for sprinklers. The committee was given specific examples of public venues that have obtained variances, and the reasons for these, and examples of others that did not receive a variance. There is a clear appeals process, and the committee did not feel further study is warranted. **Vote 13-0.** **HB 1471**, relative to authority for opticians to replace eyeglasses. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This bill would allow an optician to reproduce existing spectacle lenses without a new prescription from an optometrist. The current statute as written is confusing, but already allows this to happen. The committee heard testimony from opticians who said it is incorrect to interpret RSA 327-A:1 as a requirement for a person to get a new prescription after 24 months. They said RSA 327-A:1, while poorly written, allows any person to replace their broken spectacle lenses without a prescription at any time. In fact, the law allows a person to purchase replacement lenses for any reason at any time without a prescription. Therefore, this bill is not needed. **Vote 16-0.**

HB 1493-FN, relative to copayments for certain specialists. **REFER FOR INTERIM STUDY.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill declares that an insurer shall not charge a copayment, coinsurance or office visit deductible for certain specialists that are greater than that paid for an office visit to a licensed physician or osteopath. The committee heard testimony which noted that copayments are not being equitably distributed yet we also heard that copayments are based on the contract signed by the employer so that if for example, physical therapists are paid at a higher rate than physicians there will be definite cost implications. It was the committee's opinion that there were more issues to address and voted this bill to interim study. **Vote 13-0.**

HB 1500-FN, relative to on-premises liquor licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: The intent of this bill was to simplify the licensing and requirements of on-premises liquor licenses. Since current law requires food to be served at all restaurants certain businesses fall under a myriad of license exceptions based upon certain services they provide (pool halls, tennis courts, etc.). This bill attempted to carve out a food exception that would benefit many licenses but would have a negative impact on approximately 890 licensees state wide and cause a revenue loss to the state. The committee felt ITL was in order. **Vote 17-0.**

HB 1600-FN, relative to collection notification practices. **INEXPEDIENT TO LEGISLATE.**

Rep. Sean M McGuinness for Commerce and Consumer Affairs: This bill was intended to address unfair, deceptive or unreasonable debt collection practices relevant in connection with residential property inspections. The complaint being that field agents employed by banks and other direct creditors are sometimes in the practice of leaving notes on the premises of a property in foreclosure that requests the occupants to contact the creditor. Evidence shows that these field agent notifications are inspection related and are more concerned with issues of occupancy, property condition, vacancy and/or abandonment of the property rather than any true collection effort. The committee considered testimony that any new law codifying an entire new set of definitions and regulations was unnecessary given that New Hampshire already has some of the most restrictive collection laws in the country. The FDCPA (Federal Debt Collection Practices Act) and new regulations found in the Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act" Pub. L.111-203, H.R. 4173) were more than sufficient to regulate and enforce any real or perceived unfair, deceptive or unreasonable debt collection practices. **Vote 13-0.**

HB 1628-FN-L, relative to compliance with fire safety and state building code requirements by municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: The committee, after hearing testimony, realized that municipalities already maintain control over when they purchase equipment and that this bill was unnecessary. This information was provided by a Durham Fire Chief and found to be true in many communities. The people of NH vote on capital purchases at town meetings and local election days giving them the opportunity to approve or disapprove of such purchases. **Vote 17-0.**

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

HB 1194, relative to the text of Article 73-a of Part II of the New Hampshire Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The committee appreciates the sponsor's concern that in 1978, the people who voted on Article 73-a, did not get to see the entire article text when they voted, and perhaps were not aware of the last sentence of the proposed constitutional change, "The rules so promulgated shall have the force and effect of law." The legislature passed RSA 663:3 in 1979 as a direct result of this lack of clarity, but the vote taken in 1978 was certainly legal at the time. Directing the Secretary of State to simply remove the last sentence by legislative fiat, as this bill seeks to do, would be an unconstitutional change to the current text. **Vote 13-0.**

HB 1536, relative to the preservation of religious freedom. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C Itse for Constitutional Review and Statutory Recodification: The committee believes that the protection of civil rights is vital to the preservation of our Republic of which religious liberty is only one to this end, the committee has recommended for interim study HB 1542 to enable protection of all of our civil liberties from government interference, and will use this as a vehicle to improve our current civil rights statutes, 354:B. **Vote 13-0.**

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joshua C Davenport for Constitutional Review and Statutory Recodification: This bill addresses the second purpose of your Constitutional Review and Statutory Recodification committee. In this case, the Recodification was focused on legislation that has expired due to a terminating date. The committee received input from executive agencies and limited that repealed language to instances where there was no objection to repeal. Unanimous. **Vote 15-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1220, repealing the criminal history record and protective order check for the sale of firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill would have repealed the criminal history and protective order check for the sale of firearms. In 2010 New Hampshire had sixteen homicides, half of these were domestic violence related. This bill would have removed the protection afforded to those individuals who have obtained a domestic violence or stalking order from the court. Also in 2010 the department of safety's gunline stopped 370 individuals, who could not legally possess a firearm in New Hampshire, from making firearm purchases as a result of gunline checks. It was also pointed out that these protective orders are not fully filled out making identification of the defendant difficult. These protective orders, more than 200 of them, cannot be forwarded to the federal system. This bill was opposed by advocates on behalf of New Hampshire gun rights organizations as well as domestic violence support groups. **Vote 15-2.**

HB 1240, relative to license suspensions for refusal to consent to an alcohol test. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis H Fields for Criminal Justice and Public Safety: This bill, as amended, authorizes the commissioner of the department of safety to allow that a license suspension

for refusal to consent to an alcohol test run concurrently if the license has been suspended or revoked for 10 years, and the person meets requirements established by RSA 265-A:14. The committee agreed the commissioner of department of safety have discretion in these final matters. **Vote 16-0.**

HB 1304, relative to the waiver of financial responsibility requirements for certain habitual offenders. **OUGHT TO PASS.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill amends RSA 262:22, II, the law that requires a decertified habitual offender to file an SR 22 proof of insurance for 3 years after being decertified. This bill authorizes a waiver of that requirement in certain situations. To be eligible for a waiver under this bill, the habitual offender will be required to demonstrate that he/she has not driven in violation of the habitual offender order and has not held a license in 5 years or more. Moreover, the person must demonstrate good cause to obtain a waiver. This bill provides some discretion to a mandatory requirement that can be unduly burdensome to a person who has been a habitual offender for a lengthy period of time, and therefore, without a valid license. In addition, it limits the waiver to those individuals who have demonstrated that they are entitled to such a waiver, by their good behavior in not driving illegally. Consequently, this bill does not compromise public safety because only a person who has not violated the habitual offender order may qualify for a waiver. Moreover, the time period of 5 years exceeds the maximum sanction of 4 years to be a habitual offender. Therefore, qualifying individuals will have served more than the maximum habitual offender term before they qualify for the waiver. This bill is a fair and rational policy change. Finally, by requiring that good cause be shown, a waiver will not be granted to an undeserving individual or to someone who presents a public safety risk. The New Hampshire department of safety is in favor of this bill for the reasons stated. **Vote 15-1.**

HB 1327, relative to official oppression. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill revises the offense of official oppression by making it either a Class B misdemeanor or a violation, depending on whether a public servant acted with a purpose to benefit himself, herself, or another, or to harm another. Further, it establishes a chain of notice once the alleged violation is received **Vote 15-1.**

HB 1423, relative to justification for use of deadly force in defense of another.

INEXPEDIENT TO LEGISLATE.

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill removes the requirement that a person not be the initial aggressor in order to legally use deadly force in defense of another. Reversing what was previously passed in SB 88, both the Attorney General and the NHACLU supported the ITL, as well as the department of safety. **Vote 16-0.**

HB 1438, relative to confidentiality of police personnel files. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: Personnel files for police or anyone else should be confidential. The committee was told there are already laws on the books that address this issue. This bill is not necessary. **Vote 16-0.**

HB 1499-FN, relative to criminal coercion. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for Criminal Justice and Public Safety: The sponsor suggested that we find this bill Inexpedient to Legislate and we have complied with the sponsor's request. **Vote 15-0.**

HB 1514-FN, establishing the crime of oppressing an inhabitant's free exercise of rights. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill would lead to a flurry of legal actions and honest public servants being accused of vague offenses and costing the public officials and the communities who employ them. There are already numerous federal civil rights statutes that provide severe criminal and civil penalties for obstructing,

intimidating or injuring a person in the exercise of a constitutional right and these cases can be brought in state as well as federal court. This bill is clearly over the top and not needed and once again singles out public servants as the only people it would prosecute for doing anything that someone feels would be official oppression. **Vote 13-0.**

HB 1518-FN, relative to penalties for certain sex offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H Fields for Criminal Justice and Public Safety: This bill would amend RSA 632-A:2, aggravated felonious sexual assault. There were problems with the language in the bill. Furthermore the committee felt that the increased penalty, which mandates life imprisonment, might not be appropriate. The bill would change 20 years to 40 years for aggravated felonious sexual assault. **Vote 14-1.**

HB 1520-FN, prohibiting law enforcement officers from failing to investigate criminal complaints against public servants. **INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L Parsons for Criminal Justice and Public Safety: This bill would charge a police/law enforcement officer with a misdemeanor for failing to investigate a criminal complaint against public servants. To put a law enforcement officer in a position of becoming a criminal him or herself is a very bad idea. The complaint could be against a police chief, selectman or other public official, which in most cases would be their employers. These complaints should be investigated by the county attorney or the attorney generals office. **Vote 16-0.**

HB 1523-FN-L, relative to the return of personal property seized by law enforcement agencies from a person charged with a crime. **REFER FOR INTERIM STUDY.**

Rep. Robbie L Parsons for Criminal Justice and Public Safety: This bill establishes procedures for the return of personal property. The House passed HB 225 to the Senate. The Senate has passed HB 225 with amendment and we will have another chance to vote on this issue. We feel that HB 1523 should be sent to interim study waiting on HB 225. **Vote 13-3.**

HB 1524-FN, expanding the definition of official oppression. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H Fields for Criminal Justice and Public Safety: This bill would amend RSA 643:1, Official Oppression. Under current law, it is a misdemeanor for a public official to misuse his or her position by knowingly committing unauthorized acts. The effect of expanding RSA 643:1 would be bad public policy to criminalize governmental actions not tainted by some element of improper motives, such as wrongfully benefiting or harming another. The committee felt this change would subject every public servant to potential liability for every discretionary decision, to act or not to act, also this would unreasonably mean liability would have a severely, negative and chilling effect on the willingness of highly qualified people to serve our great state in our government. This bill would take away all laws. **Vote 13-0.**

HB 1527-FN, exempting cultivation of marijuana from manufacturing under the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Phil J Greazzo for Criminal Justice and Public Safety: The committee believes allowing the cultivation of marijuana to be exempt from the criminal code would be a mistake. This would open up a flood gate of growing operations which would likely fund the criminal element instead of law abiding citizens. Providing a funding source for the criminal element is a dangerous proposition. If we were ever to allow this type of legislation, the model of taxation and regulation would put this matter squarely in the hands of government and reputable businesses. **Vote 15-1.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: The bill establishes a penalty against attorneys in the Attorney Generals Office and the county attorney's office for failing

to prosecute a person who has committed an offense related to falsification in official matters. The committee feels that this bill is too broad in interpretation. **Vote 16-0.**
HB 1531-FN, relative to prosecution for victimless crimes. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill creates an affirmative defense to any felons or misdemeanors if there was no victim of the crime. The committee has no definition of "victimless" crime and became too broad in incorporating corporations as "persons". **Vote 14-2.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: The fallout of having a compromising photograph be widely spread through a school or educational setting is severe enough to teach a lesson to the individual and their peers without involving the justice system. The application of harsh penalties in these situations is not productive and an educational approach should be pursued. **Vote 14-2.**

HB 1568, relative to imposition of consecutive sentences. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert M Fesh for Criminal Justice and Public Safety: This bill would prevent a judge from imposing consecutive sentences when more than one offence has occurred separately. The judge needs to have discretion on each charge. This bill is not needed and will cause more harm than good. **Vote 16-0.**

HB 1604-FN, relative to penalties for motor vehicle accidents involving death or serious bodily injury to a pedestrian. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill would have added Draconian criminal penalties to drivers who cause serious bodily injury or death while driving, even if the accident is without intent. This would change the penalty for a second offense from a misdemeanor to a Class B felony, punishable by 3.5 to 7 years in prison.

Vote 16-0.

HB 1615, relative to industrial hemp. **OUGHT TO PASS.**

Rep. Phil J Greazzo for Criminal Justice and Public Safety: The committee recognizes the historical significance hemp has played in the establishment of our great nation and believe it's time for New Hampshire to take a stand in urging the federal government to allow our farmers, industries, and businesses, to once again put this crop back into service. If one cared to translate the name "New Hampshire" to modern English, you would realize we're living in New Hemp County. HB1615 "shall only take effect upon certification by the Drug Enforcement Agency to the secretary of state and the office of legislative services that at least 2 of the 6 New England states have adopted similar legislation prohibiting industrial hemp from being designated as a controlled substance". The wording is intentional in that it separates industrial hemp (which contains less than 0.3% THC) from its botanical cousin, marijuana, (which contains the amounts ranging from 8-20%) as was the original intent of Congress in 1937. This is evidenced by their later "Hemp for Victory" campaign during WWII, urging farmers to grow hemp for the war effort. During that time 400,000 acres of Hemp were cultivated between 1942 and 1945 for rope, canvas, uniforms, and other products needed by our military due to the loss of supply from the Philippines falling to the Japanese. Hemp was last grown in New Hampshire during the 1950's. It's time to return this invaluable crop to our agriculture. **Vote 15-1.**

HB 1665-FN, adopting the model drug offender accountability and treatment act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This is a bill that has been amended to provide a guideline to the counties that may want to establish a "drug court." It includes a statement of purpose that includes policies and goals. Another section suggests how to implement the drug court including 10 key components as outlined in the Model Drug

Offender Accountability and Treatment Act and as defined by the United States Department of Justice. Currently Strafford County and Rockingham County have established drug courts and both support this legislation. **Vote 13-2.**

EDUCATION

HB 1139, making changes to the unique pupil identification system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: This bill would allow parents to have access to whatever information is being kept about their children in the unique pupil identifier data warehouse. A person over age 18 would have access to their own information and would simply need to request the information at the last school attended. Also included in this bill is the ability for parents of home-schooled children to decide if they want to opt-in to the unique pupil identifier system rather than having to opt-out. **Vote 14-0.**

HB 1148, requiring the teaching of evolution as a theory in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A Pitre for Education: Pursuant to RSA 189:1-a II, elected school boards are responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. This bill is contrary to this statute and would affect local control of school districts and make this bill unnecessary.

Vote 16-0.

HB 1167, repealing the 180 day school year requirement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education: This bill as amended maintains the 180 day school year. If a school district determines that it is necessary to modify the school calendar through the use of equivalent days, then the decision to determine the length of an equivalent school day shall be determined by the local school board. The bill changes current statutory language that requires the school board to follow the equivalent number of hours as required in the rules of the department of education, and assigns responsibility to the local school board.

Vote 15-0.

HB 1199, relative to school district voting on school building projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education: The issue of qualification, process, and distribution of school building aid grants is extensively designed and addressed in HB 604, already passed by the House and HB 533 presently in Finance. SB 383, currently in the Senate, also addresses process criteria, and conditions relevant to this issue. The committee believes that this bill does not address the numerous components of school building aid grants and is, therefore, unnecessary, as the issues are better addressed in the other bills. **Vote 16-0.**

HB 1202-FN, relative to tuition payments for chartered public school students attending out-of-district regional vocational education centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A Balboni for Education: The goal of the original bill was to clarify current law in regard to who pays the local portion of the tuition obligation when a chartered public school student attends a program or course of study at a regional vocational education center outside of the student's resident district. According to RSA 188-E, the state and the district in which the student resides are to share the tuition cost in a 75% state and 25% district split and it has been ongoing practice for the student's district of residence to pay the local tuition portion. However, a situation arose recently where a chartered public school student's district of residence refused to pay the local tuition portion to an out of district regional vocational education center. Cited in defense of this non-payment was the definition of the "sending district" provided in RSA 188-E:2. It reads: "Sending district' shall mean a school district where students reside, and for whom said district has tuition responsibility, who attend a regional center, regional course, or alternative education program other than within the district itself." The district now refusing to pay the local tuition portion interpreted this definition to require both clauses (district where student resides, and the district that has

tuition responsibility) to be tests for whether or not a district is labeled the “sending district”. Since the resident district claimed that they did not have tuition responsibility for the charter school student (it is a state-approved, not a district-approved chartered public school), the district was not the “sending district” and, therefore, did not have to pay the 25% local tuition portion. This interpretation, however, is unique and differs from original legislative intent and ongoing practice where only the first clause is the test (the “sending district” is the district where the student resides) and, if true, then that district is the “sending district” and has the 25% tuition responsibility. A subcommittee deliberated over several days to determine how best to meet the original intent of the state-local partnership regarding vocational education center tuition payments without changing the entire Chapter 188-E. The solution is the committee amendment which replaces the title of the bill and its entire contents. The amendment clarifies the original legislative intent by clearly defining the “sending district” as the “school district where students reside”. And it clearly states the original legislative intent that “If a student attends a chartered public school the sending district shall be the school district in which the student resides.” By clarifying this definition in RSA 188-E:2, RSA 188-E:6, II becomes crystal clear where it states: “the sending school district shall be responsible for 25 percent of the full tuition”. **Vote 17-0.**

HB 1382, including parents in the approval process for alternative learning plans and requiring a truant officer to obtain a warrant or permission of a parent prior to returning a child to school. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick M Ladd for Education: Current law requires alternative learning plans to be developed in consultation with the pupil, child’s parent, school guidance counselor, and school principal. Final approval must come from the school district superintendent. This is because the school district is ultimately responsible for implementation of the alternative learning plan and its cost. HB 1382 would change this process by providing a bypass around the superintendent and make the child’s parent the one who has the final approval authority. The committee believes this is poor public policy on two counts. First, the entity with the ultimate responsibility should be the one to have final approval authority, in this case the superintendent since success or failure of the alternative learning plan is the responsibility of the school district. Second, the parent is already involved in the development of the alternative learning plan. The bill would make parental approval of their own plan a redundant exercise. **Vote 15-1.**

HB 1417, relative to a student's freedom of association. **OUGHT TO PASS.**

Rep. Laura M Jones for Education: This bill provides that no institution within the university or community college systems of New Hampshire shall prohibit, as a condition of admission or continued enrollment, any student from becoming a member of any group or organization. During the public hearing, the committee became aware that the infringement of a student’s freedom of association had been an issue in New Hampshire, and this bill would prevent it from occurring in the future. This bill does not prohibit colleges and universities from dealing with student behavior that runs contrary to school policy. **Vote 15-0.**

HB-1456, relative to school district policies on health and sex education. **OUGHT TO PASS.**

Rep. Rick M Ladd for Education: Current statute requires school districts to adopt a policy allowing a pupil or the parent of an adolescent to opt out from a unit of health or sex education instruction based upon religious objection. This committee has received numerous testimonies that an exception should further include matters of conscience or other considerations. **Vote 16-0.**

HB 1457, relative to scientific inquiry in the public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A Pitre for Education: Under RSA 189:1-a II, elected school boards are responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. This bill is contrary to this

statute and would affect local control of school districts. This makes this bill unnecessary. **Vote 16-0.**

HB 1467, relative to educational requirements for teacher certification. **REFER FOR INTERIM STUDY.**

Rep. Kathleen A Lauer-Rago for Education: The issue of teacher preparation is one that the committee feels deserves more attention than the committee has time to devote to it. A couple of concerns, for example, are that the State of New Hampshire has no-bid teacher preparation assessments and said assessments do not appear to be reflective of best practices in the country. **Vote 16-0.**

HB 1516-FN-L, relative to the instruction of English and mathematics for pupils in kindergarten through grade 3. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Balboni for Education: The original purpose of the bill was to achieve the goal of producing students who are entering fourth grade who are proficient in English and Mathematics at the third grade level. These two subject areas are the fundamental foundation upon which all future learning builds upon. It is commonly understood that children in kindergarten through third grade are learning to read. And by the fourth grade they should be reading to learn. State assessments (the New England Common Assessment Program, NECAP) have shown that since 2005 approximately 70+% of New Hampshire public school students have scored proficient or above in reading and 65+% in math. But these results mean that approximately 30% of fourth graders cannot read or do math at the minimum state standard for proficiency at the third grade level. In an attempt to improve third grade reading proficiency, the current legislature changed the state education adequacy aid going to local municipalities by including an additional \$675 for each third grade student who is not proficient in reading. The presumption is that the local school districts will use that additional money to help these children learn to read at grade level. However, current law and the funding formula do not specify how these additional funds should be spent. A municipality receiving these funds could spend the money on any perceived greater need in the municipal budget. HB 1516 is an attempt to focus local school districts to intensively teach English and Math to K-3 students. It prescribes specific instructional hours required for each school day. It requires extensive ongoing assessments of each student's progress toward proficiency. And it requires customized education programs for students who are not making sufficient progress toward proficiency in English or math. Such a change in current local education practice would be difficult. Several obstacles need to be overcome, and issues worked through before such an intensive form of instruction could be properly implemented. However, education subcommittee and the full committee determined that there was not enough time to amend the bill in a way that would provide the necessary incentives, assessment methods, and corrective actions necessary to ensure that all our K-3 children become proficient in English and math to the greatest extent possible. There is agreement on the goal of the bill, but the specifics on how to get there will need more legislative work. The hope is that the next legislature will take up this important task. **Vote 17-0.**

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor. **OUGHT TO PASS.**

Rep. Ralph G Boehm for Education: This bill is the same as HB 375 that passed this House last year and was amended by the Senate. The amendment in the Senate was not agreeable to the House, and the bill died in the committee of conference. The committee, in a strong bi-partisan agreement, believes that "the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others." (Judiciary Committee Report, House Record Vol. 33, No. 15, February 18, 2011). Testimony from teachers and administrators received by this committee confirmed that, due to the lack of parental support and the threat of lawsuits, teachers are afraid to intervene when students exhibit disruptive or violent behavior, possibly resulting in harm to themselves or others. **Vote 14-2.**

HB 1589, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: This bill establishes a committee to study and propose a recodification of the education laws currently in RSA Title XV. The amendment changes the report due date to November 1, 2014. Since the education laws are extensive and have not been recodified for decades, the committee agreed that this task needs to be accomplished.

Vote 14-0.

HB 1637-L, authorizing a school district which uses official ballot voting to conduct a special meeting necessitated by changes in adequate education funding. **REFER FOR INTERIM STUDY.**

Rep. Ralph G Boehm for Education: In the past when the education adequacy funding formula was changed, it was allowed that towns could hold a special meeting to spend any additional revenue without having to petition the court. This bill would have put this into law so that every time the formula is changed, the special meeting section would not have to be in the funding bill. However, this bill only addressed official ballot law school districts. It is needed for all towns, not just SB2 towns, and it was felt by the committee that since this is not needed this year, it could be studied to have an all encompassing bill for next session. The department of revenue administration also recommended that this be done for all towns.

Vote 17-0.

HB 1712, relative to the teaching of the Bible in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J Gorman for Education: This bill requires the state board of education to establish an elective Bible literacy course for pupils in grades 9-12. The committee realizes school districts have the authority to create comparative religion courses incorporating a review of the Bible without violating our constitution. **Vote 17-0.**

HB 1715, relative to authorized regional enrollment area agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education: This bill would modify the law dealing with long term contractual agreements in an authorized regional enrollment area contract. It was determined that the contents of this bill are already covered in law and also specifically case law. **Vote 16-0.**

ELECTION LAW

HB 1232-FN, relative to prerecorded political messages. **OUGHT TO PASS.**

Rep. David M Pierce for Election Law: This bill repeals the ban on calling a voter whose name is on the federal do-not-call registry with prerecorded political messages. Political messages are permitted to be made under the federal do not call statute because political speech cannot be limited in this way because political speech has more first amendment protection than the commercial speech the statute was designed to target. Because our state law conflicts with federal law, it is appropriate to repeal the state law. **Vote 9-1.**

HB 1345, prohibiting party committees from selecting candidates for office. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph D Thomas for Election Law: The proposed bill would prevent political parties from filling vacancies on a ballot when an insufficient number of people file to be candidates to fill the available positions or when a candidate on the ballot is disqualified according to RSA 655:38. The present law allows these vacancies to be filled by people who support their parties' philosophy. The committee believes that political parties should retain the right to fill vacancies on their party's primary ballot. **Vote 18-0.**

HB 1673-FN, relative to complaints of election law violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan C DeLemus for Election Law: This bill as amended requires the attorney general to submit regular reports on election complaints to the General Court. It calls for a summary of each complaint to include date received, nature of allegation, date of alleged violation. 1)

A description of the response. 2) If no investigation of complaint, why? 3) The result of investigations and any actions taken. 4) Updates of unresolved complaints. It simply gets information to the legislature so that informed decisions can be made when considering any legislation. **Vote 18-1.**

HB 1681-FN, relative to reporting political expenditures and contributions. **REFER FOR INTERIM STUDY.**

Rep. Regina M Birdsell for Election Law: This bill was brought forth to bring more transparency into political expenditures and contributions arena by requiring any political committee whose receipts or expenditures in support of a candidate measure or political party exceeds \$500.00 by filing electronically. However, there were some concerns regarding the user friendliness of the secretary of state's website, so the committee decided to bring this bill to an interim study. The committee felt the bill has merit and would like to work with the secretary of state to look into feasible options for improving the website to allow a more transparent means into reporting political expenditures and contributions. **Vote 11-0.**

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees. **OUGHT TO PASS.**

Rep. Shaun S Doherty for Election Law: This bill would create additional political committee reporting periods and place in statute the pre-primary/exploratory phase of an election. In an effort to provide more transparency in our elections, political committees would now be required to file a report every 6 months during non-election years and quarterly in election years. This bill allows for a candidate to collect up to \$5,000 during the exploratory phase of an election, which occurs once their political committee is filed with the secretary of state and until they file to place their name on the ballot in June. A candidate would be able to collect an additional \$5,000 for the primary and for the general election phase of an election. The attorney general's office has repeatedly asked for legislative guidance as to the contribution limits and time periods, and this bill provides it. **Vote 17-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1127, relative to barbering apprentices. **OUGHT TO PASS.**

Rep. Randall A Whitehead for Executive Departments and Administration: This bill is business friendly, enables more citizens to become licensed barbers and presents no risks to customers. **Vote 13-0.**

HB 1142, relative to the electricians' board. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration: The committee intends to address the concerns of this bill in conjunction with SB 226. The committee feels that it is better to have one comprehensive bill regarding a particular licensed profession than multiple bills with the possibility of inadvertent conflict. **Vote 12-0.**

HB 1150, relative to examinations for licensure as a professional engineer or land surveyor. **OUGHT TO PASS.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill provides for proctored exams for professional engineers and land surveyors using an electronic format that replaces pen and paper formats. The bill replaces "oral" and "written" references with the word "proctored". All the committee's concerns with cheating, tampering, and the most current electronic test procedures were satisfied. **Vote 12-0.**

HB 1169, requiring the secretary of state to make a report of lands over which jurisdiction has been ceded to the federal government. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J Winter for Executive Departments and Administration: This bill would result in the opposite result of what it was written to accomplish. The secretary of state informs us that he requested a search of archives ten years ago to determine what paperwork had been filed by the federal government to accept ceded property from the State of New Hampshire. No such documents were found and as a result no land has been ceded to the federal government by the state. Since the secretary of state has been in office from well before that

search, he is also confident that no such ceding has taken place since that search. Passage of this bill could lead to potential adverse results in this issue. **Vote 12-0.**

HB 1173, relative to complaints against psychologists. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The subject matter of this bill has been entirely incorporated into the more comprehensive HB 1508 which is still in committee. Since this bill is now unnecessary, the committee recommends ITL. **Vote 12-0.**

HB 1187, establishing a commission to prepare for possible action in the event of a catastrophic occurrence that renders the federal government unable to function.

INEXPEDIENT TO LEGISLATE.

