

State of New Hampshire HOUSE RECORD

First Year of the 159th General Court
Calendar and Journal of the 2005 Session

Vol. 27

Concord N.H.

Friday, March 18, 2005

No. 22

Contains: Reports and Amendments for March 23, Hearings, Meetings and Notices

HOUSE CALENDAR

NOTICE

The House will meet on **Wednesday, March 23rd** at 1:00 p.m.

Chairmen and Vice Chairmen will meet on **Tuesday, March 22nd** at 9:00 a.m. in Room 203, LOB.

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **March 23** at **12:15 p.m.** in Representatives Hall.
Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **March 23** at **8:30 a.m.** in Representatives Hall.
Rep. James W. Craig, Democratic Leader

NOTICE

Please note that the Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at 1:00 p.m. on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O. Wadsworth, Clerk of the House

SHUTTLE SERVICE

For the convenience of members during the winter months I have instituted a shuttle service from the Storrs Street parking garage to the State House complex.

The shuttle will operate **Tuesdays, Wednesdays and Thursdays from 8:00 a.m.**

to 10:00 a.m. and again from 2:00 p.m. until 4:00 p.m. or until session is over. The van will drop-off and pickup on North State Street between the State House and LOB. If you have any questions or need any assistance please feel free to call my office or Protective Services at 271-3321.

W. Douglas Scamman, Speaker

LAID ON TABLE

HB 98, relative to law enforcement authority under the safe schools act. (Pending question is the adoption of the committee amendment.)

HB 219, relative to permitting audio and video recording on school buses. (Pending question is the adoption of the committee report of ought to pass with amendment.)

HR 15, affirming revenue estimates for fiscal years 2005, 2006, and 2007. (Pending question is third reading.)

HOUSE DEADLINES

Thursday, March 24, 2005	Last day to report all House bills not in a second committee, except budgets.
Wednesday, March 30, 2005	Last day to act on all House bills not in a second committee, except budgets.
Thursday, April 7, 2005	Last day to report all House bills for action in 1 st year session
	Last day to hold public hearing on retained House bills
	Last day to report list of retained House bills
Wednesday, April 13, 2005	Last day to act on House bills. CROSSOVER
Thursday, May 5, 2005	Last day to report Senate bills going to a second committee
Wednesday, May 11, 2005	Last day to act on Senate bills going to a second committee
Thursday, May 26, 2005	Last day to report all Senate bills for action in 1 st year session
	Last day to hold public hearing on retained Senate bills
	Last day to report list of retained Senate bills
Wednesday, June 8, 2005	Last day to act on Senate bills
Thursday, June 16, 2005	Last day to form Committees of Conference
Wednesday, June 22, 2005 at 3 pm	Last day to sign Committee of Conference reports
Wednesday, June 29, 2005	Last day to act on Committee of Conference reports
Monday, September 12, 2005	First day to file legislation for the 2006 session
Friday, September 23, 2005	Last day to file legislation for the 2006 session

WEDNESDAY, MARCH 23

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 38, relative to credit card theft. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This amended bill includes personal checks and credit cards in the Theft: Definitions statute, RSA 637:2, V, and places a value of \$250.00 on each stolen check or credit card in one's possession. Under current statute, checks and credit cards have no value until they are tendered for goods or services. The committee heard testimony of cases where individuals were caught in possession of stolen checks and credit cards and could not be charged under current law. The committee voted to fix this problem. **Vote 16-1.**

HB 138-FN, requiring medical examiners to inventory and account for property taken from decedents. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill establishes a requirement requiring the state medical examiner to inventory and account for any property taken from a decedent and to provide a copy of the inventory to the next of kin. No one appeared in opposition to

this bill and at the subcommittee meeting the state medical examiner and a representative of the Attorney General's office appeared and agreed that the bill would codify a procedure already being developed and implemented by the medical examiners office. **Vote 16-1.**

HB 228-FN, prohibiting cellular telephone directories in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt that the federal laws that are in place now would take care of any problems that might occur in the future. The directory that the cell phone companies plan to put in place will not be a phone book. The only way you can get a cell phone number is through the 411 number which costs the person who asks for the number. The only way you can have your cell phone number listed is by you asking to have your number listed. **Vote 13-4.**

HB 332, relative to harassment by telephone. **OUGHT TO PASS**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: Following testimony by the Attorney General's office and NH Chapter of the ACLU, the committee felt a minor modification to the current telephone harassment law was in order. The current law was effectively nullified by a recent Supreme Court decision as lacking specificity regarding the purpose of a call made by a "harasser." The new wording requires that telephonic communication be for a "legitimate communicative purpose." The intent of the language was to prohibit hang-up type calls, threatening calls, heavy breathing into the phone, anonymous vague threats and the like, but to allow personal, professional and business telephone calls, regardless of source. The Attorney General's office assisted in crafting the language of the bill. **Vote 14-0.**

HB 372, relative to notification of interested parties in medical parole cases. **OUGHT TO PASS**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: The committee listened to the data relative to rapid humanitarian medical parole. This bill establishes requirements for notifying interested parties of a medical parole hearing and release. The process saves money and transfers medical costs to private insurance where appropriate. **Vote 14-2.**

HB 379, establishing a committee to study funding for the multiple offender program. **INEXPEDIENT TO LEGISLATE**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: The Multiple Offender Program (MOP) is currently functioning and is highly endorsed by the committee. It is funded by participant fees with waivers granted for those unable to pay. The program should be continued and funded as per current procedure. There is no need to establish a committee to study its funding. **Vote 16-0.**

HB 475, relative to access to certain criminal records. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice Villeneuve for Criminal Justice and Public Safety: This bill would allow any person hired by an attorney for the defense in any criminal case access to any and all criminal records and current addresses of any person who is a defendant, complainant or potential witness in the case. This bill clearly is a violation of privacy issue and could lead to unforeseen problems. **Vote 15-1.**

HB 497, relative to stolen checks. **INEXPEDIENT TO LEGISLATE**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill is very similar to HB 38 which was voted OTP by this committee. The language in HB 38 satisfies the intent of the sponsor of HB 497. **Vote 14-0.**

HB 498, establishing a study committee relative to the sale of fire-safe cigarettes. **OUGHT TO PASS WITH AMENDMENT**

Rep. E. Albert Weare for Criminal Justice and Public Safety: The use of Fire Safe Cigarette has been shown by national fire prevention organizations to greatly reduce the loss of life and property damage by fires due to the improper disposal of cigarettes. This bill will establish a study committee to develop the standards for fire safe cigarettes to be sold in New Hampshire. The study will examine the feasibility, regulatory, and enforcement mechanisms for the state to require the sale of fire safe cigarettes. The amendment extends the reporting requirement to November 1, 2006. The outcome of HB 645 that was recently passed by the House is unknown at this time, but the sale and use of fire safe cigarettes is already known to be a big deterrent in saving lives and protecting property from loss by fire caused by the improper disposal of smoking material and therefore should be explored to its fullest extent. **Vote 15-0.**

HB 526, relative to temporary hearings on domestic violence petitions. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would provide that a temporary hearing on a domestic violence petition shall not serve as the final hearing. The language of the bill says, "The court shall hear the matter de novo and shall not be bound by any prior

findings, or determinations made in granting temporary relief under RSA 173-B:4.” The current statute already creates a de novo hearing and is separate and distinct from the temporary relief that is granted under RSA 173-B:4. This bill is unnecessary. **Vote 16-0.**

HB 609-FN, establishing the protection of liberty act. **INEXPEDIENT TO LEGISLATE**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill would establish the protection of liberty act. The bill replicates HB 1385 from 2004 which was voted Inexpedient to Legislate. The assistant commissioner of safety and the Assistant Attorney General testified in opposition. The bill presents significant constitutional problems. It criminalizes acts undertaken by law enforcement officials and it appears to do away with the legal concept of absolute or qualified immunity for acts undertaken by a government official in good faith belief of their legality. For these reasons, the committee unanimously found the bill Inexpedient to Legislate. **Vote 13-0.**

HB 620-FN, relative to the accountability of public officials and interference with constitutional and legal rights. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The sponsors of this bill have identified a very real problem. Too often, public officials, be they elected or appointed, are unresponsive to the needs of their constituents. Such indifference reflects poorly on all of us in the public arena. Unfortunately, this legislation uses “overkill” to solve the problem. Under HB 620, public officials who fail to respond to a poorly-defined “affidavit” within 30 days would be subject to criminal prosecution and removal from office. It is easy to foresee a situation where a band of disgruntled individuals bring government to a screeching halt by burying an official with a blizzard of affidavits. The folks who volunteer their time as members of the local planning board, conservation commission, or library board of trustees should not be subject to such abuse. In addition, this bill makes reference to “violations of criminal and legal rights,” yet leaves such rights largely undefined. To impose criminal penalties when the public can not determine the letter of the law is not only unconscionable, it is unconstitutional. The committee hopes that the sponsors will revisit this issue in a different manner in the future and looks forward to crafting a reasonable and constitutional solution to a very real problem. **Vote 16-0.**

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill was introduced at the request of the Attorney General’s office. This bill would allow a peace officer who has grounds to believe that a serious threat to the public health or safety is created by a flood, storm, fire, earthquake, explosion, imminent riot, ongoing criminal activity that poses a risk of bodily injury, or other disaster to close the area where the threat exists and the adjacent area necessary to control the threat, or to prevent its spread, for the duration of the threat, until related law enforcement operations are complete. **Vote 10-4.**

HB 636-FN, requiring the electronic recording of statements by persons subject to custodial interrogation. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill attempts to create a solution to a problem that does not seem to exist. Credibility of witnesses is the province of the jury and it attempts to create a right that the Supreme Court has already ruled does not exist. It mandates what the Court would not. **Vote 12-3.**

HB 696-FN, relative to enhanced penalties for crimes against the elderly and persons with disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: The amendment approved by the committee replaced the entire bill and adds a new paragraph (L) to RSA 651:6 (extended term of imprisonment) to protect the elderly and those persons who have a physical or mental condition that impairs the victim’s ability to manage his/her property or financial resources, or to protect his/her rights or interests. **Vote 14-0.**

EDUCATION

HB 129-FN-L, establishing a high performance school incentive. **OUGHT TO PASS**

Rep. Deanna P. Rush for Education: This bill establishes an incentive for towns to build environmentally sound, quality schools. A high performance building is healthy and productive for students and teachers. It provides high levels of acoustic, thermal, and visual comfort and also has superior air quality. These buildings are cost effective to operate and maintain. The bill overwhelmingly passed the Education Committee, the Finance Committee, and the New Hampshire House last year, but was killed in the Senate. **Vote 11-3.**

HB 151, requiring school districts to develop a school age nutrition and physical activity committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy F. Stiles for Education: This bill requires local school districts to develop an advisory committee or use an existing committee, to develop a policy on nutrition and physical activity during the school day. The amendment removes a restriction on committee membership and eliminates a mandate in the bill. There was overwhelming support for the bill from many health organizations. **Vote 12-3.**

ELECTION LAW

CACR 19, relating to representation in cities and towns whose population is equal to, or greater than, the minimum number of persons per house district. Providing that a city or town shall have at least one representative from the city or town if its population is equal to or greater than the apportionment figure for house districts. **INEXPEDIENT TO LEGISLATE**

Rep. William L. O'Brien for Election Law: This proposed constitutional amendment concurrent resolution would require that each town or city that has a population with a minimum number of people to elect one representative to the general court shall elect at least one such representative without combining such representation with any other town or city. The majority disagreed with this approach because the only way to implement it would be to use floterial districts that would provide certain small towns with diluted representation and therefore are, or likely may be, held unconstitutional. The solution to this legitimate concern addressed by this CACR cannot be implemented. **Vote 14-1.**

HB 351, relative to the time for counting absentee ballots. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill, as amended, would change the time from 1:00 P.M. to 11:00 A.M. on the day of the election as the time when the processing of absentee ballots may begin. This change would provide more time for the processing of absentee ballots and would be consistent throughout the state. **Vote 14-2.**