Rep. John Sytek for Executive Departments and Administration: This bill would establish a committee to determine possible action by NH in the event that the federal government is unable to function. The committee felt that this possibility was too remote to warrant state attention. It also felt that if any such catastrophic event were to occur, there would be far more contingencies than any such action plan could effectively address. For these reasons the committee recommends ITL. **Vote 10-0.**

HB 1248-FN, relative to emergency management compacts. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for Executive Departments and Administration: The bill sponsor requested that we ITL this bill as it was unconstitutional. We agreed with that request. **Vote 11-0.**

HB 1255, relative to the membership of the commission on primary care workforce issues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill, as amended, adds five additional members to the commission on primary care workforce issues, expanding the commission from twelve to seventeen members. The amendment corrects a grammatical error. **Vote 12-0.**

HB 1265, relative to criteria for the government regulation of occupations and professions. **REFER FOR INTERIM STUDY.**

Rep. Spec Bowers for Executive Departments and Administration: HB1265 would establish that anyone has the right to perform any occupation without a government license, unless and until the legislature establishes a compelling interest in protecting the public health and safety and that licensing is the least restrictive way to accomplish that protection. The committee was unwilling to accept that pronouncement for all professions, and accepts that review of appropriate levels of regulation for the various professions is a proper function of ED&A. Interim Study of HB1265 will provide the overall framework for evaluating professional licensing this session. **Vote 9-3.**

HB 1316, relative to continuing education for licensed electricians. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration: The committee intends to incorporate the content of this bill dealing with continuing education requirements for electricians into SB 226. The committee feels that it is the safer course to have one comprehensive bill regarding a particular licensed profession than multiple bills with the possibility of inadvertent conflict. **Vote 13-0.**

HB 1381, exempting note finders from licensing requirements for real estate brokers and mortgage brokers. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: This bill was requested by a constituent who was notified that he had to be licensed even though there appeared to be no statute to that effect. In the public hearing it became clear that note finders are NOT required to be licensed. The banking agency has written a formal letter to that effect, and the real estate board has never intimated that they were involved. The committee recommends ITL because the bill is not needed. **Vote 12-0.**

HB 1448, requiring public access to any document and Internet content which is incorporated by reference in administrative rules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill addresses how to guarantee a citizen's right to access administrative rules when such rules incorporate by reference documents and/or internet content. The bill: (1) adds a definition of "internet content" in RSA 541-A which governs administrative rules; (2) requires that agencies make a copy of any document or internet content incorporated by reference in administrative rules and make it available for inspection; (3) requires that the agency clearly identify where "internet content" materials can be found by the citizen; (4) crafts a narrow exception to RSA 541-A for the department of health and human services Medical Assistance Program "criteria for medical services and items" when these criteria are found only on the internet and are updated monthly. RSA 541-A currently requires that any undated internet content be printed, dated, and made available for inspection by the agency.. **Vote 14-0.**

HB 1502-FN, relative to appeal of abatement requests to the board of tax and land appeals. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill would require the board of tax and land appeals to investigate and decide fairly on appeals of property tax abatements. This is to address a perceived problem by some appellants that selectmen and assessors are given undue deference, which is not borne out by the facts. A recently instituted procedure requires the first step in an appeal to be mediation with the assessing authority, which has eliminated many frivolous appeals. The committee believes that current law properly sets the impartiality of the board of tax and land appeals and changes are not necessary. **Vote 12-0.**

HB 1538, relative to innovative cosmetic or esthetic treatments. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill regarding barbers, cosmetologists, and esthetics would have allowed them to use products to be used that were not for their intended purpose, and to allow treatments using animals as long as they didn't harm the animal. We decided that this would open too large of an exception to help public safety **Vote 11-1.**

HB 1573, establishing a committee to study the duties and responsibilities of the attorney general which are required in law. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: At the time this bill was filed there was some controversy as to what were the duties of the AG. The bill would establish a study committee to try to resolve the controversy. At this time that question is moot. It is not clear that the study committee could produce any useful results. Whatever work the committee might produce could be done equally well by any interested individuals. There is no apparent benefit to creating a committee. **Vote 10-2.**

HB 1593-FN, relative to the department of information technology. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T Hansen for Executive Departments and Administration: This bill repeals the impending repeal date of July 1, 2114 for the department of information technology. The committee felt there are a number of critical issues yet to be addressed and resolved and that it is necessary to grant specific rulemaking authority to insure success. The bill amends membership criteria by allowing designees rather than the heads of departments to be appointed to the information technology council, and adds certain public members to the council. The bill also amends RSA 21-R:4 adding 2 additional strategic tasks and grants very specific rulemaking authority to the commissioner to support specific tasks named in the bill. The commissioner or his designee is also added as a member to the advisory council on emergency preparedness and security committee. **Vote 12-0.**

HB 1602, removing the exemption for janitors from pesticide applicator licensing. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration Under present law commercial applicators of pesticides (i.e. those who apply pesticides professionally) are required to be registered under RSA 430:33. Janitors are exempt from this requirement both under law (RSA 430:46) and rule (PES 303.03). The types of pesticides considered in the exemption are ordinary, over-the-counter products such as RAID and ant traps. This bill would repeal that exemption on the grounds of protecting public health. However, all the testimony in support of this bill was anecdotal. There were no instances presented of personal injury. The hypothetical scenarios suggested seemed to be a reach. For these reasons, the committee concluded that this bill was not necessary at this time. **Vote 8-2. HB 1631**, allowing persons licensed to provide emergency medical services to work public gatherings and events. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B Schmidt for Executive Departments and Administration: The intent of this bill is to give clear legal status to EMTs serving as emergency medical personnel at public events where there is no other provision of coverage and where they are not present as part of their usual unit. After hearing from both the bill's sponsor and the EMT oversight board, the committee concluded that the bill is at best premature and very likely unnecessary. This is because the committee believes the existing statute and rules give the requisite authority for a resolution of the problem, which the EMT community has recognized for some time and is working to address. **Vote 12-0.**

HB 1668-FN, relative to an individual's right to access to all state government files concerning the individual. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T Hansen for Executive Departments and Administration: HB1668 would require upon request any state agency which has files or information pertaining to an individual to provide a copy of same upon request and allows for no exemptions, no provisions to redact other people's personal data, and no restrictions on the type of files to be provided. If passed this law may unwittingly jeopardize the privacy of innocent 3rd parties whose information may also be contained in the copied information. Further, agencies would be exposed to the unintended violation of HIPPA or the driver privacy act. A myriad of law enforcement, national security, homeland security and ongoing investigations' information may be compromised and justice denied by the passage of this bill. Current law RSA 91-A :5, IV protecting the privacy of individuals is in direct conflict with the intent of this bill. Current law provides generous access to information, files and records while protecting the individual and the mandates of many if not all state agencies. **Vote 12-0.**

HB 1687-FN, relative to state employee information available on the state transparency website. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would allow the Finance Committee to obtain the number of employees and their salaries to be posted on the state transparency website without their names. Currently during budget deliberations there is no easy way to get that information. The amendment changes the source from the Transparent NH web site to using data from GHRS database at DAS. The Transparent NH site is only posted once a year. The GHRS information is available after each pay period. **Vote 12-0.**

FINANCE

HB 1638, establishing a commission to study and recommend standards for downshifting and cost shifting from the state to counties, cities, towns, and individuals. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Keane for Finance: This bill established a commission to study and recommend standards for down-shifting and cost shifting from the state to counties, towns and individuals and to issue a report by November 1, 2012. After a discussion of other means of obtaining down shifting cost data the committee voted unanimously 20-0, to ITL. **Vote 20-2.**

FISH AND GAME AND MARINE RESOURCES

HB 1551, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Benjamin P Lefebvre for Fish and Game and Marine Resources: HB 1551 as amended makes changes to RSA 212:34, The duty of care law. This bill came about after a lawsuit was brought against a New Hampshire farmer in which the plaintiff claimed he was injured after a landowner was negligent in giving permission to use a deer stand and hunt on his property. This lawsuit was eventually dropped but not after considerable undue personal and financial stress was endured. This lawsuit sent a shockwave through the landowner, farm, forest and outdoor recreation community and acres upon acres of private land that was previously open for recreational purposes was in threat of being closed. This bill as amended states any land owner, lessee, manager or holder of an easement who allows hunting, fishing, trapping camping, fuel wood removal or other recreational activities owes no duty of care to keep premises safe for entry. This however does not limit the liability that comes from malicious action or injury suffered where services are provided for a monetary charge. This bill as amended also adds payments of attorney's fees and court costs by the losing party in an attempt to reduce frivolous lawsuits. **Vote 13-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1340, relative to reimbursing chiropractors. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: Upon consultation with the House Commerce Committee it was determined insufficient evidence had been presented to justify a legislative directive ordering insurers to directly reimburse practitioners of chiropractic medicine. **Vote 18-0.**

HB 1519-FN, requiring hospitals to provide Medicaid patient outpatient services at outpatient Medicaid rates for certain hours. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: The runaway costs of health care delivery are a result of incomplete philosophy as well as lack of a rational payer accountability. The rates paid system will need more detailed attention than the bill offers **Vote 18-0.**

HB 1596, relative to the membership of the advisory council on child care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: The amendment clarifies membership in the advisory council on child care and allows for replacement of members lost through dissolution of the appointing body. It further adds the Health & Human Services Oversight Committee to those receiving reports. **Vote 18-0.**

HB 1599, relative to mammography. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: While the committee was moved by the testimony relating to an unfortunate radiology outcome, expert testimony convinced the committee the current medical standard of practice was more than sufficient to guard breast health by physicians. **Vote 13-3.**

HB 1614, establishing a committee to study the public health implications involved with the imposition of the energy provisions of the state building code. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: Unhealthy buildings prompted this request for a study of building codes allowing new construction to rot away before the mortgage can be retired. Testimony offered the International Codes Council overseer of the codes as paying attention to this distressing and costly problem mitigating the need for a study committee. **Vote 18-0.**

HB 1618, relative to fire safety standards for community living facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: This measure relieves home based care givers from having to provide what are now disqualifying fire protection measures when contracting to provide services. **Vote 17-0.**

HB 1640, establishing a committee to study application requirements for nursing home patients seeking respite care. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: The committee wishes we could affect changes in regulations of the Medis but these regulations are a federal matter best adjusted by pressure from the congressional delegation. **Vote 17-0.**

HB 1644, relative to the regulation of home health care providers by the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill requires that individuals who are providing private in-home care services such as personal care, companionship or homemaking services for compensation must have a criminal background check and be registered with the state. Registration will be an annual process. Registration is not required of family members who are providing care for compensation. The committee believes that this legislation will be a positive step toward protecting vulnerable individuals who require community support. **Vote 17-0.**

JUDICIARY

HB 1223-FN, relative to remedies under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: This bill will help enhance transparency of government by holding public officials accountable for egregious violations of New Hampshire's right-to-know law (RSA 91-A). The committee heard significant evidence of RSA 91-A violations by public officials, including lawsuits where citizens prevailed in court at their own cost, only to have public officials continue to ignore the law. This bill allows citizens who file legitimate lawsuits for RSA 91-A violations to recover their legal expenses if the court finds that the lawsuit was necessary to force compliance with RSA 91-A or to address a purposeful violation of RSA 91-A. It also allows the court to remove those public officials from office who violate RSA 91-A knowingly and in bad faith. Finally, the bill allows municipalities to recover legal fees from plaintiffs who file frivolous RSA 91-A lawsuits and from public officials who are found to have violated the law knowingly and in bad faith. **Vote 12-0.**

HB 1252, relative to required documentation of ownership in foreclosure proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: This bill is one of several addressing well publicized perceived abuses in the foreclosure process that have arisen aided by the growth of and changes in the secondary market for mortgages and mortgage-secured promissory notes. A series of assignments and reassignments of such instruments may give rise to doubts as to the right of a foreclosing entity to do so. This bill would require such an entity to have and present the actual instrument before a foreclosure sale would be valid. The committee majority concluded that the complexity of this issue and the number of differing bills that have been filed to address it are such that, in order to avoid possibly adding to rather than resolving the problem it would be more appropriate for referral to a study committee or commission during the next legislative session. **Vote 15-2.**

HB 1290, relative to self-storage facility liens. **OUGHT TO PASS.**

Rep. Donald B. McClarren for Judiciary: Currently, the owner of a storage facility is required to use certified mail, return receipt requested, to request information from the department of motor vehicles or the secretary of state as to whether personal property left in a self storage facility is subject to a security lien. This bill would allow this to be done by electronic or verified mail. **Vote 16-1.**

HB 1347, requiring the courts to file reports of complaints against court officers, court staff, and any other person involved in the administration of justice. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald C. Andolina for Judiciary: The committee believes that this bill has some merit in creating a repository of complaints made against individuals associated with the courts; however, the committee is concerned over the lack of specificity regarding the nature of the complaints. The committee would note that citizens may currently make complaints regarding judicial officials to the judicial conduct committee, complaints regarding lawyers to the professional conduct committee and complaints regarding guardians ad litem to the GAL board and that information regarding those complaints is publically available. The committee also believes that the process envisioned by the bill is not clearly defined as to how the complaints would flow through to the General Court's website. The majority felt that this bill if passed could have an adverse fiscal and human resources impact to the administrative office of the courts and to the normal operations of the House and Senate Clerks, possibly causing unforeseen and undesirable implementation costs. **Vote 13-2.**

HB 1363, relative to banking regulations and foreclosures. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: This bill is another addressing perceived abuses in the mortgage foreclosure process. This one appears directed to avoiding carelessness and clerical errors in assignments of mortgages by denying legal effect to interests based upon recorded assignments on blank forms, the idea being, as best the committee could gather, that individual assignments rather than multiple, or batch, assignments on a blank form would impose internal discipline on the process. The committee majority concluded that it would be more appropriate for mortgage abuse issues to be dealt with as a whole by a study committee or commission during the next legislative session rather than piecemeal by numerous narrowly focused bills during this session. **Vote 17-0.**

HB 1450, eliminating the requirement that the county attorney be a member of the New Hampshire bar. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for Judiciary: The committee determined that implicit in the position of county attorney is the need to be an attorney. Otherwise, the county attorney, who is vested with the duty of representing the people's interest, would be unable to appear before the judiciary on the people's behalf. As a practical matter, many of the smaller counties would have to hire a licensed attorney to execute official duties, resulting in an adverse fiscal impact to that county. Accordingly, the committee felt that the passage of this bill would be ill-advised. **Vote 16-0.**

HB 1459, relative to court proceedings in civil actions. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: The sponsor presented to the committee a broad and lengthy judicial reform bill relating to court actions, including attorney's fees, frivolous law suits and dismissal of law suits. The committee believes that all of the elements requested in the bill are currently in law or court rule. As such, further action is unnecessary. **Vote 12-2.**

HB 1462, relative to the eviction process. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M. Peterson for Judiciary: This bill would allow a landlord engaged in an eviction process to correct an error in the writ filed in the circuit court. Currently, circuit court allows amendments or writs under Rule 3.8. The committee believes that there are adequate provisions in the court rules to allow for a fair and equitable process for all parties. **Vote 12-2.**

HB 1506-FN, relative to the right-to-know exemption for public employee personnel files. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F. Souza for Judiciary: The majority of the committee found much merit in this bill's purpose. However, they were not convinced that the proposed wording would achieve the sponsors' objectives. While the exemption for public employee's personnel records (from the right-to know law) was removed, the remaining exemptions would frustrate the intent. A second important consideration was the potential misuse of personal information. **Vote 11-1.**

HB 1535-FN, relative to arrest records under the right-to-know law. **OUGHT TO PASS.**

Rep. Brian JX Murphy for Judiciary: The purpose of this act is to make arrest records public and to require that they contain basic and essential information about an arrest. The public has a substantial interest in the information contained in arrest records considering the public safety implications and the deprivation of personal freedoms. Currently, New Hampshire's right-to-know laws do not expressly address arrest records. As a result, the public's access to this information is patchwork and inconsistent. This bill will create uniformity among the various police departments and increase transparency throughout the state. **Vote 13-0.**

HB 1594, abolishing assessment of damages in tort actions by joint and several liability. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: New Hampshire's current comparative negligence system, although sometimes described as imposing joint and several liability among judgment tortfeasors, does not, strictly speaking, actually do so. Although it is true that a party found more than 50% negligent can be held liable for payment of all damages and is thus burdened with the responsibility to seek contribution or indemnity from the other negligent parties for their respective percentages of liability, no party found less than 50% negligent can be held liable for payment of a percentage of the damages greater than the percentage attributed to that party. This bill would extend the limitation on liability to the more-than-50% negligent party as well. The committee concluded that the present system is preferable because it better assures that the injured plaintiff will receive compensation for his injuries "completely, and without any denial; promptly, and without delay," as guaranteed by Article 14 of the New Hampshire Bill of Rights; that it is better to place the burden of seeking contribution upon the most negligent tortfeasor than upon the completely or comparatively innocent plaintiff. **Vote 16-0.**

HB 1598, relative to the definition of "meeting" under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald B McClarren for Judiciary: The purpose of this bill was to clarify the definition of "meeting" under the right-to-know. While the attempt was noble the result was less than non-contentious. The understanding from the committee members was that the definition of "meeting" proposed was not simple enough. **Vote 11-0.**

HB 1601, relative to the notice to defendant in small claims actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for Judiciary: RSA 503:6, the section of the statutes setting the requirements for notice to the defendant in small claims actions, was extensively revised in 2007 to provide for service of notice by first class mail in order to ease the administrative burden on the district court caused by the previous requirement to serve notice by certified mail. This bill would revise subsection II of RSA 503:6, which covers what to do in the event that the notice is returned as undeliverable or the defendant does not respond. In cases in which the notice is not returned and the defendant does not respond, current law presumes that he got notice and chose to ignore it. This bill would in these circumstances presume that the notice was lost in the mail or misdirected, and oblige the plaintiff to complete service as in other actions at law, at the plaintiff's expense. The committee concluded that lost or misdirected mail is the rare exception; that the presumption in current law is therefore the correct one; and that to pass HB 1601 would be an invitation to defendants to simply ignore the notice and thereby cause delay, subject innocent plaintiffs to needless expense, and undermine the purpose of the 2007 amendment. **Vote 13-0.**

HB 1655-FN, relative to the use of superior court facilities in Nashua. **INEXPEDIENT TO LEGISLATE.**

Rep. Barry J. Palmer for Judiciary: Although the committee had high praise for the recent cost-cutting measures taken by the Judiciary, this particular bill was deemed "penny-wise and pound foolish," because although it does save the court system money, cost is down-shifted to the greater Nashua community. Substantial increase in cost would be felt by greater Nashua police departments, the legal community, the County Attorney's office, and

would severely affect the businesses in downtown Nashua which depend on the court. There will also be additional jury travel costs incurred, amounting to thousand of dollars. The unanimous vote of the committee speaks for itself. **Vote 17-0.**

HB 1722, relative to disqualification of judges and lawyers from practicing in the circuit courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: This bill clarifies when part-time judges and lawyers affiliated with those judges are disqualified from practicing in the circuit courts due to their professional affiliations. This bill is necessary because under the overly-strict provisions of the newly-enacted circuit court law, part-time judges would become extinct because their law partners would be prohibited from practicing in most New Hampshire courts. Part time judges are a part of New Hampshire's history and are critical to the efficiency of the justice system. As such, this bill reestablishes the disqualification standards that had been in effect for many years. **Vote 16-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1163, relative to the withholding union dues from wages. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary L Daniels for Labor, Industrial and Rehabilitative Services: This bill prohibits the withholding of union dues and fees from an employee's paycheck. The statutes currently authorize a number of items to be withheld from an employee's paycheck with the employee's permission. The committee felt that targeting this one item was not appropriate since many of the other authorized deductions were also going to private entities. **Vote 17-0.**

HB 1174, relative to negotiations for contracts for county employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This bill states the executive committee or the county convention may designate a member of the convention to observe the collective bargaining negotiating sessions for the purpose of advising the convention regarding the cost items in a bargaining contract. The amendment holds the designee subject to the same legal requirements as the employer negotiating them, including confidentiality requirements. **Vote 16-1.**

HB 1237, relative to the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This bill as amended re-establishes the joint legislative committee on employment relations that was disbanded a few years ago. The joint committee will be made up of two members of the House, one selected by the Speaker, and one selected by the minority leader, two members of the Senate, one appointed by the Senate President and one by the minority leader of the Senate. The fifth member of the committee rotates between the President of the Senate and the Speaker of the House. The committee shall meet with the state negotiating committee as necessary to discuss state objectives on the bargaining process. The committee shall also hold hearings on collective bargaining agreements and review all fact finding reports. It shall submit any recommendation on such agreements to the members of the House and Senate. **Vote 16-0.**

HB 1270, requiring an employer to disclose non-compete and non-piracy agreements to a potential employee prior to making an offer of employment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The bill requires an employer to disclose any non-compete and/or non-piracy agreements as part of an offer of employment. If not the agreement would be void and unenforceable. The amendment makes this also apply to internal promotions subject to a non-compete or non-piracy agreement. **Vote 15-1.**

HB 1366, establishing a committee to study seasonal employment and the calculation of unemployment compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin P Sullivan for Labor, Industrial and Rehabilitative Services: The bill as amended addresses “seasonal” workers, who are temporarily detached from the work force because the industry in which they are employed closes for seasonal reasons. In recent years they did not need to seek employment if they had a call back date of 16 weeks or less. With the passage of this bill, the detached employee will need to seek temporary work, with the knowledge that they will be returning to full time employment on recall. There are protections within the amendment to cover wages, hours and other conditions. In addition, this amendment also addresses the issue of most recent employer for the purpose of charging benefits. The definition changes to 13 weeks, or 90 days, which is a typical probationary period. This was included to address unintended consequences of a temporary employer, whose account was being charged if they laid off a worker after five consecutive weeks of employment. **Vote 16-1.**

HB 1427, relative to declaring that private contracting of governmental operations shall not be deemed an unfair labor practice. **INEXPEDIENT TO LEGISLATE.**

Rep. G. Brian Seaworth for Labor, Industrial and Rehabilitative Services: With the concurrence of the sponsor, the committee finds that the language in this bill is redundant with existing case law. We therefore determined that this bill is unnecessary. **Vote 17-0.**

HB 1443, relative to unemployment compensation payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: Under current law, individuals in the employment of the state or any political subdivision who provide services for an educational institution are ineligible to receive unemployment compensation during school summer vacation and during school holiday breaks. HB 1443 would have repealed this ineligibility and allowed these individuals to collect unemployment compensation during these periods. An amendment to HB 1366, developed by the Department of Employment Security and its advisory council over the past year addressed the issue of unemployment compensation for seasonal workers, including the subject matter of HB 1443. The committee found the HB 1366 amendment acceptable, not only in regard to the tenets of the amendment, but also in regard to addressing the subject matter of HB 1443, and therefore voted that HB 1443 be ITL. **Vote 16-1.**

HB 1454, establishing a task force to study the charging of reimbursing employers in certain situations for the purpose of calculating unemployment benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin P Sullivan for Labor, Industrial and Rehabilitative Services: The committee passed HB 1366 with amendment. That amendment addresses the issue of most recent employer, making this bill a moot point. The task force is no longer needed. **Vote 17-0.**

HB 1492-FN, requiring employers to verify an employee's eligibility to work in the United States. **INEXPEDIENT TO LEGISLATE.**

Rep. G. Brian Seaworth for Labor, Industrial and Rehabilitative Services: While the majority of the committee is concerned that New Hampshire workers are, in fact, eligible to work and that employers verify that eligibility, we cannot support the bill. This mandates participation at several levels by all public employers, contractors and subcontractors in a status verification system. Testimony from the representatives of county and local government, as well as businesses were uniformly opposed to a requirement that they participate in a flawed federal program resulting in additional costs and regulations. **Vote 14-1.**

HB 1543, relative to workers' compensation coverage and safety program requirements in state contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill dealt with certificates of insurance and would have required that for any person entering this state in the middle of an insurance policy, the commissioner must accept a rider listing the state of New Hampshire in satisfaction of certain certificates of insurance requirements. Secondly, the bill addressed safety program requirements as they pertained to out-of-state contractors.

Testimony at the public hearing suggested that “rider” may not be the right word to address the certificate of insurance issue. The Department of Labor testified that NH has no reciprocity and that passage of the safety program aspect of this bill may create conflicts with other statutes. Further testimony by the Department of Insurance suggested that the statute designated for amendment may not be the correct statute to amend. Based on the testimony, the sponsor felt that the bill needed more work than what time allowed and therefore asked the committee to vote HB 1543 ITL. **Vote 14-0.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Tammy A Simmons for Labor, Industrial and Rehabilitative Services: The committee felt that the language contained in this bill is better addressed in other bills being recommended for passage by this committee. There is no need to bring multiple bills covering the same matter forward to the entire body. **Vote 17-0.**

HB 1582, relative to medical and surgical benefits for state employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew A White for Labor, Industrial and Rehabilitative Services: HB 1582 as amended conveys the general court’s intent that state employees’ participation in medical savings accounts specific to retirement health care is a worthwhile endeavor that should be pursued throughout one’s career so that employees have funds set aside to cover retiree health care costs. HB 1582 enables the department of administrative services to make incremental progress towards modifying retiree health care for state employees in alignment with employee participation in retiree medical savings accounts, specifically for the purpose of offsetting future retiree health care costs to be borne by the state. Passage of HB 1582 ensures that such incremental progress in shifting retiree health care from the state to employees is documented through a reduction in the state’s post employment benefit liability. **Vote 16-0.**

HB 1587, relative to employer safety programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This bill increases the employee member threshold from ten employees to fifteen before requiring a safety program to be in place and presented to the department of labor. The amendment requires the employer to review and update the safety plan at least every two years versus having to present a safety plan summary to the New Hampshire department of labor every two years. **Vote 17-0.**

HB 1620, requiring employers to participate in the E-Verify system of the United States Citizenship and Immigration Services. **INEXPEDIENT TO LEGISLATE.**

Rep. G. Brian Seaworth for Labor, Industrial and Rehabilitative Services: While the majority of the committee agrees with the concept that employers verify eligibility of their employees, we cannot support the bill. The bill mandates that all New Hampshire employers participate in the federal e-verify program. Representatives of businesses were uniformly opposed to the increased in cost and regulation that this would entail. The majority feels that e-verify is not ready for universal application. **Vote 13-1.**

HB 1639, relative to employment of certain disability retirees by retirement system employers. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne A Ward for Labor, Industrial and Rehabilitative Services: The intent of the bill was to prevent a retired individual with a permanent disability from accepting employment in the same job classification. This bill was introduced for a specific situation but the committee found the ramification of enacting this bill too broad, with unacceptable consequences. **Vote 13-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1151, relative to the default budget in official ballot towns and districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W Sterling for Municipal and County Government: This bill would repeal and re-define items that could be included in default budget under RSA 41:13, IX (a) numbers 2 and 3. However, the bill would leave in place the definition of a default budget contained in RSA 41:12, IX (b) which includes items contained in RSA 41:13, IX (a) numbers 2 and 3.

Therefore the committee voted to ITL. Additionally a bill to study the entire SB2 process, including default budgets is in the Senate and the committee believes this needs a thorough and careful review. **Vote 17-0.**

HB 1159, defining a default budget for a municipality. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L Munck for Municipal and County Government: The intent of HB1159 is to repeal the items that “shall at a minimum” be included in a default budget (RSA 40:13, XI-a) and replaces them with the previous years budget and any new debt service. This bill could result in default budgets that are widely at variance with the intent of the official ballot act by requiring, among other things, the inclusion of one-time expenses and debt service on declining payments of bond issues which could result in default budgets larger than proposed budgets. It also does not allow for recognition of new contractual obligations such as labor agreements. **Vote 17-0.**

HB 1201, relative to the assessment of property taxes on Pinkerton Academy.

INEXPEDIENT TO LEGISLATE.

Rep. Betsey L Patten for Municipal and County Government: Pinkerton is a public academy which contracts with the school districts of Derry, Chester, Hampstead and, in 2013, Auburn and that makes Pinkerton the local high school of those towns. The Academy is registered as a non-profit organization and is located in Derry. The services provided by Pinkerton to the town of Derry includes facilities for fire department training, a red cross shelter, polling places for elections, activities and facilities for senior citizens, elementary school children, local civic and athletic groups. HB 1201 seeks to tax Pinkerton’s property as if the Academy were a for-profit entity. Apparently the premise of the bill is that the host town of Derry is burdened by paying totally for fire and police coverage along with plowing the campus since 30% of the students come from other towns that do not contribute to those expenses. No concrete evidence was given for this premise. The unintended consequence of the passage of this bill would be that all towns served by Pinkerton would see an increase in tuition from \$600-\$900 dollars per student and the excellent partnership between Pinkerton and Derry would very likely change. Another consequence would be that for the first time, the legislature would be authorizing towns to tax non-profit schools. There was no local support for this bill and members of the Derry delegation testified that there was no communication between the sponsors of the bill and the rest of the delegation. Based on the lack of support for the bill and the unintended consequences the committee voted unanimously to recommend Inexpedient to Legislate. **Vote 17-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1230-FN, requiring a listing of state real property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: This bill is an outgrowth of a 2010 committee that was formed to identify surplus state land that could be sold to help fund the budget deficit. During the course of the committee’s work it was found that many parcels of state owned real estate had reverter clauses or other impediments to the sale of the property. While administrative services does maintain a list of all state property it does not include any information on reversion provisions or easements. This legislation requires all state agencies to provide this information to Administrative Services. The amendment changes the initial reporting date from November 1, 2012 to July 1, 2013 and also changes the requirement for reporting from annually to biennially. **Vote 14-0.**

HB 1280-FN, relative to the sale of E-Z Pass transponders and relative to the online New Hampshire E-Z Pass service center. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: The goals of this bill are currently part of existing NH turnpike policy. Additionally, the committee referred HB 1192-FN to

Interim Study as a vehicle to study all E-Z Pass issues and recommend any possible legislation. **Vote 14-0.**

HB 1293, establishing a rest area gas station and retail opportunities commission.

INEXPEDIENT TO LEGISLATE.

Rep. Mark E McConkey for Public Works and Highways: This bill establishes a commission to study retail opportunities and the sale of gasoline at rest areas on interstate highways. Current federal law prohibits interstate areas built after January 1, 1960 from offering commercial services such as fuel and food. While HB 1293 is well intended, unless Congress changes federal law, the proposed commission would be prohibited from proposing or constructing any new retail or gas operations on any New Hampshire Interstate highway.

Vote 14-0.

HB 1437, relative to display of certain historical items in the state house. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: A subcommittee was formed and extensively researched the history and current status of these treasures, which belong to past, present and future generations of New Hampshire citizens. In 1978, during a renovation of the secretary of state's vault, secretary of state Bill Gardner discovered a tube containing an engraved 1823 copy made from the original Declaration of Independence, which was sent to New Hampshire by President John Quincy Adams and one of 15 "original" hand copies of the United States Bill of Rights, which was sent to the 15 states in existence in 1793. (The Bill of Rights was adopted in 1791). The latter vellum document (one of 12 known to still exist) was appraised by experts as literally "priceless," and to be in better condition than the original in the national archives. The documents were displayed in the State House visitors center for nearly twenty years. In 1996, because of extensive fading, they were moved by the state archivist and the director of the visitors center to the state archives building, where both documents now reside. The committee is unanimous in its recommendation that these documents remain in the archives at present. In 2006, under a Republican controlled legislature, and again in 2007 under a Democratic legislature, the joint facilities committee fully vetted the issues of when, where and how these valuable documents be displayed. Both times the consensus was to keep the documents at the archive building. Under RSA 5:4-a, the secretary of state is responsible for the care of these documents and has the discretion of when to display them; taking into account their security and protection from theft, damage or destruction. The secretary of state also believes that the Archives building is the best home for these documents presently and the committee concurs. The committee does unanimously recommend, after consultations with the secretary of state, that the joint facilities committee make new digital high resolution copies of these documents and put them on display in the State House visitor's center. This can be accomplished for a few hundred dollars, without legislation, and within the current budget of the joint facilities committee. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1207-FN, defining the owner of timber rights for purposes of timber tax assessment.

OUGHT TO PASS WITH AMENDMENT.

Rep. Andrew Renzullo for Resources, Recreation and Development: At present, the DRA requires that all owners, including all tenants-in-common, sign an intent to cut timber. This goes beyond accepted common law practice where one tenant-in-common is all that would be required. This bill prescribes a method for guaranteeing that the timber yield tax will be paid when the property has multiple tenants-in-common, even when some do not sign to cut. It also allows for a process to proceed absent a signature of one of the tenants-in-common. The amendment requires the non-signing tenants-in-common be notified by certified mail at least 30 days prior to cutting and that a bond be filed to secure payment of the yield tax if any tenant-in-common does not sign. **Vote 17-0.**

HB 1233, establishing a statute of limitations on wetlands filling and dredging. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C Merrow for Resources, Recreation and Development: Under current law there is no statute of limitations on enforcement of wetland violations. In other words, a current/recent owner of the property could be charged with a wetland violation on something that occurred years ago under a different owner. This limits enforcement violations to a five year period unless the purchaser knew of the violation at the time of purchase. Action against the violator is still allowed including injunctive relief requiring restoration of the impacted areas if written notice was provided prior to June 1, 2013. Any person who suffers damages as a result of a violation may also seek compensation from the person who committed the violation. **Vote 17-0.**

HB 1373, relative to the definition of first-in, first-out as it applies to wastewater or public water supply projects. **REFER FOR INTERIM STUDY.**

Rep. Andrew Renzullo for Resources, Recreation and Development: Prior to November 2008, towns would receive state aid grants (20% to 30% of the debt service) for waste and water projects. Due to revenue shortfalls, these grants could not be funded after November 2008. Some 100 projects are in limbo, having been constructed in anticipation of said grants. A sequential list exists of these Delayed and Deferred State Aid Grants which determines the order of payment should money become available. This bill uses a different criteria which, in effect, reshuffles the list. But there is no money to fund any payments anyway. In consultation with the vice-chair of the Finance Committee, the Resources, Recreation and Development Committee has elected to refer this bill to Interim Study to act as a vehicle for funding distribution should funding become available. **Vote 16-0.**

HB 1415, relative to exceptions for proposed sewage waste disposal systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H Russell for Resources, Recreation and Development: This bill would allow a land owner to apply for a “permit by rule” from DES for \$300 to repair or replace “in kind” a failed sewage waste disposal system, providing certain criteria are met. These criteria include: no increase in sewage loading, setbacks are adhered to, and footprint remains the same. This is a “win, win” for DES and the applicant, who saves money, and DES is able to keep better records of residential systems. **Vote 17-0.**

HB 1480, relative to requiring sprinklers in certain buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Adam R Schroadter for Resources, Recreation and Development: This pro-business, pro-local-control bill states that no rule requiring sprinkler systems shall apply to buildings deemed of cultural importance until the building undergoes a substantial renovation. The original bill also applied to commercial buildings. The amendment removed commercial buildings from the bill. It also provided a process whereby a building can be deemed of cultural importance under this section. **Vote 16-0.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: HB 1495 as amended simply adds an additional purple heart trail, US Route 3 from the Massachusetts to the Canadian border, honoring our veterans. The amendment removes section two of the bill concerning state park fees for veterans, which the committee will work out and amend into SB 358. The sponsor of HB 1495 agrees to the amendment. **Vote 16-1.**

HB 1501-FN-L, establishing a fund to upgrade wastewater treatment plants. **REFER FOR INTERIM STUDY.**

Rep. Judith T Spang for Resources, Recreation and Development: This bill addresses a problem of the inadequacy of funding available for upgrading municipal waste water treatment plants to meet water quality standards. The bill would also have proposed to fund the replacement of failing individual septic systems that can pollute both groundwater and New Hampshire’s ponds, lakes and rivers. It was recognized that the bill’s provision of a \$25 donation by property owners for each house’s toilet is unworkable. However, the committee

would like to take this opportunity to work with organizations and individuals to address this critical problem. **Vote 16-0.**

HB 1529-FN-L, relative to the introduction of fluoride and herbicides into the drinking water of the state. **INEXPEDIENT TO LEGISLATE.**

Rep. D.L. Chris Christensen for Resources, Recreation and Development: This bill would prevent the addition of fluoride or herbicides into drinking water supplies within ten miles of the water intake. The committee also heard HB 1416 dealing with fluoride and used that bill to deal with the fluoride issue. Testimony from the department of environmental services (DES) and others was heavily against further restrictions on herbicides which are already controlled by DES, fish and game and the department of agriculture foods and markets. Since there are already strict controls on the use of herbicides, and routine denials of applications where water intakes are present, this part of the bill was unnecessary. **Vote 16-0.**

HB 1721, relative to the approval process to increase the load on a sewage disposal system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development: At the present time the law requires a new septic design be approved by DES should there be an expansion of the footprint of a residential dwelling, unless the still operable existing septic system is less than 20 years old. The bill looked to remove the 20 year limitation. The committee amendment keeps the 20 year exemption, establishes an exemption for lots greater than five acres, and creates a simplified, and much cheaper approval by notification process to allow additions to dwellings with septic systems older than 20 years. Incorporated in the committee amendment is a non-germane section related to oil spillage prevention, control and counter measure plans. This section was presented by DES and has the support of the New Hampshire auto dealers association. **Vote 16-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1129, establishing a committee to study the frequency and financial consequences of erroneously dialed 911 calls. **INEXPEDIENT TO LEGISLATE.**

Rep. Lester W Bradley for Science, Technology and Energy: This bill was brought because of people mistakenly dialing 911 when dialing numbers in the 991 exchange (Littleton area). The NH department of safety testified that this is a very small percentage of the misdialed 911. In fact more 911 misdials are made via mistaken "pocket dials" than through misdialing 991. The committee feels that this problem can be dealt with through existing programs and procedures. **Vote 13-0.**

HB 1133, relative to membership of the enhanced 911 commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: This bill updates the membership of the enhanced 911 commission, to include major communication vendors, public safety officials, and emergency dispatch experts. The amendment adds Comcast as a member. The committee heard no opposition to the bill or amendment. **Vote 13-0.**

HB 1152, establishing a committee to study high speed digital subscriber line (DSL) service. **INEXPEDIENT TO LEGISLATE.**

Rep. William H O'Connor for Science, Technology and Energy: This bill would have established a new committee to study high speed DSL (Digital Subscriber Line) service, to address problems with reliability and speed issues, and to ensure that DSL service is provided as advertised. The majority of the committee felt that this subject should be handled by the existing Telecommunication Oversight Committee, and establishing a new committee to only study DSL would be redundant. **Vote 13-0.**

HB 1295, establishing a committee to study the potential effects of total deregulation of the telecommunications industry. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: This bill would have established a new committee to study the subject of full telecommunication deregulation.

During committee discussion, it was pointed out that the existing telecommunications oversight committee had studied the issue in 2011 and had made recommendations regarding deregulation of the retail telecommunications market. Since the telecommunications oversight committee is a permanent committee, it can continue to study these issues. Therefore, this new committee is not needed. The prime sponsor agrees. **Vote 13-0.**

HB 1324, establishing a committee to study the public utilities commission.

INEXPEDIENT TO LEGISLATE.

Rep. Frank R Holden for Science, Technology and Energy: This bill would have created a new committee to study the Public Utilities Commission. The committee believed it would more expedient to create a subcommittee of Science, Technology & Energy members rather than create a new study committee to study this issue. Work could be started immediately and this is within the purview of the Science, Technology & Energy Committee.

Furthermore, the Chair has already appointed the subcommittee, which includes the prime sponsor of the bill. **Vote 12-1.**

HB 1458, relative to the responsibilities of telecommunications companies that permit third party billing. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Devine for Science, Technology and Energy: This bill was filed by several representatives who had family members who had been the victims of "cramming." During testimony on the bill, the committee heard from the telecommunication companies that most of these cramming issues have been dealt with in the marketplace, and have been addressed by the FCC and federal government. In addition, all of the companies now react immediately if a customer discovers an unauthorized third party charge on their bill, and remove those charges. This bill would also have created the unintended consequence of forbidding consolidated billing from telecom providers who offered partner products or services as a "bundle" (for example, telecom providers partnering with other providers, such as satellite.) The committee feels that individual issues can be resolved without a change in law. **Vote 13-0.**

HB 1477, relative to the definition of spent materials. **OUGHT TO PASS.**

Rep. Frank R Holden for Science, Technology and Energy: This bill deals with the definition of "spent materials." It brings the New Hampshire department of environmental services (DES) definition in line with the federal definition. Currently there is ambiguity as to which materials may be recycled rather than treated as hazardous waste. This bill was submitted at the request of responsible New Hampshire manufacturers wishing to recycle alcohol used for cleaning circuit boards. DES supports this bill. It is good for New Hampshire's environment because it will allow reuse and recycling of these materials, and as a result will reduce the hazardous waste stream. **Vote 13-0.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 1321, establishing a committee to study the relationship between public funding of postsecondary education and workforce development. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan C DeLemus for Special Committee on Education Funding Reform: This bill proposed to establish a committee to study the relationship between public funding of postsecondary education and workforce development. While the committee thought such a study would be useful, it also knew that RSA 12-A:51 through RSA 12-A:61 did establish a standing administrative committee that was tasked with evaluating workforce development, training for an effective workforce and the issues concerning appropriate economic development. Therefore this bill, which proposed setting up a duplicative committee, was not needed. **Vote 12-0.**

HB 1564, establishing a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Balboni for Special Committee on Education Funding Reform: This bill proposed to establish a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding. After review of the proposal, the committee felt that the three funding types could not be combined. Adequate education funding is a constitutional requirement; catastrophic aid is a special education reimbursement program that reimburses a percentage of a school district's special education expenses that meet the criteria established for catastrophic aid and, finally, school building aid is an operational expense that supports the renovation of existing school properties and building of new schools. The committee felt that adequate education funding, school building aid, and catastrophic aid funding had each been established in separate bills. Therefore, we supported the ITL recommendation. **Vote 11-1.**

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 1306-FN-L, requiring retirement system employers to make contributions for part-time employment of retired members of the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Special Committee on Public Employee Pensions Reform: The original bill was to charge the unfunded liability portion on the employer rates for the New Hampshire Retirement System on part time employees that had retired from the NHRS. After much discussion about how many employees there were, how much money was involved, and how much money would this bring to the NHRS it was decided we needed more information. The amendment requires all employer members of the NHRS to report to DRA for p/t employees who are retired from NHRS the employee name, dollars earned, and the group (I or II) they are in. DRA is then required to provide a report to the Pension Committee of the totals by Group. DRA was selected because the information can be held confidentially. **Vote 12-0.**

SPECIAL COMMITTEE ON REDISTRICTING

HB1672, apportioning delegates to state party conventions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Mirski for Special Committee on Redistricting: The provision for electing delegates to the Republican State Party Convention are described in state statute. HB 1672 as amended will perpetuate the present scheme through 2015 and as adjusted for population growth in the various towns and cities according to the 2010 census. **Vote 10-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HJR 21, informing the United States Congress that it is the desire of the general court of New Hampshire that the New Hampshire national guard shall not serve outside the borders of New Hampshire absent a declaration of war. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: The committee felt that if the National Guard received Title 10 monies from the federal government which pays for much of our rolling stock, aircraft, beans and bullets and training under Article One, Section 8 to provide for organizing, arming and disciplining the militia. This would cause a large hole in our budget to support our state National Guard. **Vote 13-0.**

HR 23, urging the federal government to reduce the federal deficit in proportion to federal aid. **OUGHT TO PASS.**

Rep. Jeanine M Notter for State-Federal Relations and Veterans Affairs: This bill is a resolution to send our voice to Congress that we want a balanced budget. We have a similar HCR, but this one does not call for a constitutional convention, and it brings out the \$68 million we are sending overseas **Vote 9-3.**

HR 28, opposing federal efforts to establish minimum standards for states that allow the carrying of concealed firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine M Notter for State-Federal Relations and Veterans Affairs: Although the sponsor had good intentions, we found no evidence of a problem existing. An internet rumor at the time of LSR submission ran rampant. Subsequent research indicates that no such federal legislation is presently under consideration. **Vote 13-0.**

TRANSPORTATION

HB 1193, relative to requirements for temporary certificates of safe boating education. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Hikel for Transportation: While this bill's intent is to enhance boating safety, there was overwhelming testimony to not pass this legislation, with economic impact being a primary concern. **Vote 15-0.**

HB 1278, relative to obstructions on highways. **REFER FOR INTERIM STUDY.**

Rep. John R Cloutier for Transportation: This bill would revise RSA 236:15 in regard to and adding language exempting certain signs which conform to all local regulations and project no further into the highway than the U.S. postal mailbox with which they are associated shall not be considered obstructions within the meaning of the section. The committee decided to interim study the bill because of concerns raised by the department of transportation in regard to the new exemption's language. Language which DOT believed could cause liability problems in the future for DOT and/or municipalities, if a snow plow knocked over one of the signs which would be allowed by the bill's proposed exemption, for example. **Vote 15-0.**

HB 1287-FN, relative to nonresident vehicle registration. **INEXPEDIENT TO LEGISLATE.**

Rep. Samuel L Hawkes for Transportation: The intent of this law is to allow the state to raise revenue from auto registration from anyone who owns real property in the state. Any car registered in New Hampshire is eligible to be insured in New Hampshire. With New Hampshire insurance rates being some of the lowest in the nation, this law would allow anyone with a summer home here to take advantage of those low rates and then return to their winter home where rates might be much higher. This could put a burden on all permanent residents and this would increase rates for everyone. **Vote 15-0.**

HB 1414, relative to revocation or suspension of youth operators' licenses for speeding. **REFER FOR INTERIM STUDY.**

Rep. Thomas W Laware for Transportation: This bill would exempt drivers under the age of 20 from license revocation which is a result of a speeding violation. It was the opinion of the committee that this issue is complicated and did not address the different and conflicting interests of those involved. As the law reads now, any driver under the age of 20 would lose their driving privilege for a speeding violation. This bill would have exempted that driver from that license revocation. The committee agreed that the action of revocation is probably justified and should continue as policy. However, those for the other side believe that since 18 year olds can vote, get married, and serve in the armed forces that they should be treated as adults. It is for these opposing arguments that the committee voted to send this bill to interim study. Other unanswered details such as the severity of the infraction and which other exemptions are currently allowed were other concerns. This bill does have some merit. **Vote 15-0.**

HB 1432, relative to the release of motor vehicle registration information. **INEXPEDIENT TO LEGISLATE.**

Rep. John R Cloutier for Transportation: This bill would have authorized law enforcement officers to disclose to hospital personnel the name of the registered owner of a vehicle parked on hospital property. Although the committee sympathized with the sponsor's intent, which was to help hospitals deal with vehicles parked on their properties for long periods of time, it believes the bill's present language is too vague. Such vague language could unintentionally

result in hospital employees obtaining vehicle registration information to which they are not entitled. Obtaining this information would then be considered by many to be a violation of personal privacy. **Vote 15-0.**

HB 1434, relative to display of antique motor vehicle plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lisa E Scentsas for Transportation: RSA 261:89a, already allows antique motor vehicles to affix a year of manufacture license plate to the front of the vehicle. This bill will allow such a plate to be affixed to both the front and rear of antique vehicles, as defined in RSA 259: 4, to antique vehicles manufactured in 1950 or before. The vehicles still have to be registered annually as antique and must carry a set of the antique plates in or on the vehicles, in similar fashion as the standard used by DMV for our legislative plates. **Vote 14-0.**

WAYS AND MEANS

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V Sapareto for Ways and Means: This bill establishes the amount of the enhanced 911 services surcharge and requires providers of voice over Internet protocol services to pay surcharges for deposit in the enhanced 911 system fund. This surcharge is currently being levied at the rate of 57 cents. This bill puts the fee in statute and under the control of the legislature. The surcharge shall be 57 cents levied on VOIP service, landline service and standard cellular service. This service fee shall remain under the control of the legislature and the funds are strictly limited to the development and operation of the enhanced 911 service and the statewide emergency notification system. The bill further requires a study and report by the telecommunications planning development and advisory committee as established in RSA 12-A:46 and shall study how to determine the application of 911 services to all classes of prepaid communications devices. The committee's report is due Dec. 1, 2012. The study committee's effective date is upon passage and the remainder of the bill shall take effect January 1, 2013. **Vote 21-0.**

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

Rep. Patrick F Abrami for Ways and Means: Several years ago a law requiring hospitals to report to a state database health care acquired infections was expanded to include ambulatory surgery centers (ASC). The original law incorporated a fee to be assessed to the hospitals to fund the program if the federal government stopped funding this program or reduced the funding of this program. When the law was amended to include the ASC, it neglected to extend the fee to these entities. This bill corrects that by including the ASC's in a new formula to be utilized in assessing these fees. The formula calls for the hospital to be assessed 70 percent and the ASC's 30 percent. The amendment to this bill insures that federal monies will be utilized before the fees are assessed. The amendment includes language that assures oversight by both the House Health and Human Services and the Ways and Means Committee. **Vote 17-2.**

HB 1204, relative to matching funds of highway projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman L Major for Ways and Means: This bill permits the use of turnpike toll credits as a match for federal highway funds and road projects without approval of the capital budget overview committee. Toll credits are defined and any use of these credits other than a match shall require prior approval of the committee. A public hearing was held on a non-germane amendment. The amendment allows an existing rooms and meals license to remain valid during pendency of the appeal process if the appeal bond is given. The amendment also corrects the rooms and meals tax to read 9 percent instead of 8 percent and also allows the operator up to 10 days to file a surety bond with the department after a hearing and ruling

by the commissioner or his designee. The committee feels the amendment makes the administration of the law more business friendly. **Vote 20-0.**

HB 1678-FN-A-L, establishing video lottery and table gaming at certain locations in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David W Hess for Ways and Means: In view of the fact that this committee has had a similar casino gambling bill in its possession for a year, and has held numerous subcommittee work sessions and a public hearing on that bill, HB 593, the committee believed this bill was redundant and unnecessary to consider. **Vote 19-0.**

HB 1697-FN-A, establishing keno in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen B Stepanek for Ways and Means: The purpose of this bill is to establish keno in the state of New Hampshire. While the bill is extensive the issue of instituting keno in New Hampshire has never been studied. The committee believes the issue deserves a complete study which another bill, HB 1698-FN-A in subcommittee, can address. Therefore, this bill is not needed at this time and the sponsor is in agreement with this decision. **Vote 19-0.**

HB 1698-FN-A, establishing keno and providing scholarship money to New Hampshire students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Abrami for Ways and Means: The underlying bill called for the operation and playing of keno games with the licensing of keno game operators by the lottery commission, and the establishment of a keno scholarship trust fund. Constitutional issues arose with the scholarship trust fund, in that the Constitution specifies that all lottery revenues must go to the education trust fund. This issue along with issues such as which establishments would be allowed to offer keno, the fee splits between the state and the establishments, and many others, needed time to be properly studied. With than an amendment was passed to send the concept of keno gaming to a study committee to address these issues and to craft comprehensive keno legislation. The committee unanimously agreed. **Vote 20-0.**

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

Rep. Gary S Azarian for Ways and Means: This bill aligns the regulation of real estate appraisers to federal regulation as required by the Dodd-Frank Reform Act. **Vote 19-0.**

WEDNESDAY, MARCH 7

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1365, relative to complaint investigation procedures of the guardian ad litem board. **REFER FOR INTERIM STUDY.**

Rep. Franklin F Gould for Children and Family Law: This bill required the guardian ad litem board to refer complaints to the appropriate court for further review and prohibits the board from dismissing a complaint because it relates to a pending judicial proceeding. The proposed amendment would alter the existing RSA 490-C4, I(g). It would remove from the board any options related to action “upon written allegation or complaint against presently or formerly certified GAL holding an appointment in a case under the authority of a court, etc.” Further, the amendment removes any option of dismissal of a complaint on the basis that the complaint relates to a pending trial or judicial proceeding. Currently, a complaint relating to a trial or judicial proceeding in progress shall be dismissed without prejudice unless the board for good cause votes to proceed immediately with such complaint. In many ongoing cases, taking up a complaint during proceeding would lengthen the case, and jeopardize the parties’ privacy, and ability to work together. Basically, this bill as amended would actually interrupt the process of a court case to deal instantly with a complaint.

The State of New Hampshire guardian ad litem board performance audit, January 2012, makes recommendations that deal with training, oversight, management and funding. The audit also recommends development of a complaint database. In light of these recommendations, the committee recommends Interim Study. The committee has initiated discussion with executive departments and administration committee and will seek to form a joint study committee. **Vote 13-1.**

HB 1530-FN, relative to oversight of guardians ad litem by the guardian ad litem board. **REFER FOR INTERIM STUDY.**

Rep. Jane B Johnson for Children and Family Law: This bill required the Guardian ad Litem Board to collect and analyze performance data for each guardian ad litem. The programs and services of the Guardian ad Litem are diverse. Nationally, there is no single best practice or standard service model. Likewise, in New Hampshire, oversight of their services is fragmented among the GAL Board, the courts and CASA of New Hampshire. This bill would add more responsibility to an already overburdened board.

The committee recommends Interim Study to facilitate the structuring of an effective service and oversight based on the State of New Hampshire performance audit of the GAL Board issued on January of 2012. **Vote 12-2.**

COMMERCE AND CONSUMER AFFAIRS

HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matt J Quandt for the **Majority** of Commerce and Consumer Affairs: This bill prohibits the manufacturing and selling of baby bottles with BPA. BPA has been used for years and practically every soda can is lined with BPA. Currently manufacturers uniformly no longer use BPA and most will state on the package that they are BPA free. The committee felt that since the industry was already addressing the issue, the legislation was not necessary. **Vote 14-2.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: Most of the committee had never heard of bisphenol-A (BPA) or knew that it can be found in thousands of commonly used plastic products, including baby bottles and containers of infant formula. The American Chemistry Council testified to the safe use of BPA in the linings of most canned foods, and stated that extensive testing has found it to be perfectly safe. Unfortunately, there is conflicting scientific data as to whether or not BPA is linked to serious health problems. Both the American Chemistry Council and the International Formula Council testified against this bill, stating that it is not a health hazard. The FDA has also ruled, to date, that it is safe. It may well be that the ban of its use in other states and in many countries around the world was premature and based on fear mongering. It should be noted, however, that the amount of BPA in canned food varies widely, with infant formula having among the highest concentration of BPA according to a 2007 study by an independent laboratory. While BPA may be found in most of us, the highest levels have been detected in infants and young children. The committee heard that many manufacturers have stopped using BPA in baby products. The minority would rather err on the side of caution regarding the health of newborns and infants, and is more comfortable prohibiting its use in infant formula and baby food storage containers and in reusable baby food or beverage containers. We do not feel relying of parents to be knowledgeable about BPA and know to look for it on labels of everything they buy is enough protection.

HB 1251-FN, permitting off-premises licensees to sell liquor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for the **Majority** of Commerce and Consumer Affairs: The committee heard concerns regarding accessibility of alcohol to our young as well as budget concerns. There were also concerns that businesses should be allowed to compete with any other business and not compete with government to keep their jobs. Given all the concerns

raised by the majority of the committee it was decided a closer look should be taken at issues concerning alcohol in New Hampshire. **Vote 10-8.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: The amendment, which replaces the entire bill, was brought after the committee deadlocked on previous amendments to this bill. This final amendment did, indeed, break the deadlock by proposing a study committee. However the bipartisan minority feels this is just the camel's nose under a tent of bad public policy. There is no reason to jeopardize state profits or change the system of checks and balance we have in place. It works. New Hampshire's state-controlled sales of alcohol is best described as a golden goose. The return of profits to our general fund are the highest of any state in the nation. The committee heard ample and compelling testimony regarding the success of our state liquor commission, and there is no need for this study.