HB 362, relative to statutes to be posted at polling places. **OUGHT TO PASS**

Rep. Thomas J. Langlais for Election Law: This bill modifies the list of statutes that must be posted outside the guardrail in the polling places that define the laws more pertinent to the voting process. This bill adds existing statutes and further defines and clarifies laws already in place. These statutes shall be posted at each polling place. This bill removes statutes which address rights not typically exercised at the polls on election day and adds statutes which do address election day polling place activity. This bill is supported by the secretary of state and attorney general. **Vote 15-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 195, establishing a committee to study the department of insurance and whether it should be combined with any other agency. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill establishes a study committee for consideration of changes to the insurance department. The committee heard testimony on need to improve responsiveness to consumer complaints and the need to improve inter-department communications with other financial departments. The committee amendment names membership from the Commerce and Executive Departments and Administration Committees as well as two others appointed by the speaker of the house and three appointed by the senate president. **Vote 16-0.**

HB 335, relative to the review of final proposed rules by the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela V. Manney for Executive Departments and Administration: This committee has a more comprehensive bill that includes this area of concern. Therefore, it was the decision of the committee that it would be prudent to combine both bills into one. **Vote 13-0.**

HB 388, establishing a commission to study the retirement system medical benefits subsidy for retired teachers. **INEXPEDIENT TO LEGISLATE**

Rep. Francis B. Sullivan for Executive Departments and Administration: It is the feeling of the committee that the intent of this bill is redundant to HB 181 which was passed unanimously by this committee and by the house on the consent calendar. It is believed that HB 181, establishing a committee to study the special account in the New Hampshire Retirement System, will pass the

senate and be signed by the Governor and as a result, resolve all of the issues in this bill. **Vote 17-1.**

HB 415, excepting installation of fuel gas equipment from regulation by the electrician's board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will allow heating technicians to install and hook up the wires to a heating system. Current law allows them to do this for fuel oil, not for other forms of energy such as natural gas, propane, methane, etc. This bill will now legalize what many technicians have been doing. **Vote 18-0.**

HB 499, relative to participation in and administration of the Manchester employees' contributory retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: In that the Manchester retirement system was authorized by the state legislature all changes thereto must also be approved by the state legislature. This bill was presented to the committee as a housekeeping bill to rectify some areas of the Manchester system and was presented by it's director as such with no additional expense to the city. **Vote 16-0.**

HB 521, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The Manchester system originated in the state legislature and as such all changes thereto must also originate in the state legislature. This bill increases the medical subsidy for retired employees and as such will go before the voters in Manchester in a city wide referendum once approved by the state. The amendment to this bill simply reschedules employee payments and benefits to facilitate implementation. **Vote 18-0.**

HB 546, relative to the status of the board of trustees of the retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill provides that the board of trustees has the powers, privileges, and immunity of a corporation in managing the retirement system. This bill would alleviate the need for the retirement system to purchase insurance for the board's trustees presently costing \$125,000.00 per year for 13 million in liability protection for individual members should the board of trustees be penetrated by litigation and involve the individual members. This protection was originally in the trust documents and was omitted by mistake when they were re-written several years ago. **Vote 14-0.**

HB 552, proclaiming March as New Hampshire Irish American Month. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. McMahon for Executive Departments and Administration: Consistent with prior deliberations, the committee believes that while the contribution of the Irish to our state have been numerous, meritorious and renowned, this legislation is not recommended and can not enhance the admirable accomplishments that are duly acknowledged and appreciated by the populace. **Vote 19-1.**

HB 582, relative to the policy for records management. **OUGHT TO PASS**

Rep. James B. Coburn for Executive Departments and Administration: This bill specifies that the state record management program is intended, in part, to promote integrity in the day to day record keeping activities of state and local government. The committee discussed the definition of integrity as being the accuracy and reliability of the archive process and that adding the word integrity provided support for the archive department to properly fulfill its mission. **Vote 17-2.**

HB 596-FN, relative to the salary of the state veterinarian. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard testimony that the state veterinarian is retiring and that the salary currently being paid could be an impediment to hiring a replacement. We were asked to change the salary group range so that the new state veterinarian could move from group FF step 5 to group II step 5 which would result in a salary increase of 24.7%. There is currently a pay schedule for all positions in all state agencies that was derived from the Hay Study. This study looked at every job description and recommended a classification level. It also allowed for a review of the position if the duties changed. We felt that this change should go through the Hay Study review to see if the job description has changed enough to warrant the change in classification. **Vote 15-0.**

HB 647-FN, relative to restructuring the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill is the result of a summer study of the Department of Revenue Administration. The bill makes technical corrections,

creates a central tax service unit and reorganizes the Department of Revenue Administration into two former operating divisions: the Division of Property Appraisal and the Municipal Services Division. This bill also deletes the Community Services Division which was created in 2001 to handle the certification of all the municipalities' assessments. The legislature changed the certification process into a review process so continuing a new division was not necessary. These changes will better serve the taxpayers and municipalities and will enhance the internal control and efficiency of the department and will save the state money. **Vote 14-1.**

HB 652-FN, relative to the retirement system classification for the director of juvenile justice services, department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The present classification for this position is Group I. This bill asks that it be redefined so that Group II personnel could serve in the position without giving up the individual's current Group II standing. The committee felt that as a Group I position, it should be manned by Group I personnel. **Vote 13-0.**

HJR 2, declaring February 12 to be Thaddeus Andrzej Bonawentura Kosciuszko day. **INEXPEDIENT TO LEGISLATE**

Rep. Anne-Marie Irwin for Executive Departments and Administration: The sponsor presented a compelling history of the contributions of Thaddeus Andrzej Bonawentura Kosciuszko. Presently, in Manchester, a monument, park and street exist to honor this Polish Revolutionary War hero. The committee, while respectful of the contributions of all ethnic groups, decided not to put in statute this commemoration. **Vote 13-0.**

FINANCE

CACR 1, relating to taxation. Providing that the maximum increase in any budget bill in the state or its political subdivisions shall be limited by the rates of inflation and population growth unless overridden. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth S. Hager for Finance: No evidence or third party testimony was presented to the committee in support of any benefits to be derived from this legislation. The majority of the committee concluded that this proposed constitutional amendment would unduly restrict the legislature's ability to fully consider and respond to future revenue and spending requirements and thus it would not serve the best interests of all of the state's citizens. The committee also considered commentary from several of its members that the only other state that has enacted a similar constitutional provision, Colorado, has experienced a serious fiscal crisis that is still unresolved. **Vote 22-1.**

FISH AND GAME

HB 306, relative to mandatory education for crossbow hunters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill as amended requires all applicants for a cross bow hunting permit to have successfully completed a crossbow or archery safety course before receiving such a permit. The amendment simply clarifies the wording and intent of the legislation. **Vote 10-0.**

HB 310, relative to requirements of the fish and game department before a coastal area may be closed to fishing of marine species. **INEXPEDIENT TO LEGISLATE**

Rep. Stephanie Eaton for Fish and Game: Only one third of the sponsors supported this bill in committee. Another sponsor withdrew his support in committee. Last session, the identical bill came before Fish and Game and was voted ITL. Also the Advisory Committee on Marine Fisheries, which has legislative authority to hold hearings on marine species, opposed the bill. They deem this bill "redundant and unnecessary" procedurally. **Vote 10-0.**

HB 447-FN, relative to black bear license and tag fees. **OUGHT TO PASS**

Rep. Robert R. Barker for Fish and Game: This bill increases the fee for a license and tag to hunt bear under the black bear management program, and clarifies the uses of the funds in the bear management fund. It requires that all money collected by the Fish and Game Department shall be used exclusively for the implementation of a comprehensive black bear management program. The committee heard no opposition to this bill and determined that the fees to hunt black bear, a state resource, should be revised. **Vote 11-0.**

HB 449-FN, relative to special wild turkey seasons and permits. **OUGHT TO PASS**

Rep. Robert J. Barker for Fish and Game: This bill allows the Executive Director of the Fish and Game Department to establish a special wild turkey hunting season, issue permits and establish a

lottery for the permits. All money collected by the Fish and Game Department shall be used exclusively for the implementation of a comprehensive wild turkey management program. The committee determined that the increasingly larger wild turkey population warranted the implementation of a special hunting season. **Vote 13-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 27-FN, relative to an exemption from the annual inspection of health facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill would have exempted certain health care facilities from the state inspection if they were inspected by an independent inspection process done by an industry accreditation entity, such as J.C.A.H.O. (Joint Commission on Accreditation for Health Care Organizations). The committee, however, felt that the language was too broad and left most of the “meat” of the issue to rule making with very little concrete information as to what accreditation groups would be acceptable and with what conditions. While the committee appreciates the intent to have our health care facilities avoid duplicate inspection processes, we felt this needed too much clarification at this time. **Vote 19-0.**

SB 42, establishing a pharmaceutical study committee to study direct purchasing of prescription medication by the state. **INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This was a good bill to study direct purchasing of prescription drugs by the state. The committee was in favor of this type of study committee. After a lengthy discussion on the bill, it was decided to incorporate the substance of this bill into HB 704, which is a like bill that the committee will retain for study in the months ahead. The prime sponsor was agreeable to include SB 42 with the HB 704 study. **Vote 18-0.**

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported this study relating to the alleviation of medical malpractice premiums. This study will not be duplicative of prior studies as this bill specifically rules out review of “the civil justice system specific to medical malpractice claims.” The committee felt that the duties outlined allowed for an in depth consideration of the role of the insurance industries in the increasing cost of medical malpractice insurance. In addition, emphasis will be placed on high risk specialties, such as neurosurgeons and obstetricians. It is felt that this study is timely considering the current crisis in the delivery of health care services. **Vote 19-0.**

JUDICIARY

HB 192, establishing a committee to study medical malpractice. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would establish a joint House and Senate committee to study medical malpractice tort reform efforts that have been enacted in the other states and Canada. Since the public hearing on this bill in January, numerous tort reform bills, together with supporting documentation, have come before the committee, most, if not all of which, will be referred to a subcommittee. The majority of Judiciary believes that the committee has the information necessary to address the issue through the subcommittee, and that creation of a study committee is not necessary. **Vote 11-7.**

HB 251, relative to the family division of the courts. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would amend RSA 490:33 by specifying that the newly-created family division of the courts shall be a division of the Superior Court, rather than an independent system. The committee preferred to leave the present arrangement in place, whereby the Family and Superior Court are parallel systems both reporting directly to the Supreme Court, rather than having one trial-based court reporting to another trial-based court. The committee's position is supported by both the Supreme Court and the Chief Justice of the Superior Court. **Vote 14-3.**

HB 267, relative to requests for services other than counsel for indigent defendants. **OUGHT TO PASS**

Rep. Gregory M. Sorg for Judiciary: This bill would incorporate into RSA 604-A:6 and make uniform in the courts a practice already followed by many judges. Counsel for indigent defendants in criminal cases would be expressly entitled to seek funds for services other than counsel by applying to the court on an ex parte basis; that is, without having to give prior notice to the prosecution. This would protect the secrecy of defense strategy and focus, thereby placing indigent defendants on the

same footing as defendants able to use their own funds for investigative and other purposes. **Vote 17-0.**

LEGISLATIVE ADMINISTRATION

HB 421, establishing a committee to study effective dates on legislation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul C. Smith for Legislative Administration: This bill attempted to fix the problem of effective date changes by legislators with regard to LSR's. This left the Office of Legislative Services in a difficult position in dealing with legislators who sought changes in the effective dates without consulting RSA 14:9-a. The committee amendment clarified that any changes in any effective date has to be done through amendment. **Vote 10-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 141-L, relative to the planning board's authority to limit building permits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: There are some perceptions that planning boards may be abusing their power when it comes to limiting the number of building permits that can be issued within a given year in a municipality. This bill clarifies that planning boards cannot arbitrarily limit this number unless it is in accordance with applicable statutes such as emergency zoning, interim zoning and growth management ordinances. This bill does not change the powers of planning boards; rather it clarifies what is already illegal. **Vote 15-0.**