HB 1283-FN, relative to insurance payments for domestics. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill was brought forward to eliminate a federal mandate on all home insurance policies that cover "domestics" if injured while on your property. A domestic, for example, could include the person you hire to your clean house, shovel snow from your driveway or rake leaves. When an employer (homeowner) pays money to a domestic, a monetary relationship is involved and the employer (homeowner) must buy insurance. The onus to covering a domestic is still on the homeowner. The average claim payment is \$15,000-\$25,000 nationwide and the cost of protection to the policyholder is just three (3) dollars. This fee has been in place for over 40 years on all homeowner policies and has remained at that level all that time. The committee felt that it does not make sense to try to carve out such a small fee that reduces a much larger risk and voted to ITL the bill. **Vote 14-2.**

HB 1297, relative to health care exchanges. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andrew J Manuse for the **Majority** of Commerce and Consumer Affairs: A recent New York Times article said "the success of [the president's] health care overhaul ... depends on the creation of ... health insurance exchanges," which are new state or federal bureaucracies set up to administer the rules and regulations regarding health insurance under the so-called "Patient Protection and Affordable Care Act of 2010" and its follow-up legislation. HB 1297 with the amendment recommended by the committee would be the state's most reasonable and measured response to the president's federal act because it would prohibit the creation of a state health insurance exchange and contribute to a nationwide effort by a majority of states to force the repeal and replacement of this bad public health care policy. While passing HB 1297 would contribute to the potential success of 28 other states' lawsuit in the U.S. Supreme Court challenging the federal act's constitutionality, the most significant reason to pass this bill is that it would encourage the ultimate amendment, repeal or replacement of the federal act regardless of the outcome of the federal lawsuit. In other words, passing this bill in New Hampshire and other states is the most effective way to ensure better and more affordable market-based health care reform is advanced in Congress. At the very least, because of a legal fault in the federal law that provides subsidies to insurance companies only in states with a state exchange, and not in states defaulting to a federal exchange, Congress will have to reopen the federal law to address this issue or face the monumental and apparent costs of the law's implementation and the increased public opposition that will come with it. Regardless of the outcome of the next election, this practical reality will force Congress to change the federal law, which is a good reason for this Legislature to prohibit the voluntary implementation of a state exchange, one of the law's key components, at this time. Only 17 states are studying the implementation of a state exchange, and the other 33 states have already done what we're proposing with this bill or they are considering the idea. It's also important to note that not even the handful of states actively pursuing a state exchange are likely to meet a federal deadline to create one, and the

federal HHS Department has already indicated it won't meet many of its own deadlines, so fears about the looming deadline's approach are unfounded. To be clear: the federal act gives states the option to create a state health insurance exchange and pay for the operation of the state exchange starting in 2015, or to default to a federal health insurance exchange and let the federal government pay for its operation. The idea of a state exchange option was installed into the federal act using "local control" rhetoric to encourage states to voluntarily pursue the idea. Perhaps the plan was to get states to figure out how to implement the federal law for the federal government? This rhetoric worked for a time, but now even early leaders on the idea of adopting a state exchange have backtracked after further study. Contrary to those arguing that a state exchange would help New Hampshire maintain control over its insurance regulations, the federal law itself says exchanges can be established "only as prescribed by the HHS Secretary." States may adopt only those exchange laws and regulations that "the secretary determines implements the standards within the state." The federal secretary may change the rules without additional approval at any stage in the game, and the state exchange must comply. In summary, while a state exchange would be entirely controlled by federal regulators, just like a federal exchange would, the state of New Hampshire would have to pay anywhere from \$10 million to \$30 million a year to operate a state exchange starting in 2015. Massachusetts' example, which may not even comply with developing federal rules, costs that state about \$29 million a year to operate. By creating a state exchange, we gain nothing and we lose millions that we simply can't afford to lose. HB 1297 will install roadblocks to this colossal financial mistake while recognizing that the next State Legislature will be able to reverse this action if changes to the federal law make the idea of a state exchange more appealing. The committee amendment removes a provision that would have prohibited the state's involvement with the creation of a federal exchange, which would have cost the state Medicaid money. With the amendment language, this bill will not cost the state Medicaid money because it only prohibits the planning, creating or participating in a state health insurance exchange and not a federal exchange. However, due to the flaw in federal law and lack of funding on the federal level, it's possible that a federal exchange may never be imposed on us. Repealing, replacing or amending the president's federal health care reform is favored by a supermajority of likely voters in both parties, and only 37 percent of the population actually supports the provisions in the federal law. Clearly, prohibiting the planning, creation or participation of a state exchange is the right thing to do at this time, and since we have no power to bind any future N.H. Legislature, it is also the measured and appropriate thing to do to make sure that we are only implementing the federal act in New Hampshire if there is no other way to resist. It is reasonable for us to put this blockade in place to ensure our departments are not spinning their wheels and spending the people's money for no reason while everything is worked out in Washington and our way forward becomes clearer. It will be much easier to take appropriate action when we know the details, and much harder to roll back the implementation of the federal act if we don't pass this bill now. **Vote 10-6.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: The bipartisan minority believes that the changes this bill, as amended, makes to our state's 2010 Federal Health Care Reform statute (which took effect in July 2011) is poor public policy. The current law was put in place to prevent NH from defaulting into federal oversight and implementation and specifically preserves our flexibility in responding to the Patient Protection and Affordable Care Act. This bill, as amended, prohibits our agencies and departments from engaging in planning for any state exchange for health insurance or in enacting any parts of the Federal Patient Protection and Affordable Care Act without legislative action. This guarantees that New Hampshire will default to a federally designed health care exchange at the same time it prohibits the implementation by the insurance commissioner of the exchange. Barring all planning for even a minimalist exchange would undercut the long established state mechanisms for regulating health insurance in NH. Prohibiting our state agencies from any involvement in planning could eventually harm both

NH businesses and consumers. As stated in committee by the majority, this bill is a political solution to what the legislature was unable to achieve in an earlier attempt to have New Hampshire's Attorney General join the lawsuit against the Federal Patient Protection and Affordable Care Act. No one can predict what the outcome of the Supreme Court decision on the ACA will be. Wishing for something is not the same as being prepared for what may occur. The bipartisan minority, including those who are not fans of the Patient Protection and Affordable Care Act, understand that it is not good public policy to prohibit "the state and all of its agencies, departments, and subdivisions" from planning for the future. The only testimony in favor of this bill came from local politicians and their political "think tanks." Those intimately involved in NH's healthcare planning and delivery, and members of New Hampshire's business community (e.g., the Department of Health and Human Services, NH Voices for Health, the NH Insurance Department, Anthem, National Federation of Independent Business, NH Delta Dental, the Business and Industry Association, the American Cancer Society, the American Heart Association, the NH Hospital Association, Professional Insurance Agents of NH) as well as private citizens all spoke against this bill. As amended, this bill prohibits our own knowledgeable and experienced departments from planning for the future. They have specifically asked us not to tie their hands. Planning is paramount for whatever health care system that will greet us down the road. The minority believes it is irresponsible to put any changes to our health care delivery system on hold.

HB 1348, relative to playing mind sports for money. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: Mind sports refer to human games whose long term outcomes are determined primarily in the skill of the players. It was the intent of the sponsor to include backgammon, bridge, chess and poker in this definition and should not be regulated like gambling. At this point the committee felt that it should not sort through what are gambling issues and what are not as this would only confuse the law enforcement consumers. The committee was awaiting an amendment to have high stakes poker games in homes but it was not forthcoming. **Vote 15-1.**

HB 1590, requiring the disclosure to patients and prospective patients of the charges for medical procedures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey for the **Majority** of Commerce and Consumer Affairs: The committee understands the intent of the sponsor's mandate. However, the free market shows that many providers' offices already provide this information via their financial counselors and the information is also available via the NH insurance dept. website. This bill however, would force employers to make secretaries and health care providers also financial counselors and be put in the position in giving estimates for any possible scenario to the given situation the patient is asking about over the phone. The bill would also have an impact on the cost of doing business and could increase medical care costs. **Vote 15-2.**

Rep. Andrew J Manuse for the **Minority** of Commerce and Consumer Affairs: This bill as amended adds medical "list" price disclosure, avoiding all areas where it might interfere with medical care in a responsible manner while still providing pricing indicators that are lacking right now in the industry. The minority thinks this bill as amended attempts to answer all of the raised objections heard in testimony. It avoids insurance contractual concerns by only applying to uninsured people. It removes a requirement to price out emergency or critical care to avoid the risk that unexpected but medically necessary additional procedures won't be provided or paid for. It merely asks for what "retail pricing" would be, and even then only in a non-binding estimate. We heard bipartisan testimony that failure to provide pricing information is a widespread problem and that people are forced to undergo treatment before knowing how much they might have to pay for it. This failure to provide pricing for medical procedures has prevented the free market and competition from being a factor in the industry, and this has contributed to the increase in medical care costs. Medical care is not impossible to price accurately; the animal medical care provided at your local veterinarian clinic often generates a complete pricing report even in advance. Why can't human medical

care do the same? We require our automotive mechanics to provide reasonable estimates, and we expect accurate pricing from our restaurants, retail stores, service professionals and most others. Why do we hold medical care immune from this most basic of consumer protections: the right of the consumer to know (even roughly) what a service will cost them before that service is performed on their behalf? The industry and the state currently provides some limited hospital disclosure pricing and requires disclosure of facility costs (i.e., the cost of the room), but we don't require disclosure of other aspects of medical care given, such as how much it costs to provide a pain pill, put on a splint, provide stitches, or put on a band-aid. We have to provide some form of consumer relief mechanism to help battle the high cost of medical care. The few examples of pricing transparency, elective items such as laser eye surgery or plastic surgery, only support the minority's belief of the need for this legislation, and that prices will drop as a result. The free market can help, but only if we stop shielding our medical providers from the same market forces all the rest of us face.

Consumers will shop for lower costing care, doctors and others will compete to provide that care, and our poorest will again find themselves able to afford care, instead of having to risk treatment at an unknown price. No longer will patients walk into the doctor's office, unsure what it cost them to walk out, or worse, choose not to walk in at all because of a fear of what the cost might be and risk continuing poor health.

HB 1691-FN, establishing a state bank. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: Last session the committee considered, and rejected 13-3, a bill for a study committee on the feasibility of establishing a state economic development bank in New Hampshire. While some members of the committee were, and still are, willing to objectively engage in said study, the committee does not support its outright establishment. Proponents used the Bank of North Dakota, established 93 years ago, as a successful model. The committee believes that the unique circumstances in North Dakota in 1919 are not applicable to New Hampshire. The claims of the sponsors that the state could save substantial dollars in banking fees on the billions of dollars that pass through our accounts were not supported by specific information provided by the state treasurer regarding the management of the myriad accounts held by the state. In addition, no one from the business community or the department of economic development spoke in support of this bill. **Vote 11-1.**

HB 1700-FN, repealing licensing requirements for money transmitters. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Donna L Schlachman for the **Majority** of Commerce and Consumer Affairs: This bill would have repealed the requirement that money transmitters be licensed by the state on New Hampshire. Both the Attorney General's Office and the Banking Department expressed concerns that New Hampshire consumers will be left dealing with businesses that have absolutely no solvency requirements, either by taking out a bond or meeting a minimum level of capitalization before they open their doors. The bipartisan majority believes this leaves consumers, who may be harmed by said businesses, no hope of financial restitution. Our citizens have an expectation that they can go to our state departments to seek assistance or redress. The committee heard conflicting interpretation as to whether or not, in the absence of any state statute, a violation of federal statutes provide any relevant protections since the federal statutes specifically refers back to violation of state statutes. Presently there are only two states with no licensing requirements for money transmitters. The bipartisan majority does not feel it is in the interest of our citizens be become the third.

Vote 11-6.

Rep. Andrew J Manuse for the **Minority** of Commerce and Consumer Affairs: All money transmitters are, according to the Federal Bank Secrecy Act, considered "money services businesses" (MSBs). Subsequently, all MSB's and thus all money transmitters are required to register with FinCEN. The specific purpose of this registration is to hold these companies accountable on issues of fraud and money laundering. The restrictive licensing locally here in New Hampshire is redundant. The burden it places on local businesses - many of which do

not even know if they fall under MSB criteria - is thus unnecessary. No substantive security benefit is enjoyed, yet local businesses assume thousands in compliance costs, lawyer's fees, uncertainty, and opportunity costs. Further, the money transmitter licensing in New Hampshire is impotent. Criminals do not care about such licenses - only the legal, legitimate businesses seek them out and seek compliance. Further still, with new peer-to-peer payment technologies developed in the past few years, we are approaching a time when "money transmission" isn't exclusively done by corporations. Rather, individuals in both their personal activities and their pseudo-entrepreneurial ventures will find themselves quickly in breach of state laws on money transmission. It will force all such ventures to shut down in lieu of deep pockets, or move out of state. Bill HB1700 removes the redundancy of current NH money transmittal law, opens up competition, provides savings to businesses and consumers locally, and enables companies working with the new payment technologies to locate and thrive in the state.

HR 27, urging New Hampshire policymakers to declare "brainpower" a state resource.

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

Rep. Frederick C Rice for the **Majority** of Commerce and Consumer Affairs: High level academic, intellectual and scientific capabilities and resources are certainly among the types of resources that New Hampshire should seek to encourage, develop and market as factors that may contribute to growth. Simply labeling these assets as "brainpower" in hopes that it will attract investment or economic growth is simplistic and counter productive, however. Potential private investment for the purpose of promoting this concept can be implemented at any time by coordinating directly with the state agencies responsible for economic development and education. **Vote 13-3.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: On the surface, this resolution may seem like the bridge to no-where. What should be known, however, is the motivation behind it. This resolution is at the request of dozens of prominent leaders in the business and education community who are looking to the state to show its clear support for a campaign aimed at a concrete educational and business problem: attracting students to our science, technical, engineering and math programs, and holding onto our brightest graduates. More importantly, they are willing and able to put financial resources into this effort. It is common knowledge that New Hampshire is not graduating enough students to fill specific highly skilled jobs, and that many graduates are leaving our state to work elsewhere. Efforts to fill these skilled positions with our graduates and with people willing to relocate to our state are falling short, and businesses are impacted. New Hampshire's community college and university system are making progress in meeting the needs of our employers. It is past time, though, for New Hampshire to do more to build opportunity and relationships in New Hampshire and expand our public-private partnership to aggressively craft our image beyond being a great place to vacation and raise a family. The business and educational leaders who requested this resolution are asking the legislature for a symbolic gesture to give governmental legitimacy to their investment in helping New Hampshire to form stronger bonds for success and to become a destination state for the best and the brightest. Rather than argue over better ways to express what the committee all agreed was an education, retention and attraction issue, the minority wishes to give the green light to private business leaders who are ready to spend private money for the public good.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Seth Cohn for the **Majority** of Constitutional Review and Statutory Recodification: This constitutional amendment, as amended, would add a renewable term of 7 years in length to all future judicial appointments, subject to reconfirmation. It was the feeling of the majority of the committee that the people, having what seems to some to be no currently

effective method of judicial oversight, deserve the opportunity to consider this Constitutional amendment, to discuss the issues raised, and to ultimately vote on this change to the New Hampshire Constitution. **Vote 10-5.**

Rep. Christopher W Serlin for the **Minority** of Constitutional Review and Statutory Recodification: The minority believes the fundamental balance of powers, established in our state constitution, uses the life term of judges as a strong counter to the ebb and flow of popular opinion that drives election of an executive and legislature. Changing the structure of the judiciary to have terms for judges will expose that branch of government, normally responsible only to the constitution, to the pressure of popular opinion, which would severely impact their constitutional duties to base opinion only on the principles of our constitution **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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: While the legislative branch crates law, and the executive branch executes the laws, historically, the judicial branch maintains a neutral stance, adjudicating the laws on behalf of the people and maintaining the balance of powers among the 3 branches. The varied makeup of the court affects this critical role, through the many decisions reached by its members. The controller of the makeup of that judicial body gains more influence in the long run. The United States federal system attempts to achieve a balanced court through the use of presidential appointment and Senate confirmation. Some states use other methods of maintaining this check and balance of the court makeup, including directly elected judges, limited terms of office, or state senate confirmation. Here in New Hampshire, the executive council serves as the sole check to the governor's appointment process, leaving the makeup entirely in the hands of the executive branch. Given the concerns that some have about judicial oversight and undue activism, and the variety of means used nationwide to address it, the majority of the committee felt that an exploration of options was the most appropriate next step to take, and perhaps recommend future legislative action. **Vote 9-4.**

HB 1146, requiring pupils to stand during the pledge of allegiance. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne S Cartwright for the **Majority** of Constitutional Review and Statutory Recodification: Requiring children who are physically able to stand for the pledge of allegiance doesn't mean assent to the words. The public schools of New Hampshire should teach and expect from our children courtesy, respect and decorum just as expected of the members of the New Hampshire House **Vote 8-4.**

Rep. Paul E Brown for the **Minority** of Constitutional Review and Statutory Recodification: The minority of the committee appreciates the desire of the majority to have students show additional respect, beyond the already legally required silence and respect for students who are participating, by requiring them to stand for the Pledge of Allegiance (first authored in 1892). However, we believe that any compelled physical action, like standing, potentially violates the New Hampshire Constitution's Part I Article 4 (right of conscience), raises a potential religious issue (Part I, Article 5) due to the words "Under God" (officially added in 1954), and finally, it puts us on a very slippery slope that the minority is uncomfortable with standing upon. If rising to your feet can be required by the state, what other positive actions could also be compelled in the name of an increased patriotism? Reciting the pledge itself? Wearing uniforms? Purchasing health insurance, for the good of the county as a whole? The freedoms that the flag represents, including our ability to peacefully dissent, are freedoms hard fought and died for, freedoms still envied by many nations, and this is the true legacy and value of our Republic that we all want students (and all other citizens) to better understand and voluntarily respect. Any compelled participation will only send our impressionable youth the wrong message.

HB 1546, recodifying the laws relative to religious societies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joshua C Davenport for the **Majority** of Constitutional Review and Statutory Recodification: This bill recodifies Title 29, relative to religious societies reviewing each chapter line by line, twice, once in the original summertime subcommittee work last year, prior to bill signoff, and then again this year with full public having (public hearings and more subcommittee work, items were discussed as potentially obsolete and ready for repeal, or updated to more current standards of language and practice, and otherwise reviewed for any constitutional concerns. We found language focused on various specific religious groups, discussion of the details of pew ownership in meetinghouses, and regulation of what are now considered private church matters. We believe these corrections and/or removal are appropriate at this time.

As amended, this bill would also correct an infringement upon religious conscience in our insurance statutes which had gone unobserved. The NH Constitution bars the government of NH from infringing upon the natural right of religious conscience and bars the government from restrictions on religious conscience which would affect the person, liberty, or property rights of the people of NH, unless the exercise of these rights would disturb the public peace or disturb others in their religious worship. (Part I, Art. IV)

Therefore, this amendment is not only permissible under the NH Constitution, but is compelled at the first reasonable opportunity. That would be now. **Vote 10-6.**

Rep. Christopher W Serlin for the **Minority** of Constitutional Review and Statutory Recodification: The minority of the committee objects strenuously to HB 1546 as amended for two reasons. The lesser of the two, given the severity of the second, is that amendment 2012-0973h, offering exceptions to current insurance coverage requirements for contraceptive drugs and processes, was introduced and ultimately attached to a bill that had nothing whatsoever to do with insurance or contraception. The original bill was a simple house-keeping bill that in and of itself faced no objection. The aforementioned amendment is of such import that it should have been a policy bill with far more time to debate and receive public input than a hastily arranged hearing after initial efforts to introduce it fell afoul of House rules for proper notice. The second and far more significant reason for the minority's objection is that the entire basis of the need for morality exemptions for any employer, to provisions of law applying to contraception, is based on the false premise that employers in the state today currently face a restriction of their religious liberty by offering health insurance coverage to their employees. This is simply not the case.

As demonstrated by the minority and through testimony at the hearing, no entity or individual faces a restriction of their religious liberty under current insurance law. Any entity or individual, if they have any objections to state policy for inclusion of contraception as part of prescription coverage (the "only" condition under which the contraception coverage is mandated), easily avoids entering into a conflict by 1) electing not to issue insurance coverage at all, 2) self-insuring (thus avoiding the coverage rule) or 3) issuing a policy through regulated carriers which does not include prescription drug coverage. The inclusion of prescription drug coverage is the only trigger for mandatory coverage of contraceptives and procedures that are designed to prevent pregnancy.

But proponents advocate that these protections are not enough. They argue that there somehow exists a right on the part of those entities seeking coverage in the commercial market to essentially force their particular moral code into the marketplace. They wish to offer insurance. They do not wish to self-insure, or cannot. And they wish to have commercial coverage that includes prescription drug coverage. Only when all of these conditions are met is the contraception coverage requirement also met. Nobody is forced to offer insurance (though the minority agrees it's good policy to do so). Nobody is forced to purchase insurance through a commercial carrier. And nobody is forced to offer a drug plan if in fact they do elect freely to offer coverage through the market and not self-insure. How can proponents argue that by entering into the marketplace of their own free will, and electing a plan that includes the only trigger for mandatory contraceptive coverage – a prescription drug plan – groups are somehow denied protection of their First Amendment rights after doing so?

Proponents argue First Amendment freedoms are essentially absolute. But neither our state nor US constitutions provide absolute protection and a limitless extension of a claim of religious freedom in the public space. Simply said, within the walls of a church, the state does not interfere with practice or belief. But outside those walls, in the public space, our fundamental freedoms are sometimes constrained by the laws of the land as long as those laws apply to everyone. Our state constitution refers to fundamental liberties applying to individuals, not employers, churches or other bodies as entities. And there is a significant body of federal rulings that demonstrate the limits of religious freedom. In 1879, the United States Supreme Court recognized that a First Amendment expression of religious freedom does not override a valid state interest when it wrote: “Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself.” (Reynolds v United States).

The court found so again in 1940 when it wrote: “Conscientious scruples have not, in the course of the long struggle for religious toleration, relieved the individual from obedience to a general law not aimed at the promotion or restriction of religious beliefs.” (Minersville School Dist Bd of Educ v. Gobitis).

More recently, even SCOTUS Justice Antonin Scalia wrote; “We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law”. (Employment Division v. Smith).

The minority does not believe in the context of these mandatory coverage laws that any encumbrance of religious liberty exists. Given that NH has had these mandates for 12 years – and that they have not been opposed until now, an election year; and given that much of the testimony repeated claims of overreach by the current administration and sounded far more like a campaign speech than an honest policy debate, it is clear to the minority that this is an effort to politicize a question of sound public policy rather than to address a legitimate question of fundamental liberties. Current law provides multiple ways in which any person or organization that has specific concerns with contraception may maintain their religious freedom when it comes to health insurance for themselves or employees of an organization.

Arguing that religious freedom is somehow unconstitutionally constrained because that individual or organization first freely elected to bypass all 3 methods allowable under current law – each of which alone would have prevented them from being exposed to their conflict in the first place – sounds more like an effort to extend those entities’ definition of religious liberty into the public space with the expectation of complete protection under the law, than it does a claim of real harm done to the entity or individual’s First Amendment freedoms.

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

Rep. Joshua C Davenport for the **Majority** of Constitutional Review and Statutory Recodification: Planned Parenthood has historically received federal money under the Title 10 regulatory laws. Title 10 explicitly grants to individual states the authority to distribute these funds as they see fit within the guidelines. The state of New Hampshire declined to grant funds to Planned Parenthood through the Executive Council, which controls all contracts over \$5,000. The US Department of Health and Human Services then directly gave monies to Planned Parenthood by executive fiat, bypassing the congressionally approved process and expanding their own administrative reach. The majority of the committee found no delegation of power from the US Congress to the US Department of Health and Human Services which authorized such action. Additionally, the Title 10 money transfer mechanism is constitutionally reasonable only due to the state’s involvement in the procedure, making the direct transfer to planned Parenthood a constitutional overreach. **Vote 8-4.**

Rep. Christopher W Serlin for the **Minority** of Constitutional Review and Statutory Recodification: The committee failed to address or discuss at length the question of constitutionality. The minority believes this resolution represents an ideological statement first and foremost, by those who do not believe in the substance of the services provided by Planned Parenthood. Proponents of this bill admit that there is currently no other organization available to provide the healthcare services, for women in particular, in the geographical area served by Planned Parenthood. Putting New Hampshire women at risk for purposes of fulfilling an argument against the United States government is poor policy and not the sort of statement this House should make. The minority believes given these factors that HCR 41 makes a statement that political ideology is more important than reliable, quality healthcare for women in New Hampshire, and as such cannot possibly agree to support HCR 41.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1212, relative to resisting arrest. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E Ginsburg for Criminal Justice and Public Safety: The committee believes this bill, which would apply for resisting or interfering with an arrest only if the arrest were "lawful," would increase violence and injury to both those arrested and law enforcement officers. The proper place to resolve disagreements in such matters is the courts, through the legal process. **Vote 12-5.**

HB 1244, relative to firearms possession while trapping. **OUGHT TO PASS.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill allows those who are engaged in trapping will be allowed to carry a firearm larger than a .22 caliber long rifle cartridge, or a shotgun larger than number 4 birdshot for self protection while attending traps. The bill is clear that the larger caliber firearms are only for the purpose of self protection. **Vote 12-5.**

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Larry G Gagne for the **Majority** of Criminal Justice and Public Safety: This bill will permit residents of this state to apply to the director of state police, or county sheriff for a license to carry a pistol or revolver. As we all know, personal and personality conflicts do happen. Restricting access to something as important as second amendment rights is inappropriate. This bill will allow New Hampshire citizens to approach more than just one official to apply for a concealed carry permit. **Vote 9-7.**

Rep. David A Welch for the **Minority** of Criminal Justice and Public Safety: This bill allows a resident of New Hampshire to apply for a concealed weapons license from the State Police or county sheriffs department. Testimony suggested that a local police chief might not grant the license request and therefore this bill was unnecessary. The local chief knows the resident presumably and it is likely that the department of safety and/or sheriff would contact the chief for information about the character of the applicant. The minority believes that this bill is unnecessary because if the license is denied, an appeal to the district court would likely grant the license barring a criminal record.

HB 1318, relative to carrying firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H Fields for Criminal Justice and Public Safety: This bill permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded. The committee felt this would create more problems than intended. This would create more problems of drugs, addictions, greed, gang violence, domestic violence, along with road rage. This would, as the bill is written, allow anyone 18 years or older to carry a firearm, loaded or unloaded, openly or concealed on or about his/her person or in a vehicle without any form of licensing or permitting required by the state of New Hampshire. **Vote 10-6.**

HB 1341, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town. **OUGHT TO PASS.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill repeals RSA 644:13 which was originally crafted as a noise statute and controlled discharges of firearms, cannons and firecrackers within a defined area. Testimony indicated it has been used in the largest city in New Hampshire and the statute no longer contains references to firecrackers.

Vote 11-5.

HB 1449, requiring a search warrant for searches of privately-owned property.

INEXPEDIENT TO LEGISLATE.

Rep. Philip E Ginsburg for Criminal Justice and Public Safety: Since the moment the Constitution was ratified we have been working to define and constantly redefine the area within which the individual should enjoy freedom from incursion by the state. More than 200 years of statute, case law and commentary have brought us to the current balance between the rights of the individual and the interest of the broader public. The majority believes that to make the radical change in that balance called for in this bill, would constitute an irresponsible and excessive exercise of legislative authority. **Vote 8-5.**

HB 1468, relative to seizure of personal property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip E Ginsburg for the **Majority** of Criminal Justice and Public Safety: Existing law, the product of two centuries of interpretation of the United States and New Hampshire Constitutions in light of experience, establishes conditions and restrictions on search and seizure to both protect the rights of the individual and further the public interest and safety. The law also creates a limited number of exceptional circumstances where property may be seized without the usual requirements of a warrant (where evidence might be destroyed otherwise in “exigent circumstances” of danger to persons, etc.). This bill would eliminate all these exceptions, destroying the law’s balance between the individual and the general interest and significantly endangering public safety. **Vote 9-5.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: In the spirit of increased accountability for law enforcement, this bill improves the legal rights of New Hampshire citizens in regards to police seizing personal property without a warrant. Article 19 Part I of our constitution guarantees this right, but according to testimony before the committee, there have been abuses and further clarity in the law may be needed.