HB 230-L, relative to default budgets. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill as amended provides clarity as to what costs can be included in the default budget in so-called "SB-2" (RSA 40:13) towns and school districts. This bill seeks to strike a balance by defining continuing costs that must be funded as opposed to those costs desired to be added by the town school district but not voted on by the legislative body. It is hoped by the committee that this amendment will mitigate the contentious nature involved in attempting to determine default budgets. **Vote 16-0.**

HB 284, excluding the value of a view from property tax assessments. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would prohibit the appraisal of property from using the value of the view from that property. When an assessor places a value on a property, he or she must consider the many types of value that the property has. Some examples of these values may be waterfront, road frontage and terrain. The committee heard testimony on another bill that dealt with the view component as well. HB 245 establishes a committee to study property appraisals of features of land and the view from residential property and unimproved land. The committee feels the best way to address the view issue in HB 284 would be to roll it into the subject matter of HB 245. **Vote 16-0.**

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government:

While the committee strongly agrees with the bill's intent to protect our privacy and avoid misuse of our social security numbers, the real "fix" needs to come on a larger scale. Several committees in Congress are studying the issue and it is being debated nationally on television almost daily. Because it is such a complex problem with the possibility of many unintended consequences, it is the better part of wisdom to see how the issue sorts itself out and then act accordingly. The cost and trouble of redacting all old deeds to remove social security numbers, and the problems created for banks and assessors by having some deeds withheld from internet access raises a number of new issues. Putting your finger in just one hole in the dike while leaving dozens still open doesn't solve the problem. A more inclusive solution for protecting our privacy needs to be found without imposing the burden only on the Registry of Deeds. **Vote 18-0.**

HB 338, allowing municipalities to adopt a low income property tax credit. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill sets up a mechanism for the local community to adopt a low income property tax credit by the vote of the legislative body. There are parameters for the income and the percentage amount of tax credit to be received. No resident with an income over \$47,000 would be eligible for the credit and the credit could not exceed \$1,500 in any year. The legislature recodified property tax exemptions, credits and deferrals during

the 2003-2004 session and made many changes that need to be dealt with at the local level. It is important to realize that if there is an exemption or credit on one parcel of property in a municipality the difference has to be made up by another taxpayer, which is cost shifting. The local municipalities already have the ability to grant property tax relief that is voted on by their legislative bodies. **Vote 18-0.**

HB 358, establishing a committee to study the efficacy of the municipal budget committee and cooperative school district budget committee processes. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: RSA 32:14 allows for the adoption of a municipal or school district budget committee and RSA 195:12-a allows for the adoption of a cooperative school district budget committee. All budget committees have the authority and duty to prepare a budget for submission, conduct public hearings with respect to budget preparation, and forward copies of the final budgets to the town or district clerk, commissioner of revenue administration and also to the governing body or bodies. The committee feels that the current budget committee process is effective and can be rescinded by voters if they choose to do so. **Vote 17-0.**

HB 377, relative to property assessment records posted on the Internet. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Dowd for Municipal and County Government: The committee appreciates the concern of the sponsor for removing personal information from records posted on the internet. As testified by town assessors, there are already suppression mechanisms in place. Having this information readily accessible for elderly and handicapped individuals is important so they can make sure their information on assessment cards is correct. An additional benefit to having information available is less congestion in the assessor offices, freeing up workers and reducing assessing budgets in communities. **Vote 13-3.**

HB 408, relative to the sale of town-owned land. **OUGHT TO PASS**

Rep. David L. Buhlman for Municipal and County Government: This bill reduces the time between a second public hearing on the sale of town-owned land and the selectmen's vote on the sale from 10 days to 7 days. This is beneficial because the 7 days conforms to the weekly selectmen's meeting. **Vote 14-0.**

HB 411, relative to the North Conway water precinct. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: This bill amends chapter law 1905 170:1 as amended by 1987 417:1 by authorizing the North Conway Water Precinct to raise and appropriate money for the establishment of capital reserve and expandable trust funds. This first part of the bill re-affirms the authority previously granted that the voters acting as the legal body politic of the North Conway Water Precinct voted to establish and fund capital reserve trust funds. The second part of the bill simply ratifies the votes and the proceedings of the annual meeting of the North Conway Water Precinct of March 31, 2004. The committee heard testimony that the Commissioners of the North Conway Water Precinct unanimously supported this bill. **Vote 16-0.**

HB 416, relative to billing for the semi-annual collection of property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: This bill allows municipalities to choose a percentage for the first tax bill in the semi-annual collection of taxes which is different than the current formula of $\frac{1}{2}$ of the previous year's property tax bill in order to even out the semi-annual tax bills. Although the sponsor's intentions with this bill are laudable, the committee felt that there was potential to create confusion on the local level by having to estimate the adjustments for half year tax bills. **Vote 15-2.**

HB 418, allowing towns with town charters to have wards. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill attempts to do two things. First of all, it proposes to amend RSA 44:4 to allow a town to be able to divide into wards just as a city does. Secondly, it addresses allowing towns with town charters to be able to divide themselves into wards. RSA 44:4 mandates that each ward shall be treated as a town for the purpose of the election of governor, councilor, state senator, representative to the general court, all county officers, senator and representative in congress, and electors of president and vice-president of the United States, and all matters relating to jurors. RSA 44:12 takes the issue a step further by mandating that each ward shall elect three selectmen, a moderator and a clerk and that they shall have the powers, perform the duties, and be subject to the liabilities, of those officers in towns in relation to the warning of meetings, conducting elections, counting and declaring votes, recording the votes, certifying the elections, and all other matters relating to elections. The committee feels the added

expense of this expansion of government was unnecessary in any town, whether it is by charter or not. **Vote 16-1.**

HB 425-FN-L, increasing fees paid to municipalities for registering current model year vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: This bill would increase the motor vehicle registration mil rate by either 20-25% depending on the model year of the motor vehicle. According to the fiscal note, this bill would increase fees for motor vehicle registration by \$20 million each year. The bill limits this increase to “current model year vehicles” in order to single out this segment of the population that can afford to buy new cars. Though the increased revenue was tempting, the committee could not see any compelling reason to change the current fee that our constituents now pay. **Vote 16-1.**

HB 431-FN-L, requiring run-offs in certain local elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to provide a mechanism for determining which competing warrant article on the ballot in an official ballot referendum (SB2) town or school district actually prevails. The competing articles could be ones that require a 2/3 or 3/5 percentage vote to pass or some could be ones that require only a simple majority. The bill came to the committee with what we thought was excessive language. With the assistance of the sponsors, we were able to develop a bill that we feel deserves passage. This bill states in the event that there are 2 or more competing articles on the ballot and 2 or more of such articles receive the requisite vote to pass, the article that receives the greatest number of votes shall prevail. **Vote 14-0.**

HB 467, relative to naming private roads. **OUGHT TO PASS**

Rep. Suzanne Harvey for Municipal and County Government: The governing body has the authority to change the names of roads and streets that are under the control of the town. However, there is no authority for it to change the name of private roads. The committee heard testimony describing the potential confusion and crucial time lost by fire and EMS teams when answering a call to a road that has a name similar to another road in the same area. This bill would enable governing bodies to change the name of a private street or highway when necessary to conform to the requirements of the enhanced 911 telecommunications system. The committee unanimously agreed that passing this bill can save property and lives. **Vote 16-0.**

HB 504, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laurie J. Boyce for Municipal and County Government: When the department of revenue administration (DRA) performs a financial audit that involves a parcel of land an additional amount of taxes or refunds usually is the outcome of the audit. Currently there is a cumbersome mechanism for the registrars of deeds to collect or refund those taxes. HB 504 creates a new procedure that is user friendly to the registrars and the department. When the results of an audit are known – both for assessment of additional taxes or a refund- the commissioner shall issue a notice of the results to the registrars and then upon receipt of that notice the registrars shall record the notice. This leaves a paper trail for the payment or refund of taxes for the property owner, the registrars and the department. In addition, the DRA shall certify the amount of 4 percent of the additional tax assessed and collected to the state treasurer so that such amount will be paid the registrars within one month of the audit results. The amendment adds the “location” of the property to the information given to the registrars in the notice. The bill also changes a statutory reference regarding the filing of floor plans (RSA 479-A: 12). **Vote 15-0.**

HB 505, relative to recording mailing addresses on property deeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew L. Dorsett for Municipal and County Government: When a parcel of land is sold the information put in the new deed is not always specific enough so that the new owner’s mailing address may not appear on the deed. If the correct mailing address of the new owner is not known then the tax bill cannot be sent to the proper owner and delay and perhaps late charges may occur. This legislation inserts the words “complete address” into the required form on quit claim and warranty deeds. The amendment adds the mailing address of the new property owner to mortgage, fiduciary, foreclosure and manufactured housing deeds. The committee knows that the information on any deed is the starting point of all correct information concerning the parcel of land. **Vote 15-0.**

HB 509, relative to election of police chiefs. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: A town may vote to elect a police chief at an annual town meeting by putting a warrant article forth for said meeting. If a town chooses to do so, the election of the police chief occurs at the next succeeding annual meeting. The committee heard testimony that there were no qualifications for a police chief and anyone – of good or bad character – could be elected. Current law now requires any elected police chief to be certified (RSA 188-F: 27) and if the elected person could not be certified the governing body shall appoint a police chief until a certifiable chief is elected. This bill would have allowed any certified New Hampshire law enforcement officer in the state to seek this office. The police chief serves an important role in a community. In municipalities that choose to elect their police chiefs, it is important that a resident serve in this role because residents have more at stake in their own community. The committee also felt that if non-residency were allowed for this position then why not the road agent, selectmen or any other town official. The committee did not want to open the gateway. **Vote 12-0.**

HB 519-L, relative to the authority to accept dedicated streets and to subdivision roads. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill gives the local governing body exclusive authority to accept dedicated streets and prohibits a planning board from requiring private roads as a condition of subdivision approval. The committee unanimously agreed that the legislative body is the place where the ultimate authority needs to be since now it can delegate that authority to the governing body if it wants to make that decision. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 169-FN-A, relative to completion of a sidewalk on Hazen Drive in the city of Concord and making an appropriation therefore. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: The sponsor is working with the Department of Transportation to improve pedestrian safety along Hazen Drive and requested the legislature to find the bill Inexpedient to legislate. **Vote 15-0.**

HB 565-FN-A, relative to the demolition of a certain building to provide access for a public boat ramp for Winnisquam Lake and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: This bill would appropriate \$350,000 to the Department of Environmental Services for the demolition of a large brick structure for the purpose of providing unencumbered public access to the Winnepesaukee River and Winnisquam Lake. The committee supports the construction of a public boat ramp, but found that proper access to the proposed ramp site was possible without the demolition. The net advantage of the demolition would only be an additional nine parking spaces. At a cost of approximately \$39,000 per space, the committee could not support such an appropriation. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 457, relative to excavating and dredging permit exemptions for water conveyance systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill amends RSA 482-A:IV(b) which currently allows non-tidal drainage ditches, culverts, catch basins fire ponds and other man-made ponds that have been legally constructed to collect and convey storm water and spring run-off or to store water to be cleared without a permit from the Department of Environmental Services (DES) so long as such structures are not enlarged. The bill adds to this exemption man made water conveyance systems used for the commercial or industrial purposes of collecting, conveying, storing or recycling water. These include various industrial processes such as stone cutting and gravel cleaning which require the installation of retention ponds to settle out the fine materials suspended in the water. Wetland vegetation becomes established in these water systems, which must be cleaned from time to time in order to function as designed. The committee unanimously supports HB 457 which exempts these types of water systems from the need to obtain dredge and fill permits from DES. The amendment clarifies the intention of the original bill. **Vote 17-0.**