HB 1511-FN, relative to felons possessing firearms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen J Shurtleff for the **Majority** of Criminal Justice and Public Safety: This bill would remove the restriction on a convicted felon to possess certain non-firearms. This would include the possession of a black jack, brass knuckles, sword cane, billy clubs, etc. The committee believes it is not in the best interest of public safety to allow felons to be able to legally possess these dangerous weapons. The bill would reduce the offense for any felon who illegally completes and signs an application for purchasing a firearm from a felony to a misdemeanor. The committee believes that a criminal offense of this seriousness should be a felony. Lastly, the bill would allow convicted felons to possess black powder weapons. The committee realizes that there are some black powder revolvers that would allow an individual to fire six rounds as fast as they can pull the trigger, and then they could quickly replace the cylinder and fire six more shots. To have this fire power in the hands of a convicted felon is not in the best interest of our citizens. Furthermore it is a felony under the federal firearms laws for a convicted felon to possess any firearm, including a black powder weapon. In New Hampshire, if an individual commits a felony, then goes on to lead a productive life, they can petition the Governor and Executive Council for a pardon. If the pardon is granted, then their criminal record is expunged and all their rights, including their rights under the 2nd Amendment, are fully restored. Another process is an annulment that can be applied for after a certain time period. **Vote 14-2.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: This bill originally passed OTP in committee, but because of a clerical error was re-committed, where the vote turned upside down. Despite this curious turn of events, the minority feels this bill has merit and would help reduce workload on the over burdened court system and restore rights under the law for felons convicted of nonviolent offenses.

HB 1526-FN, decriminalizing possession of less than one ounce of marijuana. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: The bill, as amended, reduces penalties for possession of less than ½ ounce of marijuana to a violation punishable by fine for the first two offenses and keeps the third and subsequent offenses as class A misdemeanors punishable by up to 1 year in jail and a fine not to exceed \$1,000. This represents a measured and calculated reduction in penalties for possession of marijuana remaining a felony level offense. The state of New Hampshire is surrounded by states that have taken similar measures with good results. **Vote 9-7.**

HB 1532-FN, relative to trespass on land which is not posted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: The bill amends the criminal trespass statute in circumstances where property is not posted with “no trespassing” signs and allows law enforcement to remain on property they are invited to enter. **Vote 14-2.**

HB 1630, relative to traffic control at public meetings or functions. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill would take discretion away from local officials in determining what is best safety practice for their community. **Vote 10-4.**

HB 1651-FN, requiring the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kenneth Kreis for the **Majority** of Criminal Justice and Public Safety: This bill requires the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras. Unfortunately, the proposal does not include repairs or replacements when necessary. The bill falls short in providing for training and use of the equipment and the fiscal note does not match with DOS cost sheet, the difference is almost \$60,000. **Vote 13-3.**

Rep. Kyle J Tasker for the **Minority** of Criminal Justice and Public Safety: Equipping SWAT teams with cameras can remove the hesitation experienced by team members before using lethal force by guaranteeing the information being used to make the decision is available to those reviewing the shooting. This has the potential to expedite the investigation to determine if the shooting is justified.

HB 1654-FN, relative to earned time credits for inmates participating in rehabilitative programming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill, as amended, provides an avenue for those inmates who want to be rehabilitated to earn time off their sentence for successful completion of educational programs, such as GED or high school which is offered by the state or higher education programs which are paid for by the inmate. This has the effect of allowing a certain number of days to be taken off the minimum sentence if the parole board agrees to the reduction. An inmate who successfully completes a GED program would receive a 90 day reduction, or a high school diploma a 120 day reduction in their minimum and maximum sentence. For college degrees, a 180 day reduction for each of an Associates, Bachelors, or Masters degree and a Doctor of Philosophy. Vocational programs would earn up to 60 days for successful completion if the commissioner agrees that the program is valuable to the inmate’s rehabilitation. **Vote 14-1.**

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

Rep. Philip E Ginsburg for the **Majority** of Criminal Justice and Public Safety: This bill would make speeding illegal only if it resulted in property damage or personal injury, making it impossible for law enforcement to limit driving at excessive speeds. Studies show this would result, according to testimony the committee heard, in more and more destructive accidents. All but one member of the committee voting believed this alone was ample grounds to support a motion to ITL. **Vote 15-1.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: The minority feels this legislation is a common sense approach to modifying statutes to conform with our driving culture. Practically speaking, 80-85% of drivers don't obey speed limits currently. Why criminalize such common behavior if no harm is done? If the speeding results in property damage or personal injury, that's where law enforcement should get involved.

HB 1699-FN, relative to driving under the influence of drugs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L Parsons for the **Majority** of Criminal Justice and Public Safety: This bill fills a loophole that allows law enforcement to stop drivers that are driving erratically or dangerously. This bill adds "chemical substance, natural or synthetic," which may be in combination with intoxicating liquor. If the arresting officer deems a person is operating under the influence of these drugs, physical tests such as blood or urine testing may be conducted and may be admitted in the court as evidence. Current law only specifies controlled drugs of which there are only five controlled drugs. The change from "controlled drugs" to chemical substances, natural or synthetic allows the abuse of several more intoxicating drugs or substances to be detected and used as evidence of impaired driving.

Vote 8-5.

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: This bill greatly expands prohibitions on drivers of cars, boats and snowmobiles to include all chemical substances, whether natural or synthetic if they lead to driving under the influence. Caffeine, vitamins, fragrances and all prescription drugs would now qualify a driver for additional penalties if the driver is under their influence. This law is impractical and virtually unenforceable. While there are proven tests for alcohol concentration in breath or blood, there is no such definitive test for thousands of common substances.

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.

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

Rep. Kenneth Kreis for the **Majority** of Criminal Justice and Public Safety: This bill was presented as a "victimless crime" and would allow the purchase and use of marijuana by 21 year olds and over, would regulate the purchase and sale of marijuana, imposes taxes on the wholesale and retail sale. This bill also created a complete new level of bureaucracy and rule making authority. **Vote 10-7.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: The minority believes tax and regulate is the model to deal with this matter. Putting the control, regulation, taxation, and sale in the hands of government and reputable business instead of that of the criminal element is the proper course. The time has come to look closely at the downside of current policy. A concern often raised is this will still be illegal under the federal law. Our neighbors Maine, Massachusetts, Rhode Island and Vermont, among others, have legalized some form of marijuana, including medical use, with only rare instances of the feds cracking down on legally operated businesses. There is precedent in New Hampshire for exercising 10th Amendment state sovereignty, including our rejection of Real ID and the current efforts to block Obamacare-mandated health insurance exchanges. Taxing and regulating marijuana would lead to an increase in revenues into state coffers, allowing for reduction of taxes elsewhere or adding to the rainy day fund. Tax receipts would far surpass regulatory and enforcement costs, as we see today with sales of tobacco and alcohol. People in

the Live Free or Die state should be free to engage in activities they enjoy, as long as they are not harming others or infringing on others' rights. Such behaviors are protected by the NH constitution's Art. 2 Part I guarantee of natural rights. Art. 18 Part I further exhorts that penalties should be proportioned to the crimes. Clearly, a felony or even misdemeanor for simple possession of under an ounce of marijuana for personal, recreational use is disproportionate and Draconian. Seeing that in the history of mankind no one has ever died from ingesting it, the evidence is clear, the policy has created far more harm than good. If we asserted our state rights and took control over this matter, taxed it and regulated it, we would save millions of dollars, free up law enforcement to focus on more serious matters, and fill the coffers with millions of dollars that could be used toward more serious societal ills.

HB 1707-FN, relative to penalties for operation after revocation or suspension. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill modifies the law that specifies enhanced penalties for driving after revocation or suspension for certain serious offenses by making those penalties apply when the revocation or suspension was for an equivalent offense in another jurisdiction. Those offenses are RSA 265:79 Reckless Driving, RSA 265-A:2 Drunk Driving, RSA 265-A:3 Aggravated DWI, and RSA 630:3, II Negligent Homicide under the influence. These statutes affect operation of OHRV and level the field by including out of state operators while in New Hampshire. **Vote 13-4.**

HB 1709-FN, establishing a criminal offense for failure to report a missing or deceased child. **REFER FOR INTERIM STUDY.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: The committee feels current statute is sufficient and if a loophole exists, that needs to be addressed. Further study will be needed to accurately address the situation. Unintended consequences are a potential problem if the language is not properly crafted **Vote 17-0.**

EDUCATION

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

Rep. Michael A Balboni for the **Majority** of Education: CACR 8 restores the people's right to local control of education and the authority of the Legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to strike out certain specific sectarian references ...". The ballot question included this summary of the original Article 6: "Article 6 authorizes local public taxation for the support of 'Protestant' clergymen only, and promises equal protection of the law solely to 'every denomination of Christians'." The ballot question provided voters with the following explanation of the effect of the proposed amendment: "If the amendment is adopted, ... the above-described sectarian references will be stricken from the state constitution, putting all religious denominations on a basis of equality and removing the present conflict with the U.S. Constitution." Though the voters were told that only the sectarian references were to be removed, the actual amendment changes went far beyond this. The amendment also removed and altered several non-religious phrases in the Article, and these changes were not explained to the voters. CACR 8 would give the people the opportunity to restore to their Constitution the non-religious aspects that were removed in 1968. These restorations include the following: the purpose of education as being to teach the fundamental principles of the Constitution so that the people are better able to control their government; empowering the legislature to authorize schools, to create and regulate public schools; providing school districts the exclusive control over the selection of their teachers and their compensation; the school districts control over curriculum which is inherent in the original Article's exclusive control over the selection of teachers; and each school district's responsibility as the first payers of education expense consistent with the exclusive control over teacher selection and compensation and curriculum selection. CACR 8 then proposes

two further changes: it ratifies judicial rulings which enable the state to pay for non-religious education at religious schools; and it clarifies the legislature's power to supplement local funding of public education. The first change makes clearly and permanently constitutional the state's current practices such as funding the non-religious education component for special needs students as required, for example, under federal special ed regulations, and the giving of scholarships to nursing students for the non-religious part of their education at religious schools. The second part ensures that the state funding of education will be consistent with the coordinating Articles of the Constitution of New Hampshire, specifically Part I, Articles 12, 28 and 29 and Part II, Articles 2 and 5 which make the legislature the supreme policy body of the state, and the only body capable of determining state spending. CACR 8 can be summed up as restoring the local control of education and the authority of the legislature in regard to education and education funding; thereby returning the people firmly in control of public education. **Vote 12-5.**

Rep. June M Frazer for the **Minority** of Education: This constitutional amendment opens the door to local funding of schools without any supplement from the state. Note the word “may” in the following sentence: “The several political subdivisions ... shall make adequate provision at their own expense for their schools, provided that the legislature may supplement that provision in the manner and degree that the legislature finds most beneficial to the general good.” Should a future legislature choose to unfund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools. Moreover, CACR 8, in this same language, has already been rejected by the House. The reason why it was recommitted to the education committee was to hold it in case other related bills did not materialize. Since CACR 12 is still in process, passing CACR 8, already rejected once, would be in opposition to the reason it was recommitted.

HB 1175, relative to the membership of the cooperative school district budget committees. **OUGHT TO PASS.**

Rep. Gregory Hill for Education: The issue this bill seeks to resolve concerns cooperative school districts and specifically those with budget committees duly elected. The committee heard testimony that the process of the school board appointing a voting member to the budget committee gave “two bites at the apple” to each item appearing in the budget; once at the school board level and again at the budget committee level. The input of the school board member on such matters is of great import, but their place on the budget committee should be advisory and not voting. **Vote 9-6.**

HB 1377, requiring postsecondary education institutions to compile and submit reports on remedial education courses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the **Majority** of Education: The current RSA 193-E:4 requires the department of education (DOE) to submit a report containing information on indicators at postsecondary New Hampshire institutions concerning remedial education courses. But what information would they have to collect? It's unclear. This bill, as amended, outlines information to be gathered by our universities and community colleges and directs the DOE to share the information with the House and Senate. Testimony was heard that currently 65 to 70 percent of community college freshmen are unprepared for college math and need remediation ... double the national average. This is but one example of indicators of a problem worthy of further investigation and discovery. Without gathering information little can be discovered. The DOE, in current law, shall integrate all data collected into the data warehouse (the unique pupil identifier system) with the goal of tracking student outcomes and improving postsecondary readiness. This bill gives more detailed information, to potentially allow the DOE a better chance at interpreting policies and programs that are, or are not, successful throughout New Hampshire schools. **Vote 11-5.**

Rep. June M Frazer for the **Minority** of Education: There are three major objections to this bill. One, the data that is to be gathered will not fulfill the bill's stated goal of determining

the source of and reasons for the current level of remediation at post-secondary schools. Too many demographic variables among the students and the different missions of the institutions would not be taken into account, thereby invalidating the data. Two, witnesses from post-secondary institutions said the questions are inapplicable to their institutions or add unnecessarily burdensome reporting to their tasks. Three, the bill calls for retrieving the data at the wrong level; high school exit exams would produce more useful information than data gathered at the post-secondary level.

HB 1424-FN, relative to a parent's conscientious objection to a school, school program, or school curriculum. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education: The major part of this bill was taken care of last year with HB 542. If a parent has an objection to a school, school program, or school curriculum, they can take their child out now and put her in another school or home school. Therefore this bill is not needed. **Vote 16-1.**

HB 1606-FN, adopting the interstate compact on educational support for military children. **REFER FOR INTERIM STUDY.**

Rep. Rick M Ladd for Education: The interstate compact on educational support for military children is an agreement among member states that establishes practices that will allow for the uniform treatment of military children transferring between school districts and between states. The committee recognizes and appreciates the challenges and concerns faced by military school-age children when frequently transferring from one school district to another. The committee has identified numerous, complex issues that require further study: oversight responsibility, financing, enforcement, rule making, accountability, and more. A subcommittee will prepare recommended considerations for statutory language action for the next session. **Vote 16-0.**

HB 1703-FN, requiring a course in business or financial literacy as a prerequisite to high school graduation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for the **Majority** of Education: The committee felt there is a real need to instruct students in the area of home finance, including the following areas of instruction: budgets, investing, borrowing, insurance, checking and savings accounts and taxation. These skills are critical to success of these students after graduation in today's society, however, the committee also felt that the current text of the bill was an unfunded mandate. There was sufficient value in addressing the concerns this year, that the committee believed that an amendment was necessary to correct the constitutional concerns and was willing to draft one, but the house schedule did not permit drafting an amendment in time to be ready for the house deadline. **Vote 12-4.**

Rep. Barbara E Shaw for the **Minority** of Education: The implementation of the requirements of this bill would be an unfunded mandate that could cost more than four million dollars in local expenditures. It requires an additional course of study rather than stressing skills or proficiency of subject matter and adds additional credit for graduation. The minority of the committee chose not to support this bill as written at this time.

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for Education: The New Hampshire state department of education provides guidance, technical assistance and resources to local school districts. Information regarding district-specific data, grants, new initiatives and instructional programs are readily available electronically as well as in person. HB 1713, if passed, would negatively impact the effectiveness of the local school districts, the functions and responsibilities of the state board of education, and ultimately, the children of New Hampshire. **Vote 16-1.**

ELECTION LAW

CACR 21, Relating to referendums. Providing that voters may veto laws by referendum. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dino A Scala for the **Majority** of Election Law: This legislation originally proposed an amendment to the New Hampshire constitution that would give the citizens of New Hampshire the right to nullify or veto laws passed by the General Court. The majority of the committee feels that CACR 21 has a tremendous amount of merit and should be studied further. The voters of New Hampshire should have a way to stop or overturn legislation that they feel goes against the majority of the citizens of our state. The majority feels that there should be a further check and balance to our law making system and CACR21 could be that balance. This further study is warranted. **Vote 9-7.**

Rep. Peter R Leishman for the **Minority** of Election Law: The minority believes that this constitutional amendment concurrent resolution allowing voters to directly repeal state statutory provisions by referendum should be found inexpedient to legislate. Referenda like most other political institutions have both advantages and disadvantages. However, the minority believes the disadvantages outweigh the advantages. History has shown that referenda are a poor substitute for a legislature and governor with the courage to tackle difficult problems. Further to the point, referenda are sometimes seen as a means available to elected representatives to avoid having to take an unpopular position on a controversial issue. One only has to examine the history behinds a woman's right to vote. By 1916 suffragists managed to put a woman's right to vote on the ballot in many states including Iowa, Kansas, New York, Massachusetts, Pennsylvania and New Jersey. All six measures failed. Fortunately, in 1919, congress passed the 19th amendment to the United States Constitution, which declared no citizens could be denied the right to vote on the basis of sex. Additionally, if New Hampshire had institutions of representative government that were weak or in a fledging state, allowing referenda might make sense. However, New Hampshire has the 4th largest English-speaking legislative body in the world. Finally, the minority fears majoritarianism, a concern that the majority might use referenda to trample on minority rights.

CACR 29, Relating to the attorney general. Providing that the attorney general be elected for a 2-year term. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B Drisko for Election Law: The intent of this bill was to provide that the attorney general be elected rather than appointed and his/her term would be 2 years, coinciding with the terms of other elected offices. The committee felt no change from the present appointment process was needed. **Vote 15-4.**

HB 1569-FN, relative to nomination of political organizations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Regina M Birdsell for the **Majority** of Election Law: This bill changes the definition of party for election purposes to include a political organization certified as a party by nomination papers. Voters signing the nomination papers may request that they be registered as a member of that party but are not required to join that party. The majority feels the current laws in place that allow a political organization to achieve party status are adequate and it would be undesirable to count political organizations as a party based on signatures of people who may have no connection to that organization. **Vote 16-3.**

Rep. David M Pierce for the **Minority** of Election Law: New Hampshire has some of the most restrictive ballot access laws in the country. This helps ensure that the two principal political parties will always "own" the ballot. But the ballot belongs to the people, not the parties, for the people choose their government. More choices on the ballot encourage a competition of ideas and a healthy exchange of ideas is critical to a vibrant democracy, and the minority believes we are badly in need of a healthier democracy.

HB 1595, relative to voting in primary elections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan C DeLemus for the **Majority** of Election Law: This bill stated that no application for a change of party affiliation shall be accepted on the day of a primary election. As amended it now allows registration and states that that no person shall disaffiliate from a party during the 90 days following a state or presidential primary election. This would eliminate the special provisions permitting undeclared voters to revert to undeclared status after voting in a primary election. It also requires undeclared voters to follow the same procedures for change of registration as voters whose party affiliation were declared prior to voting in the primary election. **Vote 12-7.**

Rep. David M Pierce for the **Minority** of Election Law: This bill would prohibit any voter from switching parties for 90 days after a primary election. But the right to freely decide for oneself who to associate with is one of our most fundamental. This means that the state has no authority to dictate to its citizens that he or she must or must not be a member of any political party. We should not violate our citizens' most fundamental rights, especially since no compelling reason can be offered to justify this infringement.

HB 1664-FN, transferring election law enforcement to the secretary of state. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for the **Majority** of Election Law: The bill as introduced proposed to transfer responsibility for enforcing election laws from the attorney general to the secretary of state. The majority felt it was in the best interests of all to study this proposal further before making any recommendation on whether the attorney general or the secretary of state should have this authority. The bill was amended to create a study committee to evaluate past practices on investigations and whether it is feasible/practical for the secretary of state to assume the responsibility. **Vote 17-1.**

Rep. John G Gimas for the **Minority** of Election Law: Though the issue of election law violation reporting has at times frustrated the election law committee, solving this problem with the appropriate department would work fair better than transferring these responsibilities to another one.

HB 1676-FN-A, relative to campaign contributions and expenditures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William B Smith for the **Majority** of Election Law: This bill establishes a pilot program of public funding for candidates for state senator, with a termination date of January 2018. The majority feels that taxpayers should not be asked to fund candidates they don't support, and are not convinced that public funding provides the benefits claimed of lower cost and "cleaner" elections. Additionally, costs of start up and administration of the program are not likely to be covered without use of general funds. **Vote 15-4.**

Rep. Robert J Perry for the **Minority** of Election Law: In the past 14 years, no candidate for governor has won the governor's race without raising less than \$1.2 million. In the 2002 gubernatorial race, a candidate self-funded \$10.6 million. Over \$2 million has been raised in each of the last four election cycles for state Senate, an increase of 45 percent since 2000. Average Senate campaign spending is now \$80,000.00 for an essentially volunteer position. In 2010, 7 Senate candidates self-funded \$10,000.00 or more. This means the Senate will soon have few members who can identify with most of his/her constituents. HB 1676 would create a clean elections funding pilot program for five Senate races selected at random by the secretary of state. Candidates qualify for the financing after collecting a requisite number of private contributions. A fund is established and funded from various sources, none of which would, under the floor amendment; involve use of the general fund. Participating candidates would then use monies received into the fund to finance their primary and general election campaigns. The pilot project would sunset on January 1, 2018. A New Hampshire clean elections program would mitigate the disparity between wealthy and non-wealthy candidates; would reduce the number of hours dedicated to dialing for dollars and the

potential obligations such contributions create; allow more time for constituent services; and provide more citizen confidence that the system is working in their best interests. The Supreme Court ruling in Citizens United, opening the floodgates to unlimited campaign spending creates urgency for campaign reform. The minority believes the time has come for New Hampshire to move toward reform, along with the other 20 states that have. Our representative democracy depends on it.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1218, relative to state authority to accept federal aid. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maurice L Pilotte for the **Majority** of Executive Departments and Administration: Currently, all grants and aid that agencies anticipate becoming available during the budget cycle, whether regularly occurring or one-time only availability, must be included in an agency's budget proposal. All such grants require approval of the Governor and Executive Council. Any grant that involves hiring of personnel, whether or not there is a commitment to such personnel after the expiration of the grant, require approval of the Governor and Executive Council AND the joint fiscal committee of the general court. Emergency grant applications are subject to the same requirements, Governor and Executive Council for applications for grants or aid that do not require hiring personnel and the involvement of the joint fiscal committee if there is such a requirement. The committee considers that requiring approval of the general court in all these situations would make the application process unmanageable. **Vote 10-3.**

Rep. Spec Bowers for the **Minority** of Executive Departments and Administration: Currently federal grants are presented to the Finance or Fiscal committee for approval only after they have been granted. The legislature has no opportunity to weigh in on which grants are requested or what they would be used for. It is our responsibility to craft the state's budget and to spend its funds as effectively as possible. This bill would have the legislature approve grant applications, thus improving our control over one third of our spending.

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions. **OUGHT TO PASS.**

Rep. Mark L Proulx for Executive Departments and Administration: This bill is to establish a committee to look at the effects of illegal immigration. The committee shall report its findings and any recommendations for proposed legislation no later than November 1, 2012. This committee will not look at legal immigration. **Vote 11-1.**

HB 1338, relative to failure to renew a professional or occupational license. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Sytek for the **Majority** of Executive Departments and Administration: This bill would permit members of licensed professions who let their licenses lapse, for any reason, to renew their licenses. They would be able to do so, regardless of how long it had been since their licenses lapsed, and without going through any relicensing procedure. The committee felt that this approach was too broad. The amount of lapse time might not be critical for some professions. However, for others (e.g. thoracic surgeons) even a short lapse could be problematic. The committee wished to see a profession-by-profession examination to include appropriate, tailored criteria to show current proficiency. **Vote 10-1.**

Rep. Spec Bowers for the **Minority** of Executive Departments and Administration: The requirements for renewing professional licenses are prejudicial to licensees who may wish to cease working in their profession for a period of time beyond the statutory limit for renewal and who may wish to return to their chosen field at a later date. It is absurd to require such licensees, individuals who may have a lifetime of experience in their particular trade or profession to have to have to begin the application process from scratch as a new applicant. Draconian re-licensing requirements in such circumstances speak more to licensed professions' interest in keeping out competition, than anything having to do with consumer

protection. HB 1338 would allow those whose circumstances have changed and wish to return to work the opportunity to do so.

HB 1431, relative to requirements to obtain a barber license. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for the **Majority** of Executive Departments and Administration: HB 1431, as amended, creates flexibility in how a person can learn the skills needed to obtain a barber license. Under current statute, an applicant needs 800 hours of schooling or 1600 hours of apprenticeship. The bill retains the option of 800 hours of schooling but also allows for “equivalent training and experience.” Many people don’t learn well in a classroom setting, but do very well in a more hands-on setting. We should encourage alternative ways of learning. One way that many children have learned a trade is from their parents. Some children start helping their parents as early as age 7; by the time they turn 15, many of them have learned the skills of the trade. But current law does not recognize that training. Parents then have to pay thousands of dollars to send children to a school in order to qualify for a license. The bill would allow someone who has learned the skills, through their parents or via apprenticeship or by some other means, to apply for a license. It puts more emphasis on practical tests of a person’s qualifications rather than on number of hours of schooling. The bill strengthens the requirements for examination to ensure that an applicant indeed has at least the minimum skills to be a barber.

HB 1431 also makes it easier for a licensed barber to open a shop. Current law requires a licensed barber to wait a year before opening his or her own shop. But the very fact that someone is licensed means that that person is qualified to be a barber. Requiring a qualified barber to wait a year is undue restraint of trade. Additionally, some rules for setting up a shop in a residence are a barrier to entry into the trade. The bill removes the statutory basis for rules that have no basis in protecting the public health and safety. The amendment replaces the original bill. **Vote 8-4.**

Rep. Peter B Schmidt for the **Minority** of Executive Departments and Administration: Once again, we see in HB 1431 an attempt to rectify a problem that does not exist, and to create alternatives already available under board rules and to bring back a world long gone, all in pursuit of some libertarian goals of highly questionable value, to say nothing of desirability or workability. HB 1431 tinkers with a profession that is already well established and well regulated, in which the practitioners believe in and support their present structure and governance. Barbers, cosmetologists and estheticians need thorough and skilled training to enable them to both serve and protect the public. The danger of harm, injury, even disfigurement, is substantial if adequate knowledge of sanitation, use of chemicals and emergency procedures is haphazard or slipshod. There is no public call for the changes sought by HB 1431 and the trade rejects them. This bill should be rejected by the House, as well.