HB 571-FN, relative to moorings on Bow Lake. **INEXPEDIENT TO LEGISLATE**

Rep. Duncan D. Chaplin for Resources, Recreation and Development: This bill would add Bow Lake in Strafford and Northwood to the list of six lakes (Winnepesaukee, Winnisquam, Squam, Newfound, Ossipee, and Sunapee) which are already under control of the New Hampshire mooring control

program (RSA 270:61). Furthermore, all present mooring on Bow Lake would be grandfathered, a concept which is contrary to our mooring program. A similar bill was filed in 2004 (HB 1164), which was sent to Interim Study and reported out late last year as "Inexpedient to Legislate" by this committee. Nothing has changed in the past six months. **Vote 17-0.**

SCIENCE, TECHNOLOGY AND ENERGY,

HB 152-FN, requiring heating oil sellers to purchase biodiesel. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene F. Andersen for Science, Technology & Energy: This bill establishes a commission to study the uses of biodiesel in both heating oil and motor transport. The original bill required the use of biodiesel in heating oil. Testimony indicated that New Hampshire's fuel delivery infrastructure is not developed to meet the requirements of the original bill. The bill's amendment provides a study commission to determine the use of biodiesel and removes any requirement for use at this time. Other states are requiring biodiesel use in fuel stocks and biodiesel is currently in use in neighboring states. Biodiesel is a renewable energy fuel processed from a variety of vegetative stock including stock and other vegetation available or grown in New Hampshire. Testimony of both citizens and industry indicates biodiesel will provide a renewable domestic fuel source with environmental benefits. Testimony by industry showed their willingness to work on a commission to study and promote biodiesel. **Vote 12-0.**

HB 202, establishing a commission to study options for reducing the impact of exhaust emissions from mobile diesel engines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacqueline Cali-Pitts for Science, Technology and Energy: This bill is a very simple and straight forward bill instructing the Department of Environmental Services (DES) to coordinate and compile a report on all existing state and federal regulations regarding diesel exhaust emissions. DES is further instructed to make recommendations concerning these programs and submit a report to the air pollution advisory committee. **Vote 12-3.**

TRANSPORTATION

HB 261, relative to title to salvage vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: The bill and the amendment clarify when a vehicle that is five years old or newer sustains damage in an accident of 75 percent or greater has a salvage title issued to it. The committee felt that this is a consumer protection issue. This will insure that when someone buys a used car that has sustained damage of 75 percent or more they will be informed of what they are buying. **Vote 14-0.**

HB 326, relative to motorcycle noise levels. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen H. Nedeau for Transportation: The bill clarifies what are considered unmuffled exhaust pipes and sets fines for the use of such pipes. The fine for using what are considered straight pipes will be \$200 not to exceed \$500. The fine for exceeding RSA 266:59A which is the motorcycle noise statute and testing procedure will be \$100 not to exceed \$300. This agreement was worked out with the representatives of the Portsmouth, Rye and Seabrook police departments, and the representatives of the motorcycling organizations. We hope this will solve most of the problems associated with loud motorcycles. **Vote 14-0.**

HB 352, relative to speed limits. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Transportation: This bill would have permitted local authorities to decrease speed limits in urban districts. After discussions with the Department of Transportation it was decided that we would let the Department of Transportation resolve this issue. The committee felt that this was dealing with one special area and could be handled in a different way. **Vote 14-0.**

HB 357, relative to negligent driving. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill came to the committee as a fine for negligent driving with a minor in the vehicle. The committee wants to get the message out that people must take the job of driving carefully. Therefore, we amended the bill to include the offense to cover negligent driving with anyone in the vehicle and have set the fine at not less than \$250 nor more than \$500 for a first offense and not less than \$500 nor more than \$1,000 for a second or subsequent offense. **Vote 12-0.**

HB 550-FN, requiring placards in vehicles operated by persons learning to drive. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Transportation: This bill would have required placards in driver training automobiles. Operators teaching someone to drive would be required to have some type of

placard attached to the automobile that would make it visible to other drivers. We understand that other drivers being too close or right on their bumper causes concerns for the driving instructors. The committee feels there are ample laws on the books now for driver training schools. **Vote 13-0.**

HB 679-FN-LOCAL, authorizing the electronic enforcement of traffic signal violations. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill will allow for the authorization of electronic enforcement of traffic signal violators. A city or town having a population of more than 20,000 can request video enforcement at its traffic signal intersections. There will be posted warnings not more than 300 feet from the location of electronic monitors. The camera will take a picture of the number plate of the offending vehicle. The person to whom the vehicle is registered will be issued a citation. The citation shall be accompanied by a notice with date, time, and location of incident along with name, address and numbers to request a copy of the photographic evidence. If an owner can prove he or she is not responsible for the violation the citation shall be withdrawn. The fine shall not be deemed a conviction on a driving record and shall not be used to assign demerit points. Fifty percent of fines collected shall be remitted to the city or town with these systems. While some intersections could stand improving, we have all witnessed numerous occasions of drivers speeding up on "amber lights" only to be running a red light. Red light runners put everyone at risk. They carry their fair share of statistics on near misses and accidents. Therefore, the committee supports the use of cameras to assist law enforcement to make all roads safer. **Vote 14-0.**

WAYS AND MEANS

HB 243, relative to boat registration fees. **INEXPEDIENT TO LEGISLATE**

Rep. Priscilla P. Lockwood for Ways and Means: This bill would raise boat registration fees by \$1, which would be retained by the agent registering the boat. The committee was reluctant to raise boat fees again. We raised them last session. The boat registration fee structure is diverse and involves compensation to different marine funds. We should first examine how the existing fee structure is divided up and the committee felt that this topic would be better served first in a policy committee. **Vote 15-0.**

HB 260-FN, relative to motor vehicle equipment and registration. **OUGHT TO PASS**

Rep. Susan W. Almy for Ways and Means: This bill was amended by the House to remove the fiscally significant portion (drivers' license less than five years). The only other item that relates to Ways and Means is an ongoing practice which the auditors pointed out had no legislative authority behind it. The House has voted for this authority, and there is no change in existing revenues that results. **Vote 16-0.**

HB 268-FN, increasing certain motor vehicle fees. **OUGHT TO PASS**

Rep. Peyton B. Hinkle for Ways and Means: This bill increases the fee for the replacement of each motor vehicle plate which has been lost, mutilated or made illegible from \$3.50 to \$4.00, and it charges a fee for replacement of a lost or illegible validation sticker of \$1.00. This is a housekeeping item that places current practice into law and charges for plates and stickers based on the cost to produce them. **Vote 16-0.**

HB 344, relative to the consensus revenue estimating panel. **INEXPEDIENT TO LEGISLATE**

Rep. Catherine Mulholland for Ways and Means: This legislation, while laudable in its objective to reach a consensus estimate of external economic fluctuations which may affect the various revenues and expenses of the state, was deemed both redundant and unaffordable by the majority of the committee. This task is undertaken and monitored throughout each biennium both for the purposes of building a budget and tracking its course. A permanent panel would require an appropriation to compensate its members for their services. In spite of our limited means it is doubtful that such a panel would enhance the ways in which we currently gain access to the appropriate information. **Vote 14-1.**

HB 554-FN-A, establishing a state property tax relief program for seniors and the disabled. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: The issue of property tax relief is already being studied by a committee which will issue its final report on November 1, 2005. Rather than duplicate the work already ongoing, the Ways and Means Committee recommends that the concept contained within this bill be considered by the Property Tax Relief Study Committee. **Vote 15-0.**

HB 601-FN, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Parker for Ways and Means: This bill included a number of policy issues related to education finance and vouchers in the form of scholarships. However, the committee focused only on the revenue policy aspect of the bill. The bill allowed the taxpayer a partial credit against taxes for amounts contributed to a “scholarship funding organization.” This organization would then, at its discretion, grant scholarships to students with the understood purpose of defraying education tuition costs. Upon taxpayer initiative, the bill would have taken revenues otherwise bound for the general fund and dedicated them to an organization beyond the control and auspices of the legislature. Despite any other possible merits of this bill, the committee believes that diverting revenue from the general fund for this purpose and removing the legislature from the appropriation process is inappropriate policy. **Vote 15-0.**

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Three years ago, the legislature enacted a bill for wireless companies allowing them to present a package of services to the consumer for a discount price and only charge tax for the taxable services portion of the package. Wireline (traditional phone) companies are in a different section of the statute. They are anticipating packaging (bundling) services in the future. If they did, under existing statute the consumer would be charged tax on nontaxable services. This bill prevents that. The amendment corrects a typo and retains in statute the duplicate wireless section for purposes of clarity. This is a consumer protection bill. **Vote 16-0.**

HB 613-FN, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Ways and Means: This bill would exempt from rooms and meals tax prepared food items sold by supermarkets. The concept came from an old court case, superseded by a 1985 Supreme Court decision, that the exemption of prepared take out food items sold in supermarkets was unconstitutional. **Vote 15-0.**

HB 675-FN, exempting agricultural tower silos from the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine C. Hamm for Ways and Means: While committee members sympathized with the sponsors’ intent to preserve tower silos as a symbol of the state’s agricultural heritage and understood many owners’ reluctance to pay taxes on a structure that no longer provides economic benefit, the committee rejected the proposed legislation. As with HB 676-FN, committee members would have been more inclined to support this bill had it provided enabling legislation to seek tax relief from a more appropriate source. **Vote 16-0.**

HB 676-FN, exempting agricultural buildings from the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine C. Hamm for Ways and Means: The committee voted not to pass this bill because it was not structured properly to accomplish its objectives. While many committee members expressed support for the bill’s intent to preserve the viability of the state’s farming industry, all agreed that exemption from the education property tax was not the appropriate way to provide relief. An amendment, proposed by one of the committee members to resolve this concern, resulted in additional questions. Some members suggested the sponsors consider submitting an alternative bill with enabling legislation at a later date. **Vote 16-0.**

HB 707-FN-A, establishing a credit against the business enterprise tax for certain borrowed and invested money. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would provide tax credits for new businesses that commence operations in the state for five years. As interesting as the concept sounds, the committee was not swayed for several reasons. The bill created special circumstances for some businesses to begin operations, while other businesses that have to invest in similar aspects would not be similarly rewarded. This creates an unfair and unequal taxing situation. Realizing the state needs all the revenue it can generate at this time, such treatment is not warranted. We revised the Net Operating Loss (NOL) statute for all businesses a few years ago, the results (and costs) for which are still unknown. Some members had reservations that the preferential treatment given this select group of businesses may not be constitutional. The committee felt it best to leave the business taxes as they are. **Vote 16-0.**

WEDNESDAY, MARCH 23

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 147, relative to the death penalty. **OUGHT TO PASS**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: This bill which simply states that no one under the age of 18 at the time the offense was committed may be culpable of a capital murder was passed by both House and Senate last session, only to be vetoed by the governor. Since then, further scientific evidence has emerged reinforcing our awareness that the 17 year old human brain has not fully developed and is not capable of consistent responsible adult behavior. Impulsivity and lack of judgment are commonplace, resulting in irresponsible actions, horrendous behaviors – even murder. But a child in an adult body should not be held culpable of capital murder, and New Hampshire should join the rest of the civilized world in refraining from executing any person who has yet to reach the age of majority. **Vote 9-6.**

ELECTION LAW

HB 363, relative to parking at polling places. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: This bill authorizes the moderator to provide parking in the immediate area of the polling places and establish time limitations on said parking. If the moderator decides time limitations are necessary, he must notify the governing body and the chief of police at least seven days prior to an election. The RSA's specify that the moderator be the governing official at the polling place. The majority felt that this was a "parking" issue and that if it were necessary to better clarify the role of the moderator or the role of the city clerk, relative to elections, it should be addressed in separate legislation. **Vote 13-4.**

HB 365, relative to recount fees. **OUGHT TO PASS**

Rep. Richard B. Drisko for Election Law: This bill clarifies the fee requirements for state general election recounts. If the difference in the total vote is greater than 3%, then the candidate applying for the recount must file application and pay the estimated cost to the secretary of state five days prior to the start of the recount. The majority felt with that difference, the state should receive the payment in advance. If the amount charged is greater than the estimated cost, then a refund will be made to the applicant. **Vote 11-4.**

ENVIRONMENT AND AGRICULTURE

HB 55-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Lisbeth Olimpio for the **Majority** of Environment and Agriculture: This bill offers New Hampshire farmers the opportunity for diversity in their crops. Industrial hemp with too low a THC content (Tetrahydrocannabis) is not to be confused with marijuana. Hemp has been raised for fiber (textiles and paper) and food for at least 12,000 years. Raising it was required in the American colonies. Only one individual testified against this bill. A manufacturer in Washington, D.C. is currently spending \$800,000 in Canada on hemp seeds for his soaps, lotions, and snack foods and would much prefer to buy in America. Another manufacturer in Portsmouth purchases hemp fiber for Flex Form, which makes bio composite body panels for cars and trucks. They buy six million tons of hemp fiber from China annually. This is our opportunity to promote a program of sustainable agriculture. **Vote 15-5.**

Rep. Ryan N. Hansen for the **Minority** of Environment and Agriculture: The Minority of the committee felt two major points raised in our hearings on this bill warranted a recommendation of ITL. First, the state of New Hampshire does not have the existing infrastructure required to produce a viable and marketable hemp crop. Second, law enforcement does not support this legislation and current federal law will curtail the licensing of the growing of hemp even with this bill's passage. Until the Drug Enforcement Agency acts to loosen its rules and permitting process in regard to hemp, none can be grown for commercial use in the United States. The minority of the committee feels the bill is premature and not a viable long-term solution for New Hampshire's farmers.

HB 386, relative to agricultural best management practices. **OUGHT TO PASS**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill clarifies the definition of agricultural composting and commercial fertilizer. In addition, it directs the commissioner of the

Department of Agriculture, Markets and Food to identify and publish best management practices for handling manure, agricultural compost and commercial fertilizer. **Vote 17-1.**

JUDICIARY

HB 283, relative to the commission to examine all aspects of same sex civil marriage and its legal equivalents. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Wheeler for the **Majority of Judiciary**: The majority of the committee believes this bill is unnecessary, the commission is in place, the vacancies are in the process of being filled, and the commission has been informally gathering information and has scheduled a public hearing. The chairman of the commission believes that they can finish their task by the deadline, that new members and a mandate to meet monthly are not needed and if they cannot finish their task they can request a reenactment of the commission in their final report. **Vote 12-6.**

Rep. Gail C Morrison for the **Minority of Judiciary**: Last May, after hearings at which hundreds testified indicating interest in the subject, this legislature established a commission to study all aspects of same sex marriage and its equivalents. The commission has met just once in eleven months. When the legislature creates a commission, it does so with certain expectations. This bill assures that regular meetings and hearings will be held in preparation for the report date of December 1, 2005. It amends membership categories, adds members and requires that vacancies be filled. The bill is intended to activate this commission of the legislature.

MUNICIPAL AND COUNTY GOVERNMENT

HB 318-FN-L, relative to providing municipal water supply services. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: This bill would require a municipal water company to hook up any person within its established area no matter what the situation. There was a request for water hookup in an elderly housing complex in Northfield. Federal funds were obtained to build the senior housing. However, a moratorium on new hookups was established in September 2002 due to possible MTBE contamination created by the increased draw on the aquifer. Within 60 days after the end of the moratorium, those hookups can be made. The moratorium will end when DES and the water companies complete studies of the situation. If the legislature steps in on this, there can be unintended consequences for other water companies. **Vote 15-3.**

HB 367, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie J. Boyce for the **Majority of Municipal and County Government**: This bill would allow a municipality to adopt a homestead exemption in the amount of \$5,000 by a vote of the legislative body, or if the resident was 65 years of age or older, the exemption would be \$10,000. The bill is well intended but there is already a procedure in place for property tax relief by applying for low and moderate income property tax relief from the state or by applying for an elderly exemption at the local level. This committee went through the property tax exemptions, credits and deferrals during the 2003-2004 session and the legislature made many changes that need to be dealt with at the local level. It is important to realize that if there is an exemption or credit on one parcel of property in a municipality the difference has to be made up by another taxpayer, which is cost shifting. The local municipalities already have the ability to grant property tax relief that is voted on by their legislative bodies. **Vote 11-6.**

Rep. Nancy L. Johnson for the **Minority of Municipal and County Government**: The minority of the committee understands that HB 367 has a number of flaws. However, the concept of allowing municipalities to adopt a homestead exemption on a person's principal place of residence would significantly reduce resident's property tax. The reduction of property taxes for residence is a goal that has merit and needs to be pursued now and in the future.

SCIENCE, TECHNOLOGY AND ENERGY

HB 661-FN, relative to radiological monitoring in nuclear emergency planning zones. **INEXPEDIENT TO LEGISLATE**

Rep. Lee G. Slocum for Science, Technology and Energy: This bill would add real time radiological monitoring devices in New Hampshire communities surrounding Seabrook. The committee feels this

bill is unnecessary. The Bureau of Emergency Management testified that the monitoring capabilities at Seabrook are appropriate and in compliance with regulations. The bureau has daily contact with the plant and would be aware of a problem even before any release might occur. In addition, in the opinion of the bureau, if we waited for the radioactive material to travel off site, we would be too late. Seabrook representatives testified that they had over 100 real time monitoring devices on the property and numerous non-real time devices already in the surrounding communities. There has never been a radiological incident at Seabrook and many of the plant families live in the surrounding neighborhoods. **Vote 13-1.**

TRANSPORTATION

HB 118, relative to bicycle helmet use by certain minors. WITHOUT RECOMMENDATION

HB 593, requiring motor vehicle drivers' schools to post bonds. **INEXPEDIENT TO LEGISLATE**
Rep. James W. Danforth for Transportation: This bill would have required driving schools and independent instructors to post a \$25,000 bond or cash equivalent to cover the cost of instruction should they be unable to complete a course for which they had already been paid. Although the Department of Safety supported this bill, the committee felt that this would impose an unfair burden on smaller independent driving instructors. The testimony did not justify passage of this bill. **Vote 11-2.**

WAYS AND MEANS

CACR 15, relating to the use of certain revenues. Providing that revenues raised by a statewide property tax, income tax, or general sales tax be used exclusively to support local public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Ways and Means: This is another in a series of constitutional amendments which would impose restrictions on how future legislatures could either raise or spend monies. This CACR is even more restrictive than CACR 3, which was killed by the House earlier this year. That CACR mandated that revenues raised from any future income tax would be earmarked exclusively for education funding. This adds a future sales tax and the current statewide property tax to revenue streams which would be limited to education funding. Once again, the committee does not believe such restrictions should be made part of the Constitution. We are asked to restrict use of tax revenue from taxes which do not even exist and may never exist. We are asked to handcuff future legislatures. Beyond that, it becomes clearer all the time that education funding is inextricably linked with the general fund, so such restrictions, even if wise, might prove ineffective. **Vote 15-0.**

HB 466-FN-A, establishing a research and development tax credit against the business profits tax and the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Ways and Means: With the prospect of major cuts in the next biennial budget looming, the committee concluded that now was not the time to reduce state revenues, however laudatory the motive. **Vote 17-1.**

HB 522, establishing a committee to study gaming options for New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The majority of the committee, including those in favor and opposed to bringing slots into our state, agreed that it was time to do a thorough study of the huge amount of conflicting information on the costs and benefits of slot-machine and other casino gambling developed in the last decade, as it applies to New Hampshire. The amendment adds to the duties a requirement to study the economic and social costs, and the estimation of revenue ranges and revenue losses due to expected competition were our state to legalize slot machines. It also requests the speaker and senate president to appoint a balance of opponents and proponents to the study committee. **Vote 14-4.**

HB 563-FN-A, increasing the tobacco tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kevin L. Camm for the **Majority** of Ways and Means: This bill would require the commissioner of revenue administration to set the tobacco tax rate annually, on July 1, at a rate that is 25 percent below the lowest tax rate of our three neighboring states. A majority of the committee had many problems with such a scheme. It enables an executive branch official to raise taxes

without approval of a future legislative body. It allows our tax policy on tobacco to be controlled by out of state legislators who are not elected by New Hampshire citizens. It removes those affected by the tobacco tax from due process that all the other taxpayer interests enjoy. It erodes the governor's power to veto tax increases. It makes the legislature faceless and nameless in regards to raising taxes. The majority of the committee felt it best to leave the procedure for raising all taxes as they are. **Vote 10-8.**

Rep. William Butynski for the **Minority** of Ways and Means: Passage of this bill would provide increased revenue to New Hampshire of approximately \$52.9 million during fiscal year 2006, and likely more in future years. We have a budget deficit which cannot be solved without tax increases. This bill protects the New Hampshire tax advantage for our retailers by annually raising the tobacco tax to a level that is 25 percent below the combined tobacco and sales tax of the state on New Hampshire's border which has the lowest total tax. Under this formula, New Hampshire's cigarette taxes would increase by 36 cents per pack (from 52 cents to 88 cents) as of July 1, 2005 – well below our largest neighbor. Finally, this increase in the cigarette tax would reduce youth initiation of tobacco use, encourage some current smokers to quit, and thus result in a long term reduction in New Hampshire's Medicaid costs.

HB 576, establishing a New Hampshire advantage commission. **INEXPEDIENT TO LEGISLATE**
Rep. Shawn N. Jasper for Ways and Means: The idea of a commission to study tax incentives offered within and outside of the United States has some real appeal, but without a substantial appropriation to support such a mammoth undertaking, it is beyond the practical ability of a group of already busy individuals to accomplish by November 1, 2006. **Vote 15-0.**

COMMITTEE MEETINGS

MONDAY, MARCH 21

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Executive session on pending legislation.

COMMERCE, Room 302, LOB

11:00 a.m. Subcommittee work session on **HB 611-FN**, relative to small group insurers and **HB 77-FN**, relative to geographic location for small group insurance coverage.

EDUCATION, Room 207, LOB

10:00 a.m. **Continued** public hearing on **HB 278**, relative to the alternative budget procedure in school administrative units.

11:00 a.m. **Continued** public hearing on **HB 292**, establishing a procedure for a town to withdraw from a 3-town school district.

1:00 p.m. **HB 721**, prohibiting the department of education and the state board of education from adopting a definition of an adequate education.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENERGY PLANNING ADVISORY BOARD (SB 443, Chapter 164:2, Laws of 2004), Room 105A, State House

1:00 p.m. Organizational meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Subcommittee work session on **HB 517**, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste and **HB 538**, relative to disposing of construction and demolition debris.

10:00 a.m. **SB 36-FN**, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund.

11:00 a.m. **Continued** public hearing on **HB 578**, relative to construction or development constituting a change in use for purposes of assessing the land use change tax. Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Executive session on pending legislation.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on pending legislation.

1:00 p.m. Subcommittee work session on **HB 656-FN**, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

1:00 p.m. Subcommittee work session on **HB 137-FN**, relative to unemployment benefit eligibility.

1:30 p.m. Subcommittee work session on **HB 170**, relative to unemployment compensation.

2:00 p.m. Subcommittee work session on **HB 217**, relative to liability of third persons under workers' compensation.

PET OVERPOPULATION STUDY (RSA 437-A), Room 100, State House

1:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work and executive session on revenue estimates.

Full committee work and executive session on pending legislation.

TUESDAY, MARCH 22

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on **HB 591**, relative to the calculation of health and dental insurance costs as part of the child support obligation and **HB 592**, relative to the child support guidelines.