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. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: HB1549 prohibits the state to require the use of the federal E-Verify system, and also bans supplying information from the driver's license database to that system. E-Verify is a federal database system that is used to verify citizenship and/or legal residence status for employers, but it is being expanded into a de facto national ID card system without the card. Since New Hampshire has firmly declined to participate in REAL ID, pass cards, and other national ID systems, it should stay out of the E-Verify system as well. Keeping driver's license data separate from federal databases of this sort is necessary to protect the privacy of our residents. Employers that find E-Verify useful are free to use it to determine that employees are legally entitled to work in this country, but New Hampshire will not mandate it. **Vote 11-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1599, relative to mammography. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: While the committee was moved by the testimony relating to an unfortunate radiology outcome, expert testimony convinced the committee the current medical standard of practice was more than sufficient to guard breast health by physicians. **Vote 13-3.**

HB 1613, relative to protected health information. **REFER FOR INTERIM STUDY.**

Rep. Evalyn S Merrick for Health, Human Services and Elderly Affairs: Medical privacy is controlled by HIPAA. This law has a serious loophole in that it does not require notification when an unauthorized disclosure or breach is suspected. Notification is only required when a breach is confirmed through investigation, which may take up to three months. Further, investigation is conducted by the entity which holds the information and may have made the unauthorized disclosure. In New Hampshire, individuals own their medical information and may wish to take practical steps to protect themselves from the disastrous effects of identity theft and medical identity theft. There have been several large medical information breaches in New Hampshire, so it is reasonable to give individuals as much upfront notice as possible when a breach is suspected. However, problems and concerns, including cost, were identified in committee, and more work is needed. Therefore, the recommendation is for interim study. **Vote 14-4.**

HB 1617-FN, repealing the certificate of need law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: The bill repeals the Certificate of Need (CON) board process which is the regulatory tool of the health services planning and review board. The bill as amended creates a system that allows competition while protecting small hospitals and preventing an over supply of expensive new inpatient services or additional inpatient beds. The goal of the original CON process was to manage growth of health care facilities state wide while reducing costs incurred by New Hampshire citizens. The committee believes the CON process has fallen short of this mission and has become protectionist of the consumer. Additionally, the committee found the CON process has less to do with the "quality" of care than it did with restricting the volume of choices available for health care. The committee heard three hours of testimony both in support of and opposition to the bill. It became apparent to the majority that the current system was restrictive and non-responsive to New Hampshire citizens. **Vote 16-2.**

JUDICIARY

CACR 22, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for the **Majority** of Judiciary: This bill would offer an amendment to the New Hampshire Constitution, to be voted upon by the citizens of the state at the general election of November 2012. Currently the justices of the state supreme court make the rules that govern the administration of all courts in the state. The majority of the committee believes that court rules should have the force and effect of law. Accordingly, it was determined that the legislature, the body charged with passing laws, should be involved in this process. This is not a novel concept. Prior to 1978, the New Hampshire legislature passed the statutes on judicial rules and procedures. This amendment would strike a balance between the judicial and legislative branches and require that the chief justice establish the court rules with the concurrence of the state legislature. The majority of the committee concluded that this issue was important enough to be put before the people by way of Constitutional Amendment. **Vote 12-4.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This is the first of two mutually inconsistent CACRs recommended for passage by this committee. One of the popular myths about our present constitution is that the passage of Part II, Article 73-1 in 1978 somehow took power away from the legislature and put it in the hands of the court. This is not true. Article 73-a simply reallocated rulemaking power within the judicial branch from the

superior court to the supreme court. This CACR would amend Part II Article 73-a of the constitution to allow the supreme court to make rules of court procedure only with the concurrence of the legislature. Those in favor of this change argue that this is already being done on the federal level. However, the federal system is different in that the court sets the rules, and then the legislature has seven months in which to decide if they want to overrule or modify the court's action. Requiring the legislature to take affirmative action before a rule can be adopted will be counterproductive in many instances. An example of this would be the rulemaking required of the court upon passage of the parental notification bill to set out procedures for the judicial bypass contained in the bill. There, the rules needed to be in place when the bill was implemented. The minority is also concerned about adhering to the charge of a much older part of our constitution, Part I, Article 37, which says, "[i]n the government of this state, the three essential powers thereof to wit, the legislative, executive, and the judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity." Finally, the minority believes that the majority abdicated its duty to make a considered recommendation to this House when it recommended two inconsistent CACRs addressing the same subject matter to the full House.

CACR 26, Relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gregory M Sorg for the **Majority** of Judiciary: This CACR, if ratified, would repeal Article 73-a of Part II of the New Hampshire constitution. It is one of several CACRs aimed at correcting the perceived improvident cumulative transfer of authority from the legislative to the judicial branch through several constitutional amendments ratified between 1966 and 1978. The authority given to the supreme court by Article 73-a in 1978 to make rules having "the force and effect of law" is by its terms limited to "rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts." However, acting under color of Article 73-a, the court has repeatedly issued rules unrelated to and going well beyond court administration, practice and procedure, and the majority believes that this abuse justifies withdrawal of its supposed basis by repeal of Article 73-a.

Vote 11-5.

Rep. Janet G Wall for the **Minority** of Judiciary: This CACR would repeal all authority for the Chief Justice of the Supreme Court to make rules governing the administration of all the courts. The bill is flawed in that it does not tell the voters the correct information. There is a legislative myth that Part II, Article 73-a altered power between the legislature and the supreme court. It did not. Article 73-a reallocates power within the judicial branch by authorizing rulemaking power by the supreme court, rather than the superior court. It did nothing to the legislative branch. Just as the various state agencies make rules for the applications of laws the legislature passes, the judicial branch needs to make rules as well. Rules made by the judicial branch deal with numerous functions including the everyday operations of the court system. The rulemaking process in the judicial branch is not undertaken lightly. We have a system of checks and balances in government with respect for the separation of powers. While the legislative branch makes laws, the judicial branch, in this instance, develops rules. This CACR is not needed.

HB 1178, relative to the losing party's payment of the prevailing party's costs in tort actions. **REFER FOR INTERIM STUDY.**

Rep. Brian JX Murphy for Judiciary: This bill would require that the court order the losing party to pay the prevailing party's attorney fees and court costs in all tort actions. The committee acknowledged the valuable intent of the bill, but could not reach a consensus regarding whether such a change would have unintended consequences in New Hampshire. Only one other state has a "loser-pays" model – Alaska. Ultimately the committee decided it

would be more prudent to study the consequences, as applied to New Hampshire, prior to enacting to the such a significant change to the judicial system. **Vote 9-7.**

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: This bill restores constitutional protections for the most vulnerable members of our society at their most vulnerable time. Under current law, life-sustaining treatment can be withheld or withdrawn from a legally incapacitated person if: (1) that person has a validly executed advance directive, (2) such action is authorized by an existing guardian or other court order, or (3) such action is taken in accordance with a facility's standard protocol as applicable to its general patient population. Because the committee felt that greater protections were warranted for our most vulnerable citizens, the committee eliminated the third option. The committee was concerned about the possibility of subjective decisions based on factors such as finances, and was also concerned about disparate treatment of these most vulnerable citizens, depending on what facility they happened to be in. For example, one facility might choose to terminate a patient's life while the decision in another facility could be totally different. The committee felt that the decision to end a life should not be dependent on what facility the patient is in, and felt that at a minimum, an objective court hearing should be required. **Vote 11-3.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This bill revises a section of the statutes which was initially adopted to protect persons with disabilities. Currently, medically administered nutrition and hydration and other life-sustaining treatment from a mentally incompetent or developmentally disabled person unless the person has a validly executed advance directive, or a court order is obtained, or unless such action is taken in accordance with the facility's standard protocol as applicable to its general patient population. The change from "mentally incompetent or developmentally delayed" to "legally incapacitated person" and the removal of the provision about the general patient population causes the minority to be concerned that this provision now applies to every patient who is without legal capacity to make their own health care decisions, whether or not the patient has been adjudged to be incompetent or not. As such, all families could be forced to seek a guardianship and further court order before withdrawing any life-sustaining treatment such as kidney dialysis. Passage of the bill would interfere with both the current abilities of families to make the most difficult and personal of decisions for their loved ones, and would also interfere with medical standards of care. Finally, the minority believes that to make reference to the Republican Party Platform in the statement of intent of a bill that will apply to all New Hampshire citizens is entirely inappropriate.

HB 1217, relative to the form for executing advance directives for health care decisions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: This bill expands the rights of New Hampshire citizens to be treated in accordance with their wishes at the end of their life. Currently, New Hampshire has a very restrictive New Hampshire Advance Directive form that consists of a Living Will and a Durable Power of Attorney for Healthcare. All other forms are considered invalid, no matter how clear the form or its intentions. For example, if someone presents a New Hampshire hospital with a very clear directive from another state, that directive is considered invalid and ignored. This bill allows any form to be used, so long as it still complies with other aspects of current law, such as the validation procedure of two disassociated witnesses and a notary public. The committee felt that a person's right to have their wishes followed should not depend on what form they happened to use, as long as their intentions on the form of their choice were clear **Vote 13-4.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: Members of the minority believe that every person has the right to make their own health care decisions and want to make expressing those desires in advance as simple as possible. The current form for advance directives does that. Supporters of this bill assert that the language of the bill simply allows

advance directives from other states to be honored in New Hampshire. If that were the case, a simple one-sentence savings clause would be all that would be necessary. As drafted, the bill allows for an ill-defined assortment of “other forms” to be honored. The lack of clarity is sure to lead to further litigation to determine which other forms are acceptable.

Furthermore, when another form is used, the bill dispenses with the current requirement of a disclosure form. This would lead to less informed decision-making, not more informed decision-making. Finally, the current standardization of form and language makes it more likely that a patient’s wishes will be followed in a prompt and timely manner, with less likelihood of litigation over the appropriateness of the form.

HB 1261, relative to recovery of delinquent condominium fees. **REFER FOR INTERIM STUDY.**

Rep. Peter L. Silva for Judiciary: This bill attempts to close a loophole in foreclosures where condo associations are obligated to pay the carrying costs (insurance, maintenance, repairs, and heat) of vacant property. In foreclosures of single family homes, the mortgage holder pays these costs or risks significant losses due to fire, vandalism, etc. Partial relief was made last term by allowing a six month priority lien for mortgages closed after January 2011. This bill would allow multiple six month priority liens and eliminate grandfathering. Opponents of the bill argue that mortgage lending would be impaired as such restrictions prevent resale of the mortgage to government agencies such as Fannie Mae and Freddy Mac. They further argue that enhanced enforcement of default provisions (priority loans) or existing mortgages is unconstitutional. While the committee is sympathetic to the condo association position, they feel the consequences required further study. **Vote 12-4.**

HB 1263, repealing the law requiring landlords of restricted residential property provide service of process information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: The bill as submitted repeals the law enacted two years ago that instituted the burdensome requirement that all landlords provide service of process information to their municipalities. This requirement was overbroad because it was instituted to address alleged problems with out-of-state landlords, but it applied to every landlord in New Hampshire also. This requirement was also unnecessary because municipalities can easily obtain service of process information by obtaining the information from the tax collector. Last year, the House passed this bill but an agreement was reached in committee of conference to only eliminate the \$1000 fine imposed on landlords and to bring this back as a standalone bill due to concerns about hearing notification on a portion of the bill. The committee amendment to this business friendly bill simply clarifies that landlord/tenant contracts are to be treated as all other contracts, such that expiration or termination of a lease is considered to be a ground for termination of that lease. **Vote 8-6.**

Rep. Lucy M Weber for the **Minority** of Judiciary: This bill began as a reintroduction of a measure passed by the House last year to repeal the requirement in RSA 540:1-b that landlords appoint an agent for service of process. Last year, this provision was added as a non-germane amendment to a different landlord tenant bill. The Senate declined to pass the measure, in part citing the lack of a public hearing in the House. The minority is persuaded by testimony that requiring landlords to designate an agent for service of process has worked to level the playing field between landlords who have always played by the rules and landlords, usually from out of state, who try to evade building code compliance by whatever means possible. The minority therefore opposes the repeal of RSA 540:1-b. In addition, the majority has once again chosen this bill as a vehicle for a non-germane amendment. A new ground for the termination of tenancy was tacked on to the bill without adequate notice to the public that such a measure would be considered. The minority continues to believe such a measure should not be passed without adequate opportunity for public comment.

HB 1264, establishing a religious exemption for individuals who do not wish to provide accommodations, goods, or services for marriages. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barry J. Palmer for the **Majority** of Judiciary: This bill would allow individuals and businesses the right not to accommodate customers when the accommodation would violate the person's conscience or religious faith. Although the purpose of the bill is well-intentioned, it was believed to be too far-reaching and probably unconstitutional. The bill would also run afoul of federal and New Hampshire anti-discrimination laws. **Vote 9-5.**

Rep. Gary S. Hopper for the **Minority** of Judiciary: Fundamental to our constitutional rights is the free exercise of religion. For many that worship is not confined to the Sabbath or a place of worship, but extends into their day-to-day life. Compelling people to violate their beliefs in order to conduct business is a violation of their right of conscience.

HB 1269, relative to immunity from civil liability for sports officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for Judiciary: This bill seeks to protect volunteers at sporting events. Notwithstanding the noble objective of encouraging volunteerism in New Hampshire, the committee felt that granting civil immunity for "sports officials" was a dangerous precedent. The committee also noted that athletic associations can and do purchase insurance that would respond to these suits. **Vote 13-1.**

HB 1300, relative to removing public officials for cause. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: Currently, the attorney general, the governor, any member of the executive council, and the appointing authority may petition the governor and council for the discharge or removal of non-classified state officials for malfeasance, misfeasance, inefficiency in office, incapacity, or unfitness to perform assigned duties. This bill simply helps make government more accountable to the citizens by adding "a standing committee of the house of representatives or senate" to the list of who can petition for discharge or removal, and also adding "failure to perform assigned duties" as a reason such an official can be discharged or removed. New Hampshire's citizen legislature is the conduit for citizens to voice their concerns. As the voice of the citizens and as the lawmaking body in New Hampshire, it is only fitting that committees dealing with these issues be able to petition the governor and executive council in such cases. **Vote 13-4.**

Rep. Lucy M Weber for the **Minority** of Judiciary: The minority fully agrees that public officials not doing their job should be removed from office. The concern the minority has is with allowing the majority of any standing committee of the House or of the Senate to be able to petition the governor and council for the removal of non-classified officials. The House currently has 26 standing committee; 29 if you count the three separate divisions of Finance. Nine or ten members count as a majority of most committees. In the Senate, as few as three members make up the majority of a committee. The bill does not require that the petition comes from a committee with actual knowledge of the duties of the particular official or the workings of that official's department. Members of the minority believe that too much latitude is being given, and that the petition process as drafted has the potential to be used to unduly harass or interfere with a particular official.

HB 1308, relative to the definition of "public body" under the right-to-know law.

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

Rep. Joseph M. Hagan for the **Majority** of Judiciary: Any nonprofit corporation created through the action of and primarily funded by any agency, authority, department or office of the state or of any county, town, municipality, school district, SAU or other political subdivision is a public body and, therefore subject to right-to-know. Public funding demands public scrutiny. **Vote 10-3.**

Rep. Lucy M Weber for the **Minority** of Judiciary: The minority agrees that certain quasi-governmental bodies set up as nonprofit corporations should probably fall under the provisions of RSA 91-A. Generally, though, nonprofits are not government, and should not

have to comply with a law meant exclusively for government. The concern here is that the bill as drafted is both too broad and too narrow. Prior to the early 1900s, the only way a non-profit could be established was through an act of the legislature. Therefore, all of the most venerable of our nonprofits were established through government action. Examples of institutions that would have to comply with the right-to-know law include private academies designated as receiving schools, such as Pinkerton Academy and Coe-Brown Academy. The bill as drafted will result in different treatment for the older nonprofits than those established later and without any governmental action. Moreover, if the intent of the bill is to track the expenditure of public funds, why are for-profit entities primarily funded through tax dollars not included? For-profit entities are currently subject to far less scrutiny than are the nonprofits, which must report annually extensively and openly to the charitable trust Division of the attorney general's office.

HB 1463, relative to abandonment of the tenancy and relative to property abandoned by a tenant. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Frances D Potter for the **Majority** of Judiciary: This bill attempts to address the situation in which a landlord believes a tenant has abandoned his or her apartment and would prefer to avoid using the eviction process. The committee recognizes this might be a legitimate concern for a landlord. The committee believes the bill is well-intentioned. However, as written, the bill does not ensure that tenants are not suddenly locked out of their homes by honest mistake (for example, when the tenant was in hospital without the landlord's knowledge). Unscrupulous behavior might unintentionally be facilitated by the bill. This bill does not provide any remedy for a tenant in such a situation. This challenging issue needs more work. **Vote 8-6.**

Rep. Peter L Silva for the **Minority** of Judiciary: The minority feels that a problem exists with landlords being burdened with tenants leaving behind property and burdening the landlord with the responsibility of storing it. This can also delay the process of preparing the property for the next tenant causing loss of rental income.

HB 1474, relative to eliminating the requirement that attorneys be members of the state bar association. **OUGHT TO PASS.**

Rep. Paul D. LaCasse for Judiciary: This bill requires that the professional organization known as the Bar Association, become a voluntary organization. Currently, all attorneys admitted to practice law in New Hampshire by the judicial branch are required by the judicial branch to be a member of the Bar Association. The majority of the committee believes that the professional society would be more efficient and offer greater program services to New Hampshire attorneys if it was a voluntary association rather than a mandatory monopoly as it is currently. De-unification will give attorneys independence and encourages them to advocate for their clients and the citizens. **Vote 12-5.**

HB 1510-FN, relative to taxpayer standing for declaratory judgments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick H. Watrous for Judiciary: This bill restores the long established right of local taxpayers to file for declaratory judgment, which asks a court what the law is when a governmental action is challenged. It is not a suit for money damages. For a century and a half ---until a court ruling in 2010---all taxpayers had standing in the state court to seek such relief. As far back as 1863, the New Hampshire Supreme Court found that taxpayers had a legitimate interest in the disposition of their tax dollars and allowed such suits. In *Clapp v. Town of Jaffrey*, 97 N.H. 456 (1952) the court held, "it is plain that every taxpayer of a town has a vital interest in and a right to the preservation of an orderly and lawful government regardless of whether his purse is immediately touched." This was echoed in 1974 when the Supreme Court also held that "it is well settled in this state that plaintiffs, as taxpayers, have standing to seek redress for the unlawful acts of their public officials." However, two years ago in the case of *Baer v. N.H. Department of Education*, 160 N.H. 727 (2010) all of these taxpayer standing cases were set aside by the Supreme Court. The court's new

interpretation of RSA 491:22 now requires taxpayers to demonstrate an injury or an impairment of rights in order to bring a declaratory judgment action. This bill, as amended by a bipartisan majority, clarifies the law to again permit taxpayer suits to challenge governmental action- returning to taxpayers the same right that they possessed from 1863 until 2010. **Vote 10-2.**

HB 1605-FN, relative to checking firearms at courthouse entrances. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Brian JX Murphy for the **Majority** of Judiciary: This bill would require all courts to operate a temporary weapons check service for any person entering the facility. The bill specifically prohibits the requirement of producing any type of identification or documentation. While the majority of the committee acknowledged and appreciated the second amendment rights this bill strives to preserve, those rights must be balanced against public safety interests. **Vote 9-7.**

Rep. Lenette M. Peterson for the **Minority** of Judiciary: The courts already collect and store firearms for off-duty/on-duty law enforcement officers. Having your firearms collected would be safer than leaving them in one's vehicle.

HB 1659-FN, relative to the women's right to know act regarding abortion information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F Souza for the **Majority** of Judiciary: This bill will put New Hampshire in line with 31 states that have women's right to know laws. In 1992, the United States Supreme Court ruled that women have a right to all the information necessary to make informed choices regarding abortion. It found that informed consent laws reduce "the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed." In 2007 the Court reaffirmed the state's "interest in ensuring so grave a choice is well-informed." This bill provides that ensuring so grave a choice is well-informed." This bill provides that New Hampshire women have access to all the information needed to make a truly informed decision. They deserve no less. **Vote 13-4.**

Rep. Rick H Watrous for the **Minority** of Judiciary: This bill redefines the concept of informed consent in the context of one legal medical procedure. It is misleadingly titled; New Hampshire's right to know law, RSA 91-A, pertains to government transparency. This bill is model legislation from an organization that considers abortion to be murder. The Women's Right To Know Act is one of several pieces of model legislation that it distributes in its goal to ultimately outlaw the legal act of abortion. This is propaganda, posing as objective information. This lengthy bill is full of inaccurate information that is to be written into our law and be given to patients—disputed science that has no place in our RSAs or forced upon our citizens. The bill requires doctors to give medically unfounded information to patients who may not wish to see or hear it—a violation of patients' and physicians' rights. The costs detailed by the four page fiscal note—including the costs of new personnel and equipment—start at over \$107,000 per year. This does not include the cost of the required printed material and the production and streaming of the required video, or the anticipated judicial branch costs. The minority believes that this bill would needlessly increase state expenditures, micromanage physicians' practices and significantly burden a woman's ability to make her own decisions based on the best available medical advice.

HB 1679-FN, relative to partial-birth abortions and third trimester abortions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F Souza for the **Majority** of Judiciary: In 2007 the U. S. Supreme Court upheld the federal ban on the procedure known as partial birth abortion. With this bill, New Hampshire will join the growing list of states that likewise prohibit this procedure. In accordance with recent Court decisions recognizing a governmental interest in protecting the life of a child during the birth process, the majority urges passage of this bill. **Vote 13-4.**

Rep. Frances D Potter for the **Minority** of Judiciary: "Partial birth" is not a medically recognized term. Abortion poses less risk to a woman's health than a full-term delivery as attested by the Guttmacher Institute and other authorities. A chair of the OBGYN Department at Dartmouth, and representatives of the New Hampshire Medical Society totally opposed this bill. New Hampshire physicians should be free of legislative interference in the exercise of their best medical judgment and in their relationships with their patients. The bill is completely unnecessary and seeks to address a non-existent problem. It also includes conflicting language.

HB 1682-FN, relative to forfeiture of personal property. **REFER FOR INTERIM STUDY.**

Rep. Brian JX Murphy for Judiciary: This bill proposed comprehensive changes to the state's asset forfeiture laws to address the inequities of requiring a both a criminal proceeding as well as addition to a civil proceeding. The Committee recognized the value of reviewing these statutes but felt a detailed analysis of the problem and the proposed solution should be the next step. **Vote 9-5.**

HB 1720-FN, relative to jury trials under the consumer protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian JX Murphy for Judiciary: This bill establishes a right to a jury trial for claims brought under the consumer protection act for class actions where the amount in dispute is \$50,000 or more. Currently the courts do not allow jury trials for consumer protection matters. The committee felt that the right to a jury trial is a significant constitutional right and that the proposed bill, as amended, would ensure that the right is afforded to an important category of litigants. **Vote 14-2.**

HB 1723, making technical corrections regarding parental notification prior to abortion.

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

Rep. Brian JX Murphy for the **Majority** of Judiciary: This bill makes two technical changes regarding the judicial process for approving a minor's petition for an abortion. The first change would expand the minor's access to courts by allowing her to petition a court in a community outside of her natural jurisdiction. The second change modifies the time period for a judge to rule on the petition from 48-hours to "two court business days." The majority of the committee felt the change would provide judicial flexibility without reducing the minor's access to the process. Specifically, this statute does not change the requirement that the judiciary provide judicial access to the minor to file or appeal her petition "24 hours a day, 7 days a week." **Vote 10-6.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This bill makes two changes to current law. The first is that currently, only the superior courts are hearing these petitions. The bill would allow the petitions to be heard by superior or circuit courts. Most who voted against the bill agree that broader court access is a step in the right direction. The second part of the bill changes the time frames for acting on petitions. Currently, the court must issue a ruling within 48 hours from the time the petition is filed, and in the case of an appeal from the decision, must issue a ruling within 48 hours of the filing of the appeal. The bill would extend the time frame in both cases to 2 court business days. Most who voted against the bill were concerned that the intervention of holidays and court furlough days could potentially extend the time frame up to about 5 days. Any delay in the abortion procedure brings with it added risk, and there is also the possibility that the time within which an abortion can be performed will pass before the process is complete. Proponents of this particular parental notification process relied on the very short time frame for decisions as one of the reasons to adopt this procedure. Given the small number of requests for judicial bypass, the minority does not think the 48 hour requirement puts an unreasonable burden on the court system.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1206, prohibiting the state from withholding union dues from the wages of state employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jack B Flanagan for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill as amended requires both a public employer and employees to pay for insurance increases if a contract expires or is at impasse. Any costs increases necessary to fulfill continuing obligations for employees shall be shared equally by both parties. The amendment totally replaced the original bill. **Vote 12-5.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority of the committee believes that this bill should be inexpedient to legislate and creates problems in the public employee collective bargaining processes, subverts local control, and is unfair to employees. Most existing contracts provide a ratio for splitting health insurance costs, for instance 20% of the cost from the employee, 80% from the employer; or 25%/75%; etc. When a contract expires, continuing obligations have maintained the ratio previously negotiated in good faith in previous contracts. This negotiated ratio is neutral in effect to both employer and employee. Requiring the employee to bear 50% of the additional costs when a provider increases costs after expiration and while a contract is at impasse or was rejected by the legislative body provides a substantial additional cost burden to the employee and a substantial reduction in relative costs to the employer. It is not neutral, and provides perverse incentive to the employer to delay further negotiation for a successor agreement.

This bill, as amended, dramatically reduces local control. When a contract expires and a new contract cannot be reached, previous negotiation between public employers and employee unions determined the ratio of benefit cost-sharing until a successor contract is reached. With this bill, the state mandates the split in cost of these benefits at a 50-50 level, and preempts local solutions. Additionally, it tips the once relatively level playing field to one where management lowers its relative costs by not coming to a settlement.

The increased burden of costs to the employees while compensation is frozen in the impasse process does not affect management, whose compensation is independent of the bargaining process. Their relative decline in costs and paying for health benefits may serve as an incentive not to settle.

HB 1574, relative to an employee's lunch or eating period. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kevin P Sullivan for the **Majority** of Labor, Industrial and Rehabilitative Services: The current statute states that an employer may not require an employee to work more than five hours without granting a one half hour lunch period. With the increase in part-time employment, we feel that changing the time to six hours makes it more conducive to the part-time work force. It also makes the statute more consistent with all of our bordering states, making it a level playing field. **Vote 11-4.**

Rep. Andrew A White for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority believes the testimony to the committee made it clear; there is no problem with our current legislation which requires a half-hour meal break after an employee works five consecutive hours. Every employee in this state can currently waive the meal break requirement by signing a simple half-page form one time. The current process is simple and allows employees to have discretion on how many hours they work in excess of five, making this bill unnecessary.

HB 1645-FN, prohibiting all public employees from participating in collective bargaining. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tammy A Simmons for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill as amended allows the board of the public employer to request a secret ballot election to determine whether or not certification will continue when the number of dues-paying members falls below ten and is less than half of the positions in the bargaining unit. **Vote 12-5.**

Rep. Andrew A White for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill as drafted sought to make illegal collective bargaining by public employees; as

amended it will permit an employer to request a decertification election when certain thresholds of bargaining unit membership occur. There was no testimony at either of the two public hearings that indicated this provision was needed or necessary. The minority knows there is a process for decertification of bargaining units in place and has every confidence employees can make the decision to hold such an election.

HB 1663-FN-L, relative to payment of union fees by non-members. **REFER FOR INTERIM STUDY.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The items in this bill are similar to those of another bill approved by the committee however there were a few minor items that may still have merit. An ought to pass motion was not approved because the committee did not want to send a mixed message to the House regarding two bills that were on parallel paths. A second motion of interim study was approved. **Vote 12-5.**

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill is about the employee's freedom to choose what, if any, groups to join in a work environment. Eliminating exclusive representation in favor of majority representation, the bill's intent is not to limit choices of the employee, but to enable them to choose which, if any, union they desire to establish an association. One union might serve the needs of the employee better than another, or for that matter, better than employer offered benefits. Policies can be easily established by the employer to deal with multiple unions and non-represented employees. It is not in the interest of the employee, employer, nor the state, for unions to be legalized monopolies. **Vote 11-6.**

Rep. Jeffrey P Goley for the **Minority** of Labor, Industrial and Rehabilitative Services: The first part of this bill is the exact same language as HB 474 "Right to Work" that was heard in the house last year. The only thing that has changed is the title, it is now called "Employee Freedom of Choice Act". Statistics show that the median household income in New Hampshire is higher than every single right to work state, that our poverty rate is lower than the 22 right to work states, and New Hampshire has an unemployment rate lower than all but one right to work state. New Hampshire's working families are far better off than those in right to work states. Making New Hampshire a right to work state will lower wages and reduce benefits for our workers. We do not want to become the Alabama or Mississippi of the northeast. Part two of this bill removes "exclusive" representation in collective bargaining. The minority believes this could increase the number of bargaining units in cities and towns, which would increase the number of contracts to negotiate, leading to increased costs. How is this possible? Take a city with a High School, Middle School, and Elementary School for example. The teachers are exclusively represented by one organization, such as NEA. This bill removes "exclusive" so now you could have separate bargaining units representing each of your schools. Your High School could be represented by one union, middle school by another, and your elementary school by a third. By removing "exclusive" you could have any group of ten or more employees forming a bargaining unit. For these reasons the minority believes HB 1677 should be ITL.