10:00 a.m. **HB 610-FN**, relative to the right to trial by jury in parental rights termination cases.

1:00 p.m. **Continued** public hearing on **HB 529**, establishing a presumption in favor of shared parental rights and responsibilities.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

Immediately following public hearing subcommittee work session on **HB 567**, relative to mediation in family law cases involving children, **HB 312**, relative to the appointment of parenting coordinators in child custody cases and **HB 316**, relative to neutral evaluations in child custody cases.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 490**, relative to law enforcement access to financial records under the New Hampshire right to privacy act and **HB 299**, relative to mechanics' liens.

9:30 a.m. Public hearing on a proposed amendment to **HB 348**, relative to mortgages held by parties to a divorce. The amendment is relative to real and personal property conveyances made under powers of attorney. Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.

10:00 a.m. Executive session on pending legislation.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on pending legislation.

ELECTION LAW, Room 308, LOB

9:45 a.m. Executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Subcommittee work session on **HB 659-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages.

10:00 a.m. Subcommittee work session on **HB 663-FN**, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax

- exemption for water and air pollution control facilities.
- 11:00 a.m. Subcommittee work session on **HB 573**, establishing a committee to study automobile disposal fees.
- 1:00 p.m. Executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 383**, relative to vital records administration, **HB 114**, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board and **HB 115**, allowing pharmacists to establish collaborative practice agreements with medical practitioners.
- 9:30 a.m. Subcommittee work session on **HB 256**, revising the nurse practice act.
- 10:00 a.m. Subcommittee work session on **HB 354**, relative to the review, approval, and adoption of agency rules.
- 10:30 a.m. Subcommittee work session on **HB 532**, relative to the licensure of dentists by the board of dental examiners.
- 1:00 p.m. **Rescheduled** executive session on pending legislation.

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

- 10:00 a.m. **SCR 4**, a resolution supporting federal funding for Lyme disease research. Executive session on **HB 691-FN-LOCAL**, relative to the medicaid program and any other pending legislation.

JUDICIARY, Room 208, LOB

- 9:15 a.m. **Rescheduled** subcommittee work session on **HB 608-FN**, establishing a right to trial by jury prior to a nonemergency involuntary admission.
- 10:00 a.m. Executive session on pending legislation.
- 3:00 p.m. Subcommittee work session on **HB 617-FN**, allowing current court stenographers to retain their positions in the New Hampshire courts.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 9:00 a.m. Subcommittee work session on **HB 329**, establishing the crime victim employment leave act.
- 9:30 a.m. Subcommittee work session on **HB 350**, relative to enforcement of the labor protection statutes.
- 11:00 a.m. Subcommittee work session on **HB 66**, regulating mandatory overtime for nurses.
- Noon Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. Public hearing on proposed amendment to **HB 710-FN**, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65. The proposed amendment is relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury. Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 25-FN-A**, making appropriations for capital improvements.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Executive session on pending legislation.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. Executive session on pending legislation.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HB 645-FN**, relative to fire-safe cigarettes.
- 10:45 a.m. **HB 669-FN**, setting the laboratory fee schedule for certain environmental samples.
- Full committee work and executive session on revenue estimates.

Full committee work and executive session on pending legislation.

WEDNESDAY, MARCH 23

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Executive session on pending legislation.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 515**, relative to group health insurance coverage for certain entities.

9:15 a.m. Subcommittee work session on **HB 717**, prohibiting cancellation of property and liability insurance on the basis of certain political activities.

9:30 a.m. Subcommittee work session on **HB 337**, establishing a committee to study small group health insurance and the small brokerage health insurance community.

10:00 a.m. Executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

11:30 a.m. Executive session on pending legislation.

EDUCATION, Room 207, LOB

9:00 a.m. Informational session from the State Board of Education.

10:00 a.m. Executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Full committee work session on **HB 290-FN**, relative to participation in health savings accounts.

Executive session on pending legislation.

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

9:00 a.m. Regular business.

9:30 a.m. Audits:

State of New Hampshire Lottery Commission management letter for the fiscal year ended June 30, 2004.

State of New Hampshire Department of Health and Human Services Division of Behavioral Health New Hampshire Hospital financial and compliance audit report for the fiscal year ended June 30, 2003.

State of New Hampshire single audit of federal financial assistance programs for the year ended June 30, 2004.

FISH AND GAME, Room 307, LOB

10:00 a.m. Executive session on pending legislation.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

3:15 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

8:30 a.m. Subcommittee work session on **HB 672-FN**, relative to notaries public and adopting the Uniform Law on Notarial Acts.

9:00 a.m. Public hearing on proposed amendment to **HB 158**, relative to the Auburn District Court. The proposed amendment is relative to the Auburn, Exeter, and Hampton District Courts. Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.

9:30 a.m. Executive session on pending legislation.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

10:30 a.m. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:30 a.m. Executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Continued public hearing on **HB 25-FN-A**, making appropriations for capital improvements.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Executive session on pending legislation.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Benefits of regulated utilities owning generation.

11:00 a.m. Executive session on pending legislation.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

9:30 a.m. Executive session on pending legislation.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work and executive session on revenue estimates.

Full committee work and executive session on pending legislation

Immediately following the House session, full committee work and executive session on revenue estimates and full committee work and executive session on pending legislation, if necessary.

THURSDAY, MARCH 24

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Executive session on pending legislation.

COMMERCE, Room 302, LOB

10:00 a.m. Executive session on pending legislation, if needed.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on pending legislation, if needed.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Executive session on pending legislation.

FINANCE – (DIVISION II), Rooms 210-211, LOB

Work session on the following bills:

1:00 p.m. ***HB 78-FN-LOCAL***, relative to state funding of regional vocational education centers.

HB 191-FN, relative to using school building aid for leased classrooms.

HB 304-FN-A, relative to federal highway grant anticipation bonds.

JUDICIARY, Room 208, LOB

9:30 a.m. Executive session on pending legislation, if needed.

2:00 p.m. **Continued** public hearing on ***HB 626-FN-LOCAL***, relative to the right-to-know law.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:30 a.m. Executive session on pending legislation, if needed.

TRANSPORTATION, Room 203, LOB

9:30 a.m. Executive session on pending legislation.

11:15 a.m. Briefing by Council of State Governments.

FRIDAY, MARCH 25

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), NH Department of Revenue Administration, Chenell Drive, Concord

9:30 a.m. Regular meeting.

MONDAY, MARCH 28

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 105A, State House

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 29

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. **HB 257**, relative to emergency medical and trauma service protocols and quality assurance program.

10:00 a.m. **SB 52**, establishing the state suggestion and extraordinary service award program.

10:30 a.m. **SB 53-FN**, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services.

11:00 a.m. **SB 55**, relative to the New Hampshire film and television commission and state promotional initiatives.

1:00 p.m. **SB 65**, ratifying changes to the state building code adopted by the state building code review board.

2:00 p.m. **SB 153-FN**, relative to the administration of certain programs by the department of environmental services.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FRIDAY, APRIL 1

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Continued meeting.

MONDAY, APRIL 4

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

1:00 p.m. Regular meeting.

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 104, LOB

2:00 p.m. Regular meeting.

COMMISSION TO EXAMINE ALL ASPECTS OF SAME SEX CIVIL MARRIAGES AND ITS LEGAL EQUIVALENTS (SB 427, Chapter 100:2, Laws of 2004), Room 208, LOB

1:00 p.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House

9:00 a.m. Regular meeting.

FRIDAY, APRIL 8

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 201-203, LOB

9:30 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room 10 Dixon Avenue, Concord

9:00 a.m. Regular meeting.

MONDAY, APRIL 11

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

1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICES

Hillsborough County Executive Committee will meet on Friday, **March 25** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown. In addition to its regular monthly business meeting there will be a budget orientation session immediately following. Department heads will be giving brief overviews of their department and other things being discussed will include budget surplus, bed assessment tax, Sheriff Dispatch, tax apportionment, etc. If any member of the Hillsborough County Delegation is interested in attending please contact Marcia Rusch at the Delegation office at 627-5631 for more information.

Rep. Nelson S. Allan, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICES

Merrimack County Delegation will hold a public hearing on Tuesday, **March 22** at 7:00 p.m. at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of this meeting is to consider the 2005 Budget Appropriations for Merrimack County and to consider any other business. Immediately following the public hearing there will be a Delegation meeting and the purpose of this meeting is the approval of the 2005 Merrimack County Budget and the withdrawal of funds from the Capital Reserve Account and any other business.

Merrimack County Delegation will hold a public hearing and delegation meeting on Tuesday, **March 29** at 7:00 p.m. at the County Administration Building, Lower Level Conference Room, 4 Court Street, Concord. The purpose of this meeting is to seek approval of a Bond Vote for the proposed Merrimack County Nursing Home.

Rep. Candace C.W. Bouchard, Chairman
Merrimack County Delegation

Several boxes of House Journals from the late 70's and early 80's have recently been discovered. These are available in the House Clerk's office for a limited time on a first-come, first served basis to anyone who would like to have them.

Those available are: 1977 Session, Volume I, softbound; 1977 Session, Volumes I and II, hardbound; 1977-78 Special Session, softbound; 1979 Session, Volumes I and II, softbound; 1980 Recall Session and 1981 Session, hardbound; and 1981-82 Special Session, hardbound.

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs and SBs have revised fiscal notes: HBs 47, 60, 71, 72, 104, 116, 128, 130, 153, 159, 190, 210, 216, 239, 240, 272, 303, 477, 599, 601, 603, 604, 605, 606, 607, 609, 611, 612, 613, 614, 615, 616, 617, 618, 619, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 632, 633, 635, 637, 638, 639, 640, 641, 642, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 661, 662, 663, 664, 665, 670, 672, 674, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 692, 693, 694, 695, 696, 697, 698, 699, 701, 703, 704, 708, 713. SBs 21, 27, 165.

Karen O. Wadsworth, Clerk of the House

Lucy Harrison in the Speaker's Office keeps a schedule of House events. To avoid conflicts, anyone wishing to hold an event should check with Lucy at 271-3661 for available dates and times.

Rep. Michael O'Neil, Majority Leader

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.

Eric Palangas, 626 Lake Avenue, Manchester 03103-3537.

Frank J. Palazzo, PO Box 321, Seabrook 03874-0321.

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

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.

Upon presentation of proper credentials at the ticket window, NH Senators and Representatives may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials, unless prior arrangement is made with Commissioner O'Kane. Any exceptions to this policy will be made in writing by the Commissioner and/or Division Director. *(Lift tickets are to be picked up at Guest Services at the Peabody Base Lodge or the Tramway Ticket Window at Cannon).*

W. Douglas Scamman, Speaker

The State House Activities and Recreation Committee (SHARC) would like to thank everyone who participated in the bake sale to support our troops. It was a wonderful success. Over \$1,000 was raised for care packages to the soldiers.

Reps. Michael O'Neil and James W. Craig

The House Republican Alliance will meet at 8:30 a.m. on Tuesday, **March 22** at the Upham Walker House, Park Street, Concord.

Rep. Paul Mirski

The Main Street Republican Caucus will meet at 8:00 a.m. on Wednesday, **March 23** at the Upham Walker House. All Republicans are invited to attend.

Rep. Cynthia J. Dokmo

The Aviation Group plans to have its organizational meeting at noon on **March 23** in Room 203, LOB. We are a gathering of all those with an interest in advancing aviation in New Hampshire. Our members have experiences that range from air line pilots to those who have had one flight. We have been invited to airline terminal openings, fire training demonstrations, and tours of our state's airports. We have worked on issues from allowing private landing strips to ensuring fair ticket prices from our state airline departures. We feel that a viable system of aviation in New Hampshire is vital to our state's economy and quality of life.

Rep. Kenneth L. Weyler

Inviting all nurse legislators to meet at noon on Wednesday, **March 23** in the cafeteria for the purpose of forming a legislative nurses professional interest group.

Rep. Janeen A. Dalrymple

Ski New Hampshire and its member ski areas throughout the state cordially invite all legislators and staff to a reception at the **Red Blazer Restaurant** on **Wednesday, March 23rd from 4:00 to**

7:00 p.m. or as soon as the legislative session concludes that day. The Red Blazer Restaurant is located in Concord on Manchester Street (exit 13 off Interstate 93). Directions from I-93, exit 13 will lead you away from the State House, over the river and drive one-half mile to the top of the hill and the Red Blazer is on your right hand side. Come celebrate another great winter season with people who work in the business that is New Hampshire's Official State Sport: Skiing!!

Rep. Pamela G. Price

All interested legislators are encouraged to attend a seminar sponsored by the National Conference of State Legislatures on methamphetamines. The newest wave of illegal drugs is sweeping the country and is starting to show up here in the northeast. Your constituents will soon be asking you what can be done about this new surge similar to the crack cocaine surge of the '80s and '90s. Methamphetamine is a highly addictive stimulant that generates brief euphoric highs, keeps people awake for days and can induce violence and paranoia. We are fortunate that NCSL has agreed to sponsor a three hour seminar to bring us up to date on its effect, its prevention, its treatment, its effect on the brain, etc. Some of the top experts from around the nation will be on the panel. You won't want to miss this rare opportunity to be ahead of the curve by attending this major proactive conference. Legislators, educators, medical care givers, mental health workers and others are welcome at no charge. There will be seating for 400 people at the C.R. Sparks Conference Center in Bedford on **March 24th** from 3:00 to 6:00 p.m. Light refreshments will be provided.

Rep. Peter L. Batula

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court and staff to the annual UNH Legislative Breakfast on Tuesday, **March 29** from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Learn how undergraduate student researchers at UNH are having an impact on the State of New Hampshire and beyond.

Rep. Marjorie Smith

Representatives from the Greater Nashua Area should watch their mailboxes for an invitation to a luncheon hosted by The Community Council of Nashua. This Southern Hillsborough County Mental Health Provider is holding an invitation only luncheon for area representatives on Wednesday, **March 30** at the Capitol Grille. Questions can be directed to Carol Holden at 598-7123x3221.

Rep. Pamela G. Price

In celebration of the YMCA Youth in Government Program and Legislative Awareness Day, all legislators are cordially invited to join the New Hampshire State Alliance of YMCAs at St. Paul's Church Conference Center across the street from the State House on Thursday, **March 31** at **noon** for an informal luncheon reception. Sandwiches, hot and cold drinks and dessert will be provided.

Rep. Larry A. Emerton

Teamsters Local 633 cordially invites all legislators and staff to attend their legislative reception to be held on Tuesday, **April 5** at the Szechuan Garden Restaurant, 108 Fisherville Road, Concord. The event will be held from 3:30 to 6:00 p.m. Refreshments will be provided.

Reps. James W. Craig and John DeJoie

The Department of Transportation will hold the following meeting:

March 23 – Portsmouth Public Work, 680 Peverly Hill Road, Portsmouth, 10:00 a.m. Advisory

committee meeting, Portsmouth, US Route 1 bypass study.

March 23 – Council Chambers, State House, 107 North Main Street, Concord, 2:00 p.m. GACIT meeting, Governor’s Advisory Commission on Intermodal Transportation (GACIT).

April 7 – Pembroke Town Library, 261 Pembroke Street, Pembroke, 7:00 p.m. Combined public informational meeting/public officials meeting, Pembroke-Concord, paving NH Route 106 beginning at US Route 3 intersection in Pembroke and proceeding north approximately 4.5 miles to the Autumn Street intersection in Concord. Also addresses minor drainage issues and update guardrails.

Rep. Gene G. Chandler, Chairman
Public Works and Highways Committee

STATE HOUSE VISITATION SCHEDULE 2005 SCHOOL YEAR

Virginia Drew, Public Information Administrator

Kenneth Leidner, Director

M Mar 21	9:00	Dunbarton Elementary School	4/37
M Mar 21	10:30	Wells Memorial – Harrisville	4/12
M Mar 21	12:30	Sanbornton Central School	4/44
T Mar 22	9:00	Bow Elem	4/24
T Mar 22	10:30	East Kingston Elementary	4/33
Tu Mar 22	12:00	Bow Elem	4/24
W Mar 23	9:00	Bow Elem	4/24
W Mar 23	10:00	Timberlane Homeschool History Club	12 students
W Mar 23	10:00	Sant Bani School- Sanbornton	4/16
W Mar 23	12:00	Bow Elem	4/24
Th Mar 24	9:30 & 1100 SH & HM	Barnstead Elementary	4/50
Th Mar 24	12:30	Maplewood Elementary – Somersworth	4/40
F Mar 25	9:30 & 11:00 & 12:30 SH/HM/SC	Jaffrey Grade School	4/80
M Mar 28	9:30 & 10:30 SH & HM	DAR Good Citizens	HS/100+
M Mar 28	12:45	St. Thomas Aquinas – Derry	4/30
Tu Mar 29	9:00	Bow Elem	4/24
Tu Mar 29	10:30 (9:30 Conc.Coach)	Bridgewater/Hebron Village School	4/25
Tu Mar 29	12:00	Bow Elem	4/24
W Mar 30	9:30 & 11:00 SH & HM	Symonds School – Keene	4/63
W Mar 30	12:30	Newfields Elementary	4/26
Th Mar 31	9:30 & 11:00 SH & HM	Presentation of Mary – Hudson	4/44
Th Mar 31	12:30	St Patrick School – Pelham	4&5/45

WEDNESDAY, MARCH 23

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2005-0097h

Amendment to HB 38

Proposed by the Committee on Criminal Justice and Public Safety - C

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

AN ACT relative to the value of a stolen credit card or stolen blank check.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Theft; Definitions. Amend RSA 637:2, V by inserting after subparagraph (b) the following new subparagraph:

(c) For the purposes of this chapter, the value of a credit card shall be the unused amount of credit at the time the actor obtained such credit card, and the value of a blank check shall be the amount of funds in the account at the time the actor obtained such check.

AMENDED ANALYSIS

This bill clarifies the value of a stolen credit card or check for the purposes of the theft statute.
2005-0333h

Amendment to HB 55-FN-A

Proposed by the Majority of the Committee on Environment and Agriculture - R

Amend RSA 433-C:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Process" means to produce a product from harvested industrial hemp that may be transported off a licensed site which shall consist only of mature stalks, fiber produced from such stalks, oil or cake made from the seeds, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks except the resin extracted therefrom, fiber, oil or cake, or the sterilized seeds which are incapable of germination.

Amend RSA 433-C:3 as inserted by section 1 of the bill by replacing it with the following:

433-C:3 Industrial Hemp an Agricultural Crop. Industrial hemp is recognized as an agricultural crop.

Amend RSA 433-C:4, I as inserted by section 1 of the bill by replacing it with the following:

I. A license from the commissioner shall authorize the holder to legally plant grow, harvest, and process industrial hemp only at a site or sites as specified by the license. A license shall also allow the holder to transport industrial hemp seeds obtained from the commissioner to such sites.

Amend RSA 433-C:7, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner shall deny, suspend, revoke, or refuse to renew a license in the following cases:

(a) If false or misleading information, statements, misrepresentation, or false or falsified documents have been submitted on or with an application or renewal for a license.

(b) If the licensee fails to take any action required by the commissioner under the provisions of this chapter.

(c) If the license holder or applicant, or in the case of a corporation, cooperative, partnership, LLC or trust, any of its officers, directors or partners, has a record that includes within the previous 10 years:

(1) Any designated drug offense as provided in RSA 318-B:26; or

(2) If he or she ordinarily resides in a country other than the United States, an offense that if committed in the United States would constitute a designated drug offense.

Amend RSA 433-C:8, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner shall establish hemp seed prices to be charged growers equivalent to the cost of acquiring the seed as provided in RSA 433-C:5. The establishment of hemp seed prices shall be exempt from RSA 541-A. All proceeds, if any, of seed sales shall be deposited in the industrial hemp special program fund established in paragraph III.

2005-0347h

Amendment to HB 141-LOCAL

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Power to Regulate Subdivisions; Building Permit Limits Restricted. Amend RSA 674:35 by inserting after paragraph II the following new paragraph:

III. The planning board shall not limit the number of building permits that may be issued except in accordance with an innovative land use control ordinance addressing timing incentives and phased development under RSA 674:21 and adopted under RSA 674:16; or an ordinance to regulate and control the timing of development, adopted under RSA 674:22; or an ordinance to regulate growth via interim regulation, adopted under RSA 674:23. This paragraph shall not be construed to limit the planning board's authority to deny a subdivision application on the basis that it is scattered or premature.

AMENDED ANALYSIS

This bill prohibits a planning board from limiting the number of building permits issued unless the town has adopted certain growth management ordinances.

2005-0559h

Amendment to HB 151

Proposed by the Committee on Education - C

Amend RSA 189:11-a, VII(a) as inserted by section 1 of the bill by replacing it with the following:

VII.(a) Each school board shall establish, maintain, or utilize existing committees to form a school age nutrition and physical activity advisory committee which shall develop school district policy on nutrition and physical activity during the school day. The committee may include food service directors, health education and physical education faculty, school nurses, parents, pupils, nutritionists, health care professionals, a school administration representative, and community members, in such proportions as deemed appropriate and available by the school board. The committee shall submit its policies, recommendations, or reports annually to the school board. A summary of the policy shall be made available in print or electronic form to the community no later than July 1, 2006. When aggregate data on the height, weight, and fitness scores for New Hampshire's school children is made available to the department of education, the department shall provide a link to such data on its website.

Amend RSA 189:11-a, VII(b)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) Food quality and choices.

Amend RSA 189:11-a, VII (b)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) Addressing physical activity of all pupils and recommending that all pupils engage in physical activity throughout the school day.

2005-0404h

Amendment to HB 152-FN

Proposed by the Committee on Science, Technology and Energy - C

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

AN ACT establishing a commission to study the uses of biodiesel for home heating and vehicular transportation.

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

1 Commission Established. There is established a commission to study the uses of biodiesel for home heating and vehicular transportation.

2 Membership and Compensation.

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

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

(b) Three members of the senate, appointed by the president of the senate.

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

(d) The commissioner of transportation, or designee.

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

(f) Three public members, appointed by the governor, one of whom shall represent the interests of the home heating industry, one of whom shall represent the interests of the motorized transportation industry, and one of whom shall represent the interests of the general business community.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the uses of biodiesel as a renewable source of energy for home heating and vehicular transportation.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

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

AMENDED ANALYSIS

This bill establishes a commission to study the uses of biodiesel for home heating and vehicular transportation.

2005-0467h

Amendment to HB 195

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT establishing a committee to study the department of insurance.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the department of insurance.

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

(a) Four members of the house of representatives, one of whom shall be from the house executive departments and administration committee and one of whom shall be from the house commerce committee, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the department of insurance, including whether it should be combined with any other agency, consumer issues, and efficiency of operation.

AMENDED ANALYSIS

This bill establishes a committee to study the department of insurance, including whether it should be combined with any other agency.

2005-0603h

Amendment to HB 202

Proposed by the Committee on Science, Technology and Energy - C

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

AN ACT directing the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emissions.

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

1 Diesel Engine Exhaust Emissions; Review and Report.

I. The commissioner of the department of environmental services is hereby directed to conduct a thorough and comprehensive review of current state and federal laws, regulations, policies, rules, and programs that relate to the reduction of diesel engine exhaust emissions.

II. Upon completion of the review, the commissioner, or designated representative, shall report the findings of the review and the commissioner's recommendations. The commissioner shall submit the report to the chairperson of the air pollution advisory committee established in 125-J:11 no later than September 1, 2005. The report shall include:

(a)(1) Identification of existing applicable state and federal laws, regulations, policies, rules, and programs.