HB 1685-FN-L, relative to collective bargaining under the public employee labor relations statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for the **Majority** of Labor, Industrial and Rehabilitative Services: The bill as amended would allow public employees to opt out of belonging to a union or paying an agency fee, but it would recognize that in most cases the reality is that the collective bargaining process would be establishing the salary and benefit packages for non-union members. Employees who opt out, but whose positions are covered under a contract may be charged a negotiation fee, if the union requests the fee and submits certain

information to the appropriate parties. If all of the employees in a particular classification opt out then the union would no longer bargain for that classification and they would not be subject to the fee. Any employee who had opted out would have his/her salary and benefits established through personnel policies. Such employee would no longer have the right to be represented by the union in any action and instead would fall under the personnel policies for any disciplinary action. Finally this act shall not take effect if HB 1677; the right to work bill, becomes law. **Vote 12-5.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority believes that this is a deceptive and unworkable bill. It suggests any public employee may opt out of joining, and paying membership dues or fees to a public employee union. However, if a labor organization elects to represent those employees who have opted out, those who have opted out must pay a negotiation fee. The costs of negotiation must be determined and certified, but each employee covered under the contract must pay the fee. This bill seems to establish three different membership groups where public employee unions are in the workplace; full dues paying members, agency fee payers, who will pay for negotiations, contract administration, and due process protections, and negotiations fee payers, who pay only for the costs of negotiations if the union wishes to include those workers in the agreement. This seems unworkable; while calculation of agency fees have been determined by case law, it may be very arbitrary to calculate only the costs of negotiation; and it is deceptive if those who have opted out still must pay the fee.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1282-FN-L, relative to workforce housing and the definition of community.

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

Rep. Stephen T DeStefano for the **Majority** of Municipal and County Government: This bill would require municipalities to “opt in” to the workforce housing law, making it a voluntary effort, yet it is precisely this sort of thinking that contributed to skyrocketing housing costs in the past decade. A decade of study by the legislature has demonstrated that workforce housing is a critical part of our state’s economy. The existing workforce housing statute, which has been in effect for a little over two years, supports the opportunity for the creation of modestly priced homes to help grow New Hampshire’s labor force. The existing law promotes the performance of the free market, which should not be unduly impeded by excessive governmental regulation such as exclusionary zoning that has the effect of prohibiting the construction of homes affordable to the middle class. For these reasons, the workforce housing law has the strong support of the NH Business and Industry Association, the greater Manchester Chamber of Commerce and the greater Nashua Chamber of Commerce, as well as many other leaders in business statewide. The existing law includes no quotas and no complex mathematical formulas, as it is designed to provide municipalities with flexibility, allowing each community to develop its own unique “homegrown” solution. The law does not mandate limitations on resale values, but allows municipalities to choose to adopt such provisions if they see fit. Already over fifty communities across the state have adopted workforce housing provisions in their zoning ordinances, and the law is working well. For example in the town of Amherst, a community with very high land costs, workforce housing is being built in a way that is consistent with historical and architectural concerns of local boards, yet is also affordable to lower and middle income residents. The only testimony the committee received from municipal officials was in support of the existing law, and against this bill. **Vote 15-2.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill was a compromise from the sponsor. The amendment attempted to outline what a town or municipality’s fair share of workforce housing is plus it maintained any existing workforce housing for future need. It was well written in light of the fact that it took into consideration the fact that there are a number of mathematical calculations and current law left any interpretations to the courts. This puts local control back in the process of this law and still

allows workforce housing as a valid planning tool. This same bill was ITLed in committee last year and overturned by the full House.

HB 1303, amending certain requirements to obtain a local vendor license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D Copeland for the **Majority** of Municipal and County Government: Federal criminal record checks, also known as NCIC checks (national crime information center) are critical in ascertaining the true identity of a person. Employment fingerprint checks are a regular way of doing business in today's society whether you are applying for a government or military position, child care, teacher, etc... A state name check is limited in accurately determining someone's criminal history, if any, and may be very misleading. Here's why: If one is arrested in another state under an assumed name, like John Jones, and one gives that name when fingerprinted, and then later a state name check is performed on the individual (without fingerprints) in New Hampshire under the true birth/legal name, Timothy Smith, the alias of John Jones will not surface. The NH entity performing that name check will never uncover a criminal history under that different name because fingerprints are unique to people not names. This legislation eliminates the federal fingerprint check which currently is an accurate vetting process, putting the general public in possible danger by not knowing the true criminal record of a person arrested under an assumed name. I submit to you, why would we want criminals to have the upper hand on our citizens? This is bad legislation which is a big step backward not only for our state but for the safety of our citizens. **Vote 16-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill would partially repeal an act of the previous legislature by removing the requirement that all vendors submit fingerprints, be subject to ten-year background checks and various investigations, all paid for by the merchant. There is no reason a free man or woman should be subjected to this level of scrutiny and invasion of privacy unless they have been charged with a crime. Our citizens should not be denied the ability to earn an honest living by government for reasons that are discriminatory, subjective, or arbitrary. There is no limit to the extent and cost of these many investigations, a different combination being required at each locality. If this is what is required of some, it should be applied to all other business people who may have the opportunity to enter homes and property or come in contact with children. With the current job crisis enterprising people should be rewarded for hard work, not punished before they can even start. Passage of this bill would put things back to the way they were when towns simply issued permits given some basic identification, address and contact information.

HB 1329, relative to the default budget in certain towns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E Coffey for the **Majority** of Municipal and County Government: The committee has had numerous bills designed to alter the definition of an SB 2 default budget, all of which have had flaws that would lead to greater confusion. This bill is not an exception. It proposes that the budgeting authority for the municipality remove from the default budget any reduction being made in the proposed operating budget. This leaves open questions such as; what if there was a maintenance project on the town hall in the prior year and now their was a proposal to overhaul a road grader. All of this part of a long term plan for diverse maintenance projects. It could be interpreted that the amount of the town hall project should be deducted while the road grader is new. This example is just meant to be an illustration of the chaos that would follow us if we tamper with the present statues regarding default budgets. What is needed is an in depth review of how SB 2 has worked and ways to improve it, not quick fixes to solve the quirks of a specific town or community. **Vote 12-4.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill gives the voting public the chance to vote on their budgets and not just the people that show up at the town or school district meetings. When this law was first debated, one of the arguments was what to do if the people were not in favor of the budget? What were the consequences of

the people not approving the budget? Would the governing body have to start over and then have another vote? What was decided then is that there would be a default budget that the governing body would have to either live with or try one more time on another budget. But it didn't take governing bodies across the state to figure how to 'legally' make sure that their budget gets passed. Have the default budget higher than the operating budget. This clearly was not the intent of the law. HB 1329 will clear this up.

HB 1405, relative to refugee resettlement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kris E Roberts for the **Majority** of Municipal and County Government This is one of those well intentioned bills introduced to solve a problem where the sponsors see a problem but aren't really sure what they are trying to address is even a major factor. HB 1405 would allow local governing bodies to establish moratoriums on refugee resettlement in New Hampshire communities. HB 1405 would allow the local governing body to determine its "absorptive capacity." If the majority of the communities in New Hampshire have a hard time with the definition of "Work Force Housing" what would be the legally acceptable standard for "absorptive capacity?" It became very clear to the committee that many of the speakers on both sides of the issue often misclassified refugee, legal immigrant and illegal immigrant when it came to the issues in question. We were told that refugees, displaced people who are allowed to enter into the United States legally with green card status were having a very negative effect on the Manchester School System. But a review over the past 15 years of New Hampshire's involvement in the refugee programs would not account for the approximately 35-45 different languages spoken by English as a Second Language students in the Manchester school system; of the 1622 refugees who have been resettled in New Hampshire between 2009-2011 almost 78% or 1264 have come from Burundi. In 2010 there were refugees from 8 countries placed in NH. This was repeated in 2009 and 2011 with the majority coming from the same countries. Every state in the country except Wyoming takes part in the refugee resettlement program. There appears to be no federal requirement for a state to participate. New Hampshire takes part through the state government level not through social service organizations. The committee felt that Manchester, due to the size of both the current refugee, legal and illegal immigrant population should address those concerns with the New Hampshire Office of Energy and Planning Refugee Program which in FY 2009 received in excess of \$1,083,000 for refugee services. In FY 2010 another \$510,000 in voluntary agency matching grants funds. The 2009 UNH report on Refugees in New Hampshire show there is about a 50% out-of-state migration of refugees over a three period. This is due to the fact that all refugees are issued green cards and the freedom of movement nationwide. Allowing the local governing body to determine its "Absorptive Capacity" could create some very serious legal questions concerning refugees' freedom of movement. This matter needs to be pro-actively addressed at the city-state level with the state then addressing local concerns with the United States State Department and the Office of Homeland Security, not by New Hampshire enacting a law that could reflect negatively on the honest concerns of some local communities. **Vote 15-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill gives local control to refugee host communities. Municipal officials testified about the task of preparation of the unique assistance resources needed for new refugees and the communities' ability to meet the needs. HB 1405 requires a letter of agreement between state agencies and local governing bodies. If sufficient resources are not available, the host community may request a moratorium. HB 1405 protects both the host community and the resettled refugees.

HB 1453, relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments. **Majority: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for the **Majority** of Municipal and County Government: This bill requires subdivision regulations adopted by a municipality to require that the creation of a new subdivision not block other land from having access to a public way, by requiring

subdivision regulations to require, at a minimum, a twenty foot deeded right of way to a public way. It is intended to reduce the number of landlocked properties, but does not force a sub divider to create a right of way that would accommodate a new road that might be necessary for additional subdivision. The bill also seeks to avoid creating landlocked parcels, especially where existing access may be by present use and not by deed. **Vote 9-8.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: Right-of-ways have been negotiated and laid out between private landowners since people have owned real estate. HB 1453 disrupts these agreements by requiring the planning board to force private landowners to negotiate a right-of-way if a land locked parcel is involved in a subdivision. Forcing the negotiation on a private property owner is an infringement of a fundamental right of private property ownership and constitutes a “taking” of private property. And, because HB 1453 mandates a right-of-way it tips the negotiating power towards the right-of-way purchaser. The minority of the committee does not believe that the Planning Board should become a mediator of right-of-way negotiations between private landowners. HB 1453 specifies a 20 foot right-of-way but is silent on its location or any landowner compensation. The minority urges a motion of Inexpedient to Legislate.

HB 1482, relative to the exemption from property taxation for hospitals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for the **Majority** of Municipal and County Government: This bill came to the committee as a seemingly minor bill. It just added one sentence to RSA 72:23 V concerning charitable organizations property tax exemption. But that one sentence singled out charitable nonprofit hospitals from all other charitable organizations and societies organized, incorporated, or legally doing business in New Hampshire. That one sentence stated that only the property located on the main campus of the hospital’s facility would be deemed tax-exempt even if charitable services are provided at the other locations. When the sponsor was asked if this would mean that if a hospital built a satellite hospital in another part of the city would HB 1482 require that hospital pay property tax like any other business despite its non-profit charitable status. The answer was a very clear yes. It became very clear to the committee that this was a Manchester problem not a state wide problem and that in the attempt to fix a self-imposed Manchester problem HB 1482 had the potential to create a very serious statewide problem. The sponsors told the committee that the city of Manchester was blinded-sided by Elliot Hospital. We were told that Manchester sold non-tax producing city own property to a developer based on the plan of raising about \$1.9 million annually in new property taxes. When pressed the sponsors told the committee that due to the downturn in the economy the developer’s financial resources dried up. It was stated that as a result of Elliot Hospital ability to attain certain low-interest and other financing the developer and Elliot Hospital went to the city of Manchester with the new proposal. The city of Manchester didn’t have the wool pulled over its eyes, the hospital and developer spend years working with the city planning and zoning offices, along with the required state office. Manchester wants it both ways, it wants all the benefits of a medical campus, with the additional good paying jobs, the increase property values, additional supporting businesses and the community status that comes with a first class hospital plus all the “lost property taxes” on what was non-tax producing property. Right now Manchester not only has a high quality medical facility, it is collecting property taxes on parts of the projects with a projected \$900K in additional yearly property taxes at project completion. Manchester has the ability as does every other community in the state to determine whether or not a non-profit or charitable organization are deserving of a tax-exemption. There are hospitals around the state where the main campus is granted tax exemption status and their “off campus” offices and clinics pay property taxes. If the city has a problem with Elliot Hospital and how it is treated under session law, then it should address that with a bill going forward; Not with HB 1482. If New Hampshire wants to be business friendly to both non-profit and for profit we don’t change the

rules after the building is built. The right way to do so is to do it going forward so that businesses can base their business decisions on the certainty of current law. **Vote 16-1.** Rep. John A Burt for the **Minority** of Municipal and County Government: The minority can recognize there is a disparity in the “charitable” assertion of the twenty-two non-profit hospitals in the state of NH. This bill would put all twenty-two of said hospitals on equal footing when it comes to developing their real estate portfolio. The bill is designed to ensure our “non-profit” hospitals who can somehow afford to build \$100,000,000 satellite facilities from “retained earnings” under guise of tax-exempt status, cannot do so without first having to come to some agreement with the town or municipality they would be depriving of tax dollars. From the twenty-two “non-profit” hospitals only one, the Elliot Hospital, came to testify against this legislation. This is because of the twenty-two “non-profit” hospitals, they alone have autonomy in exempting everything they own from taxation due to session law from 1881 and forward. When Mrs. Mary Elliot made provisions in her will to establish the hospital, it was done solely as a charity with local clergy as the trustees. She specifically entrusted that “in furtherance of the charitable, humane and pious objects of the institution...said trustees will faithfully and wisely administer the trust and thereby induce others to largely contribute to the funds of the hospital.” Last year the Elliot Hospital took in nearly half a billion dollars with less than 10% of that amount going to “charitable” services. From the time of it’s creation, the Elliot Hospital has gone from a genuine “charity” to now providing only some charity.

HB 1522-FN, reducing the penalty for violating a local vendor ordinance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D Copeland for the **Majority** of Municipal and County Government: This proposed bill reduces the penalty phase from a class B misdemeanor to a violation offence. The original intent of the existing law was to allow local towns to help protect their residents from nefarious vendors who use door-to-door sales as a ploy to commit crimes. The protection lies in the ability of towns to develop a local ordinance for vendors that requires a criminal record check. Presently, a vendor who has class B misdemeanor conviction would be found out through this licensing process. If this same illegitimate vendor then attempted to ply his trade in another community and that community conducted a record check as part of the licensing process, that community would learn of his criminality and deny the license. By changing this law as proposed in this bill, violation level convictions would not be tracked and therefore, communities would not be able to learn of a criminal history by a vendor applicant. Further, this proposed change is contrary to the most recent change for RSA 31:102-a, which was adopted on Sept 11, 2010, that now allows local communities to work with the State to conduct more stringent criminal record checks on vendors protecting its citizens from preying criminals. Shouldn’t that take precedence here, why would we want criminals to have the upper hand on our citizens? To some there was confusion about enforcement of the local hawkers and peddler ordinances and whether the current exemptions in RSA 320:3 applied to the ordinances adopted by cities and towns. There should be no confusion as the last sentence in RSA 31:102-a states that “provisions adopted under this section shall be in addition to any requirements imposed by the state under RSA 320 or 321.” **Vote 14-3.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill would partially repeal an act of the previous legislature by returning the penalty for violating local Hawkers & Peddlers ordinances from a misdemeanor to a violation. Supporters of harsh penalties included some local police who said they are a deterrent to swindlers, crooks, and other riff-raff that compete with local business and pay no property taxes. The committee heard testimony that these local ordinances were selectively enforced and therefore not a problem for legitimate local business. Evident in the discussion and pervasive at every level was confusion about exceptions to the state license in Chapter 320. To further muddy debate, claims were made by committee members that exceptions for charities and farm stands in Chapter 320 apply to this chapter (Chapter 31:102a) because RSA 320:8 mentions

both. Not true. "Itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other people who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place" can become a criminal if they forget to purchase or renew their local Peddlers license. The problem with this severe penalty is that it creates as many ways to criminalize vendor activity across New Hampshire as there are towns and cities in New Hampshire. The definition of what is or is not a criminal act ought to be uniform across New Hampshire and never subject to the whim of boards of selectmen, town councils or aldermen. For this reason if for no other, the penalty for violating any hawker's and peddlers license under the present statute should never be anything greater than a violation.

HB 1588, recodifying the laws relative to sheriffs, constables, and police officers.

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

Rep. Betsey L Patten for the **Majority** of Municipal and County Government: There were several issues in HB 1588 that caused concern for the committee members. The testimony regarding the fee increases indicated that the amounts put forth were arbitrary. The fees would be levied on sheriffs and constables which could increase budgets at the county levels. The committee felt that increasing fees was not a good public policy that the House should be supporting. Also the bill expanded the specific Hillsborough sheriff's ability to hire an assistant or clerk to all the county sheriffs. There was no input from any of the county delegations about whether they agreed with this expansion. For these reasons the committee voted Inexpedient to Legislate. **Vote 15-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill is one of the results of summer work by a subcommittee of Constitutional Review and Statutory Recodification. Working with current and former members of Criminal Justice and Public Safety, they reviewed Title 7, beginning a long process of recodification of all of our statutes, a major long term goal of the Recodification committee as a whole. The recodification bills generated over the summer were meant to involve other members of existing committees far more knowledgeable in the particular subject matter of each bill. The prime sponsor explained that this bill was intended to go to Criminal Justice, for a second review. After a review process with some long time members of the House far more experienced with Title 7, experts in the subject matter, who knew what was obsolete, what was easily updated to current standards and practices, and what sections were currently heavily in use or recently updated, the bill was written. Sadly, despite the prime sponsor's explanations and obvious willingness to work to amend the bill to address any potential concerns that might have been raised, the majority wasn't interested in participating in the recodification process, especially on a section of the RSAs not usually handled by this committee. The minority believes that sending the bill to Criminal Justice as originally intended will allow for the House to continue this important process.

HB 1674-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for the **Majority** of Municipal and County Government: The sponsors told the committee that the local governments were taking advantage of local property owners by making money from their bad situations. It was stated that last year New Hampshire taxpayers paid about \$18,000,000 in interest on late or unpaid taxes. As anyone should know that there has to be a moral hazard in every financial decision made. If the tax penalty for failing to play by the rules is too low then more people will engage in riskier behavior resulting in the community having to absorb the losses.

While 18% may appear to be a high penalty, it isn't when compared to 24-29% interest rates on credit card and up to additional \$49 a month fee for a late payment to Bank of America. Reducing the penalty rate down to 9% would result in more people considering paying off high interest credit cards and other debt first. This would result in the tax payers who paid

on time having to occur addition taxes as local communities would have to incur additional borrowing expenses to cover cash flow requirements.

It was repeated over and over again by numerous towns and cities that they have no desire to be in the real estate business and that they have bent over backwards to help property owners resolve back tax issues. Numerous communities have repeatedly waived interest penalties to help bring the property owner current.

New Hampshire law allows communities to enter into legal agreements with the elderly and others who can't afford to pay their property taxes allowing them to not only stay in their homes but to avoid mounting interest penalty. The current system seems to be working very well, HB 1674 if passed would change that negatively. **Vote 14-3.**

Rep. Philip L Munck for the **Minority** of Municipal and County Government: This bill as amended by 2012-0569h provides an optional way for local governments to reduce the interest rate on delinquent property tax and other tax bills from the current rates of 12% and 18%. Municipalities legislative bodies must vote the change in and can vote it out. A change in the interest rate will take place for taxes levied in the tax year that begins April 1 of the year in which the change is adopted. April 1 is the date on which assessed valuations for property tax are set. The procedure does not change the interest rates for obligations from years prior to the change so adjustments will not have to be made for liens already recorded. Property tax billing programs presently in use in New Hampshire typically include setting the tax interest rates as part of the set-up for each year's tax levy. A municipality can revert to the statutory interest rates the same way it adopts the optional rate. Municipalities can determine for themselves whether the presently high interest rates are needed to insure prompt tax collections.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1416-L, relative to the introduction of substances into the New Hampshire public water supply. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlene M Lovett for Resources, Recreation and Development: This bill would require those communities that fluoridate their public water supply to post a notice on their residential water system billing statements. The notice is a quote from the Centers for Disease Control and Prevention and warns parents of the danger of giving infants, six months or younger, formula mixed with fluoridated water. The fluoridation of water is a controversial topic. However, those on both sides of the issue agree that there is scientific evidence that supports infants should not be given fluoride. The original bill would have prohibited the introduction of fluoride to any public water supply. The committee amendment replaces the entire bill with the aforementioned warning. **Vote 13-2.**

HB 1636, relative to the extension of fill and dredge in wetlands permits. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas J Howard for the **Majority** of Resources, Recreation and Development: This bill eliminates bureaucratic red tape individuals have to go through to get a permit to repair or shore up property that is regularly affected by storms and ice. This bill provides that certain permits for repair would no longer expire and require renewal after five years. **Vote 10-6.**

Rep. Marcia G Moody for the **Minority** of Resources, Recreation and Development: The sponsor of this bill wanted to allow his waterfront dredge and fill permit to be extended in perpetuity, if the work must be frequently repeated as storms and ice cause damage to recur. Now a state permit is valid for five years, and a simple form can be filed to extend it for another five. This ten-year period mirrors the Army Corps of Engineers permits required for almost all of the same types of projects. On shifting river systems and fragile shorelands, a five-year renewal allows DES to determine that the original permit is still appropriate. The bill had little support, and the minority feels it may unnecessarily allow damage to some properties, while preventing only a minor inconvenience to the property owner.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1214, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

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

Rep. Beatriz Pastor for the **Majority** of Science, Technology and Energy: This bill bans the use of corn-based ethanol as an additive to gasoline in the state of New Hampshire. It is by now quite clear that the use of corn-based ethanol has not solved the main problems it was intended to solve. Far from being carbon-neutral, corn-based ethanol actually has a bigger carbon footprint than gasoline, thus it has a negative environmental impact. It is not truly a renewable fuel due to the amounts of fossil fuel and related products required for its production. Moreover, growing food for fuel has driven food prices up: grain prices, meat prices, egg and dairy prices. It is non-sustainable—in fact a Cornell University study called it “unsustainable subsidized food-burning”. Corn-based ethanol production has turned out to be far from cheap for the taxpayer: the corn-based ethanol producing industry has already collected over 25 billion dollars in taxpayer subsidies. It has not lowered the price of gasoline. And last, but not least, it has caused millions in damages to boats, cars and other small engines. Since the ban this bill calls for would only take effect if two other New England states took similar action, it would allow for a viable regional distribution strategy that would not put an impossible burden on gasoline distributors; and it would encourage refiners and distributors to supply corn-based ethanol-free gasoline to our state. **Vote 7-6.**

Rep. Jacqueline A Cali-Pitts for the **Minority** of Science, Technology and Energy: This bill seeks to ban corn-based ethanol from being sold in New Hampshire. The bill also said we would not ban ethanol unless two other New England states also banned ethanol. The goal in the bill is currently unattainable given current federal laws, EPA rules, and regional petroleum refining capacity in New England. New Hampshire simply does not represent a large enough market to warrant a boutique gasoline mix, and even if it did, there are currently few affordable alternatives to corn-based ethanol in the marketplace. Rather than follow, New Hampshire should lead the way in pursuing affordable alternatives. The minority feels that we need to "send a message to Washington" expressing our disapproval of current corn-based ethanol policy, we did not feel that passing this legislation is the proper way to send a message at this time. We feel it is imprudent to pass this bill and we should send a strongly-worded official policy letter to our congressional delegation.

HB 1239, requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for Science, Technology and Energy: This bill would have expanded the list of considerations the Energy Facility Site Evaluation Committee (SEC) would examine before issuing a certificate for an energy facility to include economic impacts to affected communities. The majority feels that the change in the law is unnecessary because the SEC already considers the views of municipal and regional planning commissions and municipal governing bodies in their decisions. The Site Evaluation Committee follows a very comprehensive process, uses checks and balances, does exhaustive research in all of its cases, reaches out to and involves many stakeholder groups with interest in each specific case, and serves New Hampshire well. The concerns expressed by the bill sponsors can already be addressed under current practices and procedures of the Site Evaluation Committee and as a result, this bill is not needed. **Vote 12-1.**

HB 1346, relative to the construction of power line extensions. **OUGHT TO PASS.**

Rep. Laurence M Rappaport for Science, Technology and Energy: This bill allows customers to contract directly with power-line utility sub-contractors approved by Public Service Company of New Hampshire (PSNH) for the construction of power line extensions. This has the potential of saving customers thousands of dollars in build-out costs compared to paying PSNH to do the work. In many cases, PSNH actually hires these same sub-contractors to perform their work. The sub-contractors must be qualified and approved by PSNH, perform the work according to PSNH specifications and be final inspected by PSNH. The committee is comfortable that the potential economic benefits and strict safety standards are well balanced in this bill. **Vote 11-2.**

HB 1391, relative to transmission and distribution utility line extension construction and relative to pole attachments. **REFER FOR INTERIM STUDY.**

Rep. Frank R Holden for Science, Technology and Energy: This bill would have established standards governing transmission and distribution utility line extension practices, including standards for charges for line extensions, limits on cost recovery, standards for charges for make-ready work, customer service requirements, and requirements for accounting of line extension construction costs. This bill also would have changed standards for boxing lines or cables. The committee appreciates the sponsor's exhaustive research and desire to stimulate the further expansion of high speed broadband throughout the state. But given the complexity of the issues raised in this bill, the majority would like to refer the bill for interim study by the committee, and in addition, has asked the standing Telecommunications Oversight Committee to work with the sponsor and industry to investigate some of the innovative ideas presented in this bill and make recommendations to the legislature. **Vote 10-3.**

HB 1401, relative to site evaluations and certificates for energy facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A Cataldo for Science, Technology and Energy: This bill would have required additional hurdles for the New Hampshire site evaluation committee to take before it could approve the siting of a new energy facility. The additional requirements were subjective and not defined (and thus would be open to multiple interpretations and possible lawsuits). The committee believes that the site evaluation committee follows a very comprehensive process, uses checks and balances, does exhaustive research in all of its cases, reaches out to and involves many stakeholder groups with interest in each specific case, and serves New Hampshire well. The concerns expressed by the bill sponsors can already be addressed under current practices and procedures of the site evaluation committee and as a result, this bill is not needed. **Vote 9-4.**

HB 1487, relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for the **Majority** of Science, Technology and Energy: This bill, as amended does three things: First, it clearly states our policy position that New Hampshire shall not join, implement, or participate in any state, regional, or national low carbon fuel standards program that requires quotas, caps, or mandates on any fuels used for transportation, industrial purposes, or home heating. We want to make it clear to the other Northeast states that we will not be dragged into a multi-state "liquid-RGGI" program. Second, it still allows the Department of Environmental Services (DES) to represent the state in regional discussions of such topics, but requires DES to make the state's policy position clear. Third, it requires DES to report to the fiscal committee on a quarterly basis any expenses resulting from such regional discussions. **Vote 8-5.**

Rep. Beatriz Pastor for the **Minority** of Science, Technology and Energy: This legislation is unnecessary because it does not address or correct an existing problem. The Department of Environmental Services (DES) does have a seat at the table of regional discussions where it is its job to represent the best interest of our citizens in any regional initiative being discussed. However, DES does not have the legislative authority to implement any LCFS right now. Should DES determine such a program is necessary to protect air quality, or is otherwise in the best interests of the State, they would have to seek legislative approval to "join, implement, or participate" in any regional program. Furthermore, this legislation does create a problem: HB 1487 weakens the position of NH in regional conversations about how programs affecting fuels might be designed. NH DES often participates in regional discussions regarding air quality issues. In these discussions, NH already starts in a relatively weak bargaining because it has one the lowest numbers of regulated sources (# of cars, gallons of fuel sold, etc.). However, because there is an interest among the other states in maintaining full regional participation, NH is able to leverage our potential withdrawal

from a program to advocate for programs that work for our state and our citizens. HB 1487 would make NH a non-voice at the regional table, with no influence over program design, choice or implementation.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 1649-FN-A-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.

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

Rep. Lynne M Ober for the **Majority** of Special Committee on Education Funding Reform: Although a good idea, this legislation would cause dual property tax payment, and in many towns twice annually, requiring payment to your municipality and to the state. Delinquent taxpayers and those being paid by escrow would generate problems. There is similar legislation, HB 447 in interim study in Ways and Means Committee, with the current IS bill and noted concerns. Majority of committee recommends ITL. **Vote 10-1.**

Rep. Gary B Richardson for the **Minority** of Special Committee on Education Funding Reform: HB 1649 would require the Statewide Education Property Tax to be paid to the state rather than to municipalities. The bill would not change the amount of money collected or the distribution of that money. Making payment of a state tax to the state would increase transparency and allow taxpayers to know where their tax dollars are being spent.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 1483-FN, repealing the retirement system special account. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the **Majority** of Special Committee on Public Employee Pensions Reform: This bill removes all references to the Special Account from RSA-100, the New Hampshire Retirement RSA. Last year we transferred the monies in the Special Account back into the corpus, but did not remove the language in the RSA. The amendment addresses 3 other places in the RSA where it is mentioned, but were not included in the original bill. **Vote 11-3.**

Rep. Daniel J Sullivan for the **Minority** of Special Committee on Public Employee Pensions Reform: Part I Article 36A of the New Hampshire Constitution provides all assets, proceeds and income of the New Hampshire Retirement System shall be held in trust for the exclusive purpose of providing benefits, and shall not be diverted to any other purpose. Raiding and depleting the Special Account in order to artificially lower employer rates is such an “other purpose” forbidden by the constitution.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1629-FN, relative to state photographic identification indicating veteran's status. **OUGHT TO PASS.**

Rep. Steven L Cunningham for State-Federal Relations and Veterans Affairs: This bill designates a veteran's status, when appropriate, on drivers' licenses and state identification cards. This facilitates the process for many veterans when they are asked to verify their status. The committee feels that the small cost associated with this bill is worth the benefit to our veterans. **Vote 13-1.**

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification. **OUGHT TO PASS.**

Rep. Robert L Theberge for State-Federal Relations and Veterans Affairs: The majority believes that Congress, over the years, has lost touch with the basic needs of its citizens. As

a result of foreign aid, wars, congressional perks, uncontrolled programs, over spending by all U.S. departments and agencies, the U.S. budget is out of control. The fiscal irresponsibility at the federal level is one of the greatest threats which face this nation today, a threat which will exacerbate with time. **Vote 11-3.**

HCR 42, supporting the preservation of the electoral college. **OUGHT TO PASS.**

Rep. Jeanine M Notter for State-Federal Relations and Veterans Affairs: Whereas in the United States Constitution, Article 2, Section 1, Item 2, the Electoral College was created to elect the President “majority rules” could be an angry mob. **Vote 9-3.**

HJR 20, urging Congress to propose an amendment to the United States Constitution to abolish the electoral college. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Robert P Kingsbury for the **Majority** of State-Federal Relations and Veterans Affairs: The electoral college supports the rights of the people far better than a popular election would. The rights of the people are better protected when they can be personally acquainted with the candidates for electors and the electors can be personally acquainted with each presidential candidate. Being personally acquainted is far superior to only knowing candidates from news media accounts. **Vote 10-3.**

Rep. John R Cloutier for the **Minority** of State-Federal Relations and Veterans Affairs: Abolishing the electoral college in favor of electing the president and vice president by popular vote is an idea whose time has come. The electoral college may have been a good idea in past ages when travel and communication was slower than it is today. Also, citizens weren’t as well-informed about political affairs as they are today. However, times have changed and it is time for our two most important elected officials to be chosen by the majority vote of our citizens in a secret ballot. The assertion that abolishing the electoral college would hurt New Hampshire is not true so long as we maintain our first in the nation presidential primary. Also, going to a popular presidential vote could inject more competition into our national political process by allowing third party candidates a more viable chance of winning the presidency and vice presidency.

HR 21, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

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

Rep. Lucien A Vita for the **Majority** of State-Federal Relations and Veterans Affairs: Since 1974 Congress has opted to ignore the congressional oversight requirement in Article 21, Section 2 of the U.S. Constitution, when approving many of the existing treaties and agreements with countries and supranational organizations. This resolution places our representatives of the government on notice that the citizens of New Hampshire require the government to follow the wording and intent of the constitution understood by the authors of that document. **Vote 10-4.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: The minority believes that the current resolution is again one of a myriad of bills or resolutions attempting to reaffirm states’ rights as already provided by Article 10 of the U.S. Constitution. The resolution is not warranted.

HR 22, urging recognition of the facts regarding the USS Liberty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert P Kingsbury for the **Majority** of State-Federal Relations and Veterans Affairs: The attack on the USS Liberty was investigated by a board of Navy admirals. The crew of the USS Liberty was recognized by the award of two Congressional medals of honor plus dozens of lesser ranking medals, so the USS Liberty has the record as being the most decorated ship in the U.S. Navy. **Vote 9-4.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: Out of respect for the men who died and those wounded during an assault by Israel in 1967 on the USS Liberty, the minority respectfully request a further naval inquiry regarding the

assault by a friendly nation. The U.S. government has recognized the heroic actions taken by the men of the USS Liberty. Nonetheless, the crew believes that the overwhelming medals earned cannot correct a wrong.

TRANSPORTATION

HB 1440, relative to driver education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for the **Majority** of Transportation: This bill, as introduced, would have caused the closure of numerous driving schools by allowing drivers' education to be taken online with the parents teaching the student how to drive, thus eliminating the 10 hours of training provided by a certified driving instructor. This is contrary to the House pro-business stand. The amendment allows the use of online instruction in lieu of classroom hours but requires 10 hours of training (hands on) with a certified driving instructor. This reduces the cost to the student while still meeting the safety needs of the public. The majority of the committee feels strongly that this is a safety issue while still allowing innovative use of technology which the committee fully embraces. **Vote 14-2.**

Rep. Kyle D Jones for the **Minority** of Transportation: The majority amendment does nothing to solve the major problem with New Hampshire's driver education system. The purpose of HB 1440 was to keep low-income teens from falling through the cracks. Currently, these teens cannot afford \$500 to \$700 driving school courses, therefore, they are waiting until age 18 to obtain their license, completely forgoing driver education instruction. The original bill allowed for an online option where NH-DOS-approved online driver education courses would replace classroom instruction at a driving school. To keep the option affordable, the teen's parent, or grandparent, would provide behind-the-wheel training instead of a driving school instructor. The majority amendment keeps the online course but requires that a driving school instructor provide 10 hours of behind-the-wheel training. With online courses costing \$75, and estimates for the cost of instructor-provided behind-the-wheel training ranging \$350 to \$700, the total cost under the majority amendment is \$425 to \$775; the same as attending a driving school course. If we want all teens to choose to receive driver education, we need to allow an affordable option. The minority amendment does this by allowing a superior, convenient, and secure online driver education option that costs only \$75. By allowing a truly affordable option, the minority amendment encourages low-income teens to become educated. Under the minority amendment's online option, parents must provide 20 hours of behind-the-wheel training, in addition to 40 hours of supervised driving, for a total of 60 hours. In addition, these parents must complete their own separate online course. This comprehensive course will teach these parents the most up-to-date information, and the most effective methods, for providing behind-the-wheel training. Teens who choose the minority amendment's online option and fail either their written or road test, and want to try again prior to age 18, must complete a driving school course. This provision will motivate parents to do an excellent job providing behind-the-wheel training, since they will want to make sure their teen passes both tests the first time. The most recent study out of Texas reveals that parent-directed driver education produces teen drivers that have fewer crashes than commercial driving school students. It makes sense that parent-taught behind-the-wheel training would produce safer drivers since parents know their teens best, and that knowledge gives parents an inherent teaching advantage. Also, parents have the most to lose if they don't train their teens properly. Lastly, the charge that the minority amendment will put driving schools out of business is overblown. It may put a few bad driving schools out of business, however, the better driving schools will certainly always be in demand since parents who have money love the convenience of having someone else teach their teen to drive.

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

Rep. Sherman A Packard for the **Majority** of Transportation: This bill clarifies the meaning of resident for both voting and motor vehicle law purposes. It states that once you declare your residence for the purpose of voting, you also are declaring your residence for observing motor vehicle laws. This bill in no way discourages or prevents anyone who is a legal resident of New Hampshire from voting in the ward or town they claim residency.

Vote 10-5.

Rep. John R Cloutier for the **Minority** of Transportation: This bill should have gone to House Election Law first, rather than being referred to Transportation, whose main responsibility is examining legislation relating to motor vehicles and boats. In any case, our state should not pass laws through motor vehicle statutes to enforce election laws. Current law defines domicile for the sole purpose of insuring that voting, our most fundamental Constitutional right, is equally protected for all citizens. The voting requirements are that an individual be a citizen, at least age 18, and that citizen lives (is domiciled) in the voting district. It is essential that we have a single, unambiguous definition of where a person lives in order to ensure that no qualified citizen be turned away through confusion. This bill threatens our most basic democratic principles. The right to vote is one of the most fundamental rights in our nation. In our democratic republic, elections are won by those with the best ideas – not those who would block opponents from exercising their right to vote. The minority believes the sponsors are trying to take away the rights of citizens they think might vote differently than they would.

HB 1635, relative to motor vehicle inspections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Samuel L Hawkes for the **Majority** of Transportation: This bill cleans up the language of RSA 259 requiring a vehicle to be both inspected and show a valid inspection sticker on the vehicle. Previous language only required a vehicle to be inspected. It did not require a vehicle pass the inspection. **Vote 13-2.**

Rep. Kyle D Jones for the **Minority** of Transportation: This bill seems to try and fix a problem that isn't there. The only person who came to speak to this bill was an attorney who said that there was a loophole in the law that made it so that a person's car didn't have to pass inspection in order to be driven on public roadways. There was some confusion to how this bill would solve this problem. The minority feels that this bill is unnecessary or needs to be put into interim study.

HB 1695-FN, increasing certain speed limits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas W Laware for the **Majority** of Transportation: This bill would raise speed limits on the interstate highways in New Hampshire. In particular, limits would be changed from 65 mph to 70 mph, 55 mph to 60 mph, and the minimum speed would go from 45 mph to 50 mph. This bill is attractive to the libertarian in some of us but the committee reasoned that the negatives outweighed the benefits in several areas. New Hampshire highways, even in the more open areas, are too congested to safely move traffic at 70 mph, plus the extra speed, above that, that many drivers would maintain. The hilly and windy roads in New Hampshire are vastly different from the open stretches of highway in the flatter western states that do have the higher limits. The only other New England state that allows speeds above 65 is Maine and that is in a rural section of extreme northern parts from Old Town to Holton. When gasoline savings are considered and original design speed and traffic volume are factored in, it became clear that New Hampshire is simply incompatible with the higher allowable speed limits. **Vote 15-1.**

Rep. Kyle D Jones for the **Minority** of Transportation: One of the reasons why this bill was introduced was because laws should reflect the consent of the governed. Quite obviously, the current law does not reflect the consent of New Hampshire's citizens as the vast majority of them break the speed limit every day. It was brought to the committee's attention that the majority of drivers feel most comfortable driving around 70 mph on the highway and this bill

brings the speed limit up to that. We feel that this bill is a very reasonable change to the current system and that this will make our citizens have more respect for the law.

WAYS AND MEANS

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Frank V Sapareto for the **Majority** of Ways and Means: This bill is very similar to a bill passed by the House last year, but remained on the table OTP, that increased the business enterprise tax threshold from \$150,000 to \$200,000 and the enterprise value tax base from \$75,000 to \$100,000. This bill also adjusts for inflation as tied into the Northeast Region Consumer Price Index. The amount each year is rounded to the nearest \$1,000. The majority of the committee recognizes that \$18,000 to \$20,000 business tax filers have literally no tax due. This bill eliminates thousands of unnecessary returns at a very low cost to the state and most certainly a tremendous savings to small businesses. The bill is in effect for taxable periods ending on or after 2013 and has no impact on this biennium's budget.

Vote 17-3.

Rep. Susan W Almy for the **Minority** of Ways and Means: This bill increasing the threshold amounts for taxation under the BET (The minority recognizes that the threshold amounts for the business enterprise tax BET) should be raised because the floor was set a decade ago, no provision was made for inflation, and New Hampshire's small businesses and workers would benefit from the relief. However, if this bill had been in effect in 2010, it would have cost our budget somewhere around \$4 million, based on returns from the depths of the recession. Since the economy is slowly improving, the real revenue loss in the next biennium will be even more. The bill is silent on how this money will be made up. The minority thinks this cut will be added to those mandated by bills already passed last year, and make it more difficult to repair the damage done to our economy and citizens by this biennium's budget. It is the opinion of the minority that this is likely to hurt many small businesses more than the relief it provides. We would like to send it to summer study to consider revenue-neutral solutions.

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 1368, relative to real property held as a joint tenancy with rights of survivorship. (Pending question – adoption of the majority committee report of ought to pass with amendment.)

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

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (SJ 2/15/12)

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (SJ 2/15/12)

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. (House Nonconcurrent; C of C 2/22/12)

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. (House Nonconcurrent; C of C 2/22/12)

HB 648, relative to eminent domain petitions by public utilities. (House Concurred 2/8/12)

COMMITTEE OF CONFERENCE

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. (Reps. Hunt, Mauro, McGuinness and Gidge - Subject to Senate agreement.)

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

HB 627-FN, relative to “essential benefits” under federal health care reform. (Reps. Hunt, Manuse, Flanders and Schlachman - Subject to Senate agreement.)

COMMITTEE MEETINGS

MONDAY, MARCH 5

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

10:00 a.m. Regular meeting.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Room 303, LOB

10:00 a.m. Subcommittee meeting.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Rooms 210-211, LOB

10:00 a.m. Full committee work session on **HB 1225**, permitting a charter school to incur long-term debt.

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.

TASK FORCE ON WORK AND FAMILY (RSA 276-B:1), Room 207, LOB

1:15 p.m. Regular meeting.

TUESDAY, MARCH 6

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

10:15 a.m. **HB 1241**, relative to table wines.

11:15 a.m. **HB 1402**, relative to the sale of homemade food and licensing of certain milk producer-distributors.

Work session may follow.

INSURANCE/CONSUMER REGULATION DIVISION

1:15 p.m. **HB 1597**, relative to taking by eminent domain for certain purposes.

2:00 p.m. **HB 1560**, relative to the interstate Health Care Compact.

Work session may follow.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. Continued executive session on **HB 415**, relative to access to abuse and neglect investigation records pending a child custody dispute.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 445-FN**, relative to the regulation of electronic tracking devices.

10:30 a.m. **HB 1537-FN**, relative to violations of privacy occurring outside a private place.

Executive session may follow.

11:00 a.m. Full committee work session on House Bills amended by the Senate.

EDUCATION, Room 207, LOB

10:00 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.

ELECTION LAW, Room 308, LOB

10:30 a.m. Informational presentation on state-issued photo ID by students from Policy Research Shop of the Nelson Rockefeller Center at Dartmouth College.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1726**, exempting the transport of certain electronic waste and universal waste from the hazardous waste transporter registration program.
Executive session may follow.

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. Rescheduled public hearing on **SB 226**, transferring the administration of the electricians' board to the joint board for licensure and certification.
Executive session may follow.
2:00 p.m. Subcommittee work session on **HB 1260-FN**, relative to poker games and charitable gaming.

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.
Executive session may follow.

JUDICIARY, Room 208, LOB

10:00 a.m. Rescheduled full committee work session on joint tenancy issues and House Bills amended by the Senate.
1:00 p.m. Rescheduled public hearing on **HB 1725-FN**, prohibiting health care practitioner self-referrals for medical devices.
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Executive session on **HB 1716**, relative to the state 10-year transportation improvement program.

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.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on **HB 1238**, relative to divestiture of Public

- 1:00 p.m. Service of New Hampshire (PSNH) generation assets.
Full committee work session on **HB 1428**, relative to public utilities commission orders concerning renewable portfolio standards.
- 2:30 p.m. Full committee work session on **HB 1490-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

WAYS AND MEANS, Room 202, LOB

- 1:00 p.m. Subcommittee work session on **HB 1607-FN-L**, establishing an education credit against the business profits tax.

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.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 1:00 p.m. Or during the lunch break or after session, executive session on **HB 1716**, relative to the state 10-year transportation improvement program, if needed.

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

- 8:30 a.m. Subcommittee work session on **HB 1476**, prohibiting the enforcement of out-of-state laws, rules, codes, and fees not approved by the New Hampshire legislature.
- 10:15 a.m. **SB 239-FN**, relative to the membership and duties of the installation standards board.
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 1:00 p.m. Or during the lunch break or after session, executive session on **HB 1716**, relative to the state 10-year transportation improvement program, if needed.

FRIDAY, MARCH 9

FINANCE – (DIVISION II), Room 209, 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.

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

- 10:30 a.m. Regular business.
- 11:00 a.m. Audits: State of New Hampshire, comprehensive financial report for the fiscal year ended June 30, 2011.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:00 a.m. Executive session on **HB 1716**, relative to the state 10-year transportation improvement program, if needed

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Rescheduled public hearing on **SB 332**, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

10:45 a.m. Rescheduled public hearing on **SB 177**, relative to training of directors and officers of nonprofit corporations.

11:30 a.m. Rescheduled public hearing on **HB 1436**, establishing a committee to oversee the management of natural resources by the department of resources and economic development.

1:15 p.m. Rescheduled public hearing on **HB 1435**, establishing a committee to oversee the department of environmental services.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Rescheduled public hearing on **HB 1692-FN**, making changes to the administration of the university system of New Hampshire.
Executive session may follow.

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

10:00 a.m. **SB 223**, to make technical revisions relative to the health information organization corporation.

10:30 a.m. **SB 346**, extending the committee to study the laws relating to electronic prescriptions.

11:00 a.m. **SB 319**, changing the membership of and extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

11:30 a.m. **SB 363**, relative to criminal background checks for volunteers and employees at youth skill camps.
Executive session may follow.

SHORELAND ADVISORY COMMITTEE (RSA 483-B:21), Department of Environmental Services, Room 214, 29 Hazen Drive, Concord

9:30 a.m. Lakes subcommittee meeting.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

9:00 a.m. Rescheduled public hearing on **HB 1140**, relative to the care of war memorials in Franconia Notch state park.

9:30 a.m. Rescheduled public hearing on **SCR 1**, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States.

10:00 a.m. Rescheduled public hearing on **SB 302**, relative to the Honor and Remember

Flag as an official symbol to recognize and honor fallen members of the armed forces.
Executive session may follow.

THURSDAY, MARCH 15

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

2:30 p.m. Regular meeting.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 1331**, relative to the grounds for termination of employment of a school administrative unit or school district employee.

11:00 a.m. **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.
Executive session may follow.

FINANCE – (DIVISION I), Room 212, LOB

1:00 p.m. Rescheduled work session on **HB 1521-FN**, relative to retired state employees group insurance participation.

2:00 p.m. Rescheduled work session on **HB 1285-FN**, repealing the state art fund.

FINANCE – (DIVISION II), Room 209, LOB

10:00 a.m. Work session **HB 1692-FN**, making changes to the administration of the university system of New Hampshire.

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.

SUNDAY, MARCH 18

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community College, Room 235 Student Center, Crocker Wellness Center Building, Concord

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.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Rescheduled 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), **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization

reserve account.

TUESDAY, MARCH 20

EDUCATION, Room 207, LOB

11:00 a.m. Executive session on **HB 1331**, relative to the grounds for termination of employment of a school administrative unit or school district employee, **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.

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), **HB 604**, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation, **HB 1727-FN**, to return certain insurance exchange moneys to the federal government.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Rescheduled public hearing on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 303, LOB

10:00 a.m. Rescheduled public hearing on **PETITION 11**, grievance of David D. Vandenberg.
10:05 a.m. Rescheduled public hearing on **PETITION 20**, grievance of Carl E. Dow.
10:10 a.m. Rescheduled public hearing on **PETITION 21**, grievance of Arthur Ginsberg, Nashua, New Hampshire.
10:15 a.m. Rescheduled public hearing on **PETITION 22**, grievance of Joseph Haas.
10:20 a.m. Rescheduled public hearing on **PETITION 23**, grievance of Bill and Mary Cloutier, Epping, New Hampshire.
10:25 a.m. **PETITION 26**, grievance of Joshua Youssef.
10:30 a.m. Rescheduled public hearing on **PETITION 25**, grievance of the Community Action Group to Save CMC Again.
10:35 a.m. Rescheduled public hearing on **PETITION 27**, grievance of Monique Prince.
10:40 a.m. Rescheduled public hearing on **PETITION 28**, grievance of Ghislain Breton.
10:45 a.m. Rescheduled public hearing on **PETITION 30**, grievance of Bethany Capen.
10:50 a.m. Rescheduled public hearing on **PETITION 31**, grievance of Wade Henry.
10:55 a.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.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Rescheduled public hearing on ***HB 1724-FN***, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.
- 11:00 a.m. Rescheduled public hearing on ***SB 48***, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments.
Executive session may follow.

THURSDAY, MARCH 22

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

- 3:00 p.m. Regular meeting.

REDRESS OF GRIEVANCES, Room 303, LOB

- 10:00 a.m. ***PETITION 33***, grievance of Nicholas Haas.
Work session may follow

TUESDAY, MARCH 27

FINANCE, Rooms 210-211, LOB

- 11:00 a.m. Rescheduled public hearing on ***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. Rescheduled public hearing on ***SB 369-FN-L***, relative to aid to assisted persons.
Executive session may follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. ***SB 83-FN***, enabling municipalities to create other post-employment benefits (OPEB) trusts.
Executive session may follow.

FRIDAY, MARCH 30

ADMINISTRATIVE RULES (RSA 541-A:2), Room 103, State House

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

MONDAY, APRIL 2

STATE COMMITTEE ON AGING (RSA161-F:7), Department of Health and Human Services, Brown Building, Pleasant Street, Concord

- 10:00 a.m. Regular meeting.

TUESDAY, APRIL 3

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

- 3:30 p.m. Regular business.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Full committee work session on ***HB 1634***, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties,

regional commissions, towns, and cities.
11:00 a.m. Executive session on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.

WEDNESDAY, APRIL 4

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Room 15 Londergan Hall 101 Pleasant Street, Concord

4:30 p.m. Regular meeting.

FRIDAY, APRIL 6

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 9

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

10:30 a.m. Regular meeting.

TUESDAY, APRIL 10

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 255**, relative to liens for land use change tax assessments.

10:45 a.m. **SB 233-L**, relative to special elections of the charter commission.

11:15 a.m. **SB 254**, relative to funding and expenditures from certain municipal special revenue funds.

Executive session may follow.

THURSDAY, APRIL 12

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

3:00 p.m. Subcommittee meeting.

Room 307, LOB

3:00 p.m. Subcommittee meeting.

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

1:00 p.m. Medical sharps subcommittee meeting.

NH INNOVATION RESEARCH CENTER OVERSIGHT COMMITTEE (RSA 187-A:32), UNH Law School. Room 175, The Franklin Center Board Room, Concord

2:00 p.m. Regular meeting.

MONDAY, APRIL 16

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Regular meeting.

FRIDAY, APRIL 20

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.

TUESDAY, APRIL 24

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Full committee work session on **SB 233-L**, relative to special elections of the charter commission.

10:10 a.m. Full committee work session on **SB 254**, relative to funding and expenditures from certain municipal special revenue funds.

10:20 a.m. Full committee work session on **SB 255**, relative to liens for land use change tax assessments.

11:00 a.m. Executive session on **SB 233-L**, relative to special elections of the charter commission, **SB 254**, relative to funding and expenditures from certain municipal special revenue funds, **SB 255**, relative to liens for land use change tax assessments.

THURSDAY, APRIL 26

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

3:00 p.m. Full committee meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Session on Monday, **March 5th**, 2012 at 9:00 a.m. to work on the county budget. The meeting will take place in the Carroll County Delegation Room at 95 Water Village Road, Ossipee, NH.

Rep. Karen C. Umberger, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Friday, **March 9th**, 2012 at 9:00 a.m. in the Lower Level Conference Room located at the McDonnell Building 4 Court Street, Concord, NH. The purpose of the meeting is as follows: 1. 2012 Budget Review/Approval. 2. Any other business that may appropriately come before them.

Rep. David Kidder, Chairman
Merrimack County Executive Committee

COUNTY DELEGATION NOTICES

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at 6:00 p.m. on Tuesday, **March 20**, 2012 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: To consider 2012 Budget Appropriations for Merrimack County and to consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2012 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. David Palfrey, Chairman

Merrimack County Delegation
Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on Tuesday, **March 20**, 2012 at 6:00p.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: Approval of the 2012 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. David Palfrey, Chairman
Merrimack 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, 1302,1473, 1496, 1529, 1534,1552, 1576, 1607, 1611, 1666, 1673, 1677, 1678, 1679, 1680, 1682, 1685, 1686, 1687, 1688, 1691, 1692, 1695, 1696, 1698, 1713. SBs 48, 83, 153, 239, 258, 330, 338, 358, 350.

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. 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.

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

Reps. D.J. Bettencourt and Terie Norelli

All Representatives are invited to the Upham Walker House on Wednesday, **March 7** at 8:00 a.m. for morning prayer and fellowship. Coffee will be provided.

Rep. Susan C. DeLemus

The American Cancer Society will be hosting a Legislative Breakfast on **March 7** from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria. A light continental breakfast will be served and volunteers and staff with the American Cancer Society will be on hand to discuss pending legislation as well as what services the Society provides to NH residents.

Rep. Cindy Rosenwald

Canadian Consul General to New England Pat Binns would like to invite the members of the NH state legislature to a luncheon in the State House cafeteria during the lunch break from session on **March 7** to celebrate Canada-NH relations.

Rep. Edmond Gionet

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

Bobby Stephen's 34th annual St. Patrick's Day Celebration, will be held on **March 17th**, at the Executive Court Banquet Facility, in Manchester Time 5:00 p.m. Dinner and entertainment, donation \$50.00 per person. To benefit NH JAG & financial aid to other NH students.

William L. O'Brien, Speaker

All legislative members and staff are encouraged to participate in the annual American Red Cross 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

The Merrimack County Farm Bureau invites the Merrimack County Delegation and the Environment and Agriculture Committee to a luncheon on Wednesday **March 21** at the Department of Agriculture, Markets and Food conference room, second floor of the State House Annex, at noon or when the House recesses for lunch.

Rep. David J. Palfrey

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Crossover Reception on Wednesday, **March 28** at 3:00 p.m. or following the House session, whichever is later, at the Concord Holiday Inn, 172 North Main Street. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering. This year in particular we want to recognize all of you for your support of New Hampshire automotive members and their 14,000 employees.

Reps. DJ Bettencourt and Terie Norelli

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 Caffeno, 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
------	------	-------	--------------

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 6	11:00	Trinity Christian School – Concord	11/4
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
March 12	9:00	Bow Elementary School	50/4
March 12	10:30/12:00 SH/HM	Milford School @ Heron Pond	100/4
March 13	9:00	Bow Elementary School	48/4
March 13	10:00	Lamprey River School – Raymond	40/4
March 13	11:00	Northwood Elementary School	60/4
March 14	9:00	Bow Elementary School	24/4
March 14	9:45/11:00 SH/HM	Pembroke Hill School	95/4
March 14	12:45	Sant Bani School – Sanbornton	15/6
March 15	9:00	Dover Alternative High School	12/HS
March 15	10:00	Lamprey River School – Raymond	60/4
March 15	10:30/12:00 SH/HM	Allenstown Elementary School	65/4
March 15	1:15	Vesta Roy Series Class	12
March 16	10:15/11:30 SH/HM	Charlotte Ave. School – Nashua	115/4
March 19	10:45/12:15 SH/HM	Appleton Elementary School – New Ipswich	100/4
March 20	9:30	Greenland Central School	44/4
March 20	10:00/11:30 SH/Manse	Dondero School – Portsmouth	60/4
March 21	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4
March 22	9:30/11:00 SH/HM	Jaffrey Grade School	69/4
March 23	9:30/11:00 SH/HM	Henry Wilson School – Farmington	120/4
March 23	12:00	Presentation of Mary School – Hudson	42/4
March 26	10:30/12:00 SH/HM	Milford Elementary School @Heron Pond	100/4
March 27	10:00	Maplewood School – Somersworth	48/4
March 27	11:00/12:30	Beaver Meadow School – Concord	74/4
March 28	9:00/10:30 SH/HM	Barnstead Elementary School	63/4
March 29	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4
March 30	9:30	Trinity Christian School – Keene	10/4

March 30	9:30/11:00 SH/F&G	Symonds School – Keene	60/4
----------	----------------------	------------------------	------