(2) Identification of costs associated with each program, and in total.

(3) Identification of all public benefits that derive from each program and collectively.

(4) Recommended prioritization of current efforts to reduce diesel engine exhaust emissions in terms of results achieved, public benefit derived, and costs required to achieve these benefits.

(5) Identification of current funding sources available to reduce diesel engine exhaust emissions in the state.

(b)(1) An overall assessment of the current efforts to reduce diesel engine exhaust emissions.

(2) Deficiencies that exist in current programs that inhibit or restrict full or improved effectiveness.

(3) Recommendations to integrate various related programs in order to achieve maximum effectiveness and public benefit.

(4) Costs associated with such integration recommendations, and costs associated with eliminating deficiencies in current programs.

(5) Identification of potential funding sources that may be applied to reducing diesel engine exhaust emissions.

(6) An assessment of state legislation needed to enhance current programs or to implement any new programs.

(7) Funding requirements for implementation of any proposed legislation.

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

AMENDED ANALYSIS

This bill directs the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emissions and to report findings and recommendations to the chairperson of the air pollution advisory committee.

2005-0396h

Amendment to HB 230-LOCAL

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Default Budget; Definition. RSA 40:13, IX(b) is repealed and reenacted to read as follows:

(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, adjusted by:

- (1) Debt service.
- (2) Obligations required by contracts entered into before the previous year.
- (3) Obligations incurred by approved warrant articles.
- (4) Obligations mandated by law.
- (5) One-time expenditures contained in the previous year's operating budget. One-

time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted by the local political subdivision.

AMENDED ANALYSIS

This bill includes, in the calculation of a default budget amount, obligations incurred by approved warrant articles and contractual obligations made before the previous year.

2005-0578h

Amendment to HB 261

Proposed by the Committee on Transportation - C

Amend RSA 261:22, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For purposes of this section, a total loss vehicle shall mean either an unrecovered stolen vehicle or ~~[one which has sustained damage or injury so extensive that it is]~~ **a damaged vehicle:**

(a) That is determined to be physically or economically impractical to repair **in connection with an insurance claim settlement; or**

(b) For which the cost of repairing the vehicle is 75 percent or more of its fair market value prior to the vehicle being damaged, if the damage occurs during its model year or the 4 subsequent calendar years. The total cost of repairing the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, or entertainment systems.

2005-0682h

Amendment to HB 283

Proposed by the Minority of the Committee on Judiciary - R

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

1 Commission to Examine All Aspects of Same Sex Civil Marriage. Amend 2004, 100:3 to read as follows:

100:3 Membership and Compensation.

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

(a) ~~[Four]~~ **Six** members of the house of representatives, **at least 2 of whom shall be knowledgeable in family or probate law**, appointed by the speaker of the house.

(b) Four members of the senate, appointed by the president of the senate.

(c) The attorney general, or designee.

(d) One representative from the department of health and human services, appointed by the commissioner of health and human services.

(e) ~~[One representative]~~ **Two representatives** of the governor's office, appointed by the governor.

(f) ~~[Four]~~ **Six** public members, **2 of whom shall be knowledgeable in family or probate law**, **3** of whom shall be appointed by the speaker of the house and ~~[2]~~ **3** of whom shall be appointed by the president of the senate.

~~[(g) The chief justice of the superior court, or designee.~~

~~[(h) The administrative judge of the probate courts, or designee.]~~

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The officials with appointment powers under paragraph I shall appoint new members to replace legislative members who were not reelected in the 2004 general election and members who are unable to serve. Appointments to the commission shall be made within 30 days of the effective date of this act.

2 Commission to Examine All Aspects of Same Sex Civil Marriage. Amend 2004, 100:5, II to read as follows:

II. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. ***The commission shall meet monthly and, in addition, shall hold at least 2 public hearings.*** A majority of the members of the commission shall constitute a quorum.

3 Effective Date. This act shall take effect upon its passage.
2005-0277h

Amendment to HB 306

Proposed by the Committee on Fish and Game - C

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

1 New Paragraph; Crossbow Permit; Education. Amend RSA 214:23-a by inserting after paragraph II the following new paragraph:

II-a. Except as provided in RSA 207:10-c, no permit for hunting by crossbow shall be issued to any resident or nonresident person unless the applicant presents to the agent authorized to issue such permit either:

(a) A certificate of completion from a specialized crossbow education program in this state, or any other state, province, or country, which is equivalent to the program provided in this state;

(b) Satisfactory proof that the applicant has successfully completed a bowhunter education program in this state, or any other state, province, or country, which is equivalent to the program provided for by this chapter; or

(c) Satisfactory proof that the applicant has previously had a crossbow permit or equivalent, as determined by the executive director, issued in this state, or any other state, province, or country.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires a person issued a crossbow permit to have completed a crossbow or bowhunter education program or equivalent.

2005-0577h

Amendment to HB 326

Proposed by the Committee on Transportation - C

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

AN ACT relative to motorcycle noise levels and mufflers.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Equipment of Vehicles; Prevention of Noise; Motorcycle Exhaust Modifications. Amend RSA 266:59 by inserting after paragraph III the following new paragraph:

IV. No person shall operate a motorcycle with a straight pipe exhaust system; "straight pipe exhaust system" means any straight-through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs, and straight pipes. Any person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined not less than \$200 nor more than \$500.

2 Motorcycle Noise Levels; Fines. Amend RSA 266:59-a, III to read as follows:

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

AMENDED ANALYSIS

This bill clarifies that a person may not operate a motorcycle with a straight pipe exhaust system. This bill also establishes fines for operating a motorcycle with a straight pipe exhaust system and for exceeding permissible motorcycle noise levels.

2005-0653h

Amendment to HB 351

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at ~~[1:00 p.m.]~~ ***11:00 a.m.*** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time during the processing of such ballots. Absentee ballots which are received after ~~[1:00 p.m.]~~ ***11:00 a.m.*** and prior to 5:00 p.m. shall be processed as

soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than ~~[1:00 p.m.] 11:00 a.m.~~, the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.

AMENDED ANALYSIS

This bill changes the time for beginning the processing of absentee ballots from 1:00 p.m. to 11:00 a.m.

2005-0250h

Amendment to HB 357

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 Negligent Driving; Fines. Amend RSA 265:79-b to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, I(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation ***and shall be fined not less than \$250 nor more than \$500 for a first offense and not less than \$500 nor more than \$1,000 for a second or subsequent offense.***

2005-0651h

Amendment to HB 363

Proposed by the Committee on Election Law - R

Amend the bill by replacing section 1 with the following:

1 New Section; Preparation of Polling Place; Parking. Amend RSA 658 by inserting after section 9-a the following new section:

658:9-b Parking. The governing body of each town and ward shall ensure that there is parking available in the immediate area of the polling place. The moderator may establish time limitations on the use of parking spaces in the immediate area of the polling place, if he or she determines that doing so is necessary to ensure the availability of convenient parking for voters. The time limitations may be applied to any areas where a motorist may lawfully park on public property and to any private property suitable for parking made available for the use of the town or ward for the purpose of conducting the election. The moderator may determine the time limitation based on the character of the election, the anticipated voter turnout, and the number of offices or questions to be voted. If the moderator determines that time limitations are necessary, the moderator shall notify the governing body and the chief of police no later than 7 days prior to the date of the election. The governing body or the chief of police shall ensure that appropriate temporary signs are installed prior to election day or prior to the time for the opening of the polls on election day. The moderator shall cause signs to be posted inside the polling place giving voters notice of the time limitations. If a waiting line for voting or for election day registration forms that causes voters to wait for a period of time longer than the established time limitations, the moderator shall suspend enforcement of the time limitations on parking. Once the waiting period for voting or registering has been reduced so that a voter has a reasonable opportunity to register and vote within the time limitations, the moderator may reinstate enforcement of the time limitations. The moderator shall give immediate notice to the law enforcement officer on duty at the polls, or, if none, to the chief of police, of any suspension or reinstatement of the time limitations on parking. Any person parking in violation of a properly-posted time limitation shall be guilty of a violation.

AMENDED ANALYSIS

This bill requires parking at polling places. This bill also authorizes the moderator to establish time limitations on parking in the immediate area of the polling place.

2005-0678h

Amendment to HB 415

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT excepting installation of heating equipment from regulation by the electrician's board.

Amend the bill by replacing section 1 with the following:

1 Electricians; Exception Added. Amend RSA 319-C:3, IX to read as follows:

IX. Installation of ~~[fuel-oil]~~ **heating** equipment and controls connected thereto.

AMENDED ANALYSIS

This bill adds heating equipment installation to the exceptions to the regulatory authority of the electrician's board.

2005-0475h

Amendment to HB 421

Proposed by the Committee on Legislative Administration - C

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

AN ACT relative to effective dates.

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

1 Effective Dates. RSA 14:9-a is repealed and reenacted to read as follows:

14:9-a Effective Dates.

I. Except as provided in paragraphs II and III, each law passed by the general court shall take effect 60 calendar days following passage, excluding the date on which it is signed by the governor, or the last date on which the general court acts on the matter, as the case may be.

II. The office of legislative services shall include a section in each bill drafted for introduction specifying the act's effective date, if passed. The effective date section shall indicate either that the law shall take effect 60 days after the bill's passage or that the law shall take effect according to one of the following exceptions to the 60-day requirement:

(a) If the law is a resolution, it shall take effect upon its passage.

(b) Each law affecting judicial practice and procedure, or establishing or eliminating criminal prohibitions, civil causes of action or remedies, or limitations of actions, shall take effect on the January 1 following passage.

(c) Each law affecting local property taxes shall take effect on the April 1 following passage.

(d) Each law affecting state tax laws and statutory fees shall take effect on the July 1 following passage.

(e) If the law affects only one particular person, town, city, or political subdivision, it shall take effect upon its passage.

(f) Each law making appropriations shall take effect on the July 1 following passage.

(g) Each law establishing a legislative committee shall take effect upon its passage.

(h) A law may be repealed in the bill enacting the law, with the repeal taking effect at a prospective date specified in the bill.

III. The general court may amend the effective date section of a bill to indicate that a law shall take effect when specified in the amendment.

IV. Unless specifically provided otherwise, each law enacted by the general court shall take effect at midnight, 12:00 a.m., on the date the law becomes effective.

V. The secretary of state shall record the date each law was enacted and its effective date on all enrolled and printed copies of such law, and such record shall be conclusive.

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

AMENDED ANALYSIS

This bill clarifies the applicability of the effective date statute.

2005-0478h

Amendment to HB 431-FN-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to competing articles and official ballot voting.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Competing Articles. Amend RSA 40:13 by inserting after paragraph XVI the following new paragraph:

XVII. In the event that there are 2 or more competing articles on the ballot and 2 or more of such articles receive the requisite vote to pass, the article that receives the greatest number of votes shall prevail.

AMENDED ANALYSIS

This bill provides that when 2 competing articles in an official ballot proceeding receive the minimum number of votes to pass, the article with the most votes shall prevail.

2005-0368h

Amendment to HB 457

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

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

1 Excavating and Dredging Permit; Certain Exemptions; Water Conveyance Systems for Commercial or Industrial Purposes Added. Amend RSA 482-A:3, IV(b) to read as follows:

(b) ***Man-made*** nontidal drainage ditches, culverts, catch basins, and ~~[man-made detention]~~ ponds that have been legally constructed to collect ~~[and]~~ ***or*** convey storm water and spring run-off, ~~[and that have been maintained so that wetlands vegetation has not become dominant, or]~~ fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by a local fire chief, ***and man-made water conveyance systems that are used for the commercial or industrial purpose of collecting, conveying, storing, and recycling water,*** may be cleaned out when necessary to preserve their usefulness without a permit from the department. Such drainage facilities, fire ponds, ~~[or]~~ intake areas of any hydrants, ***or man-made water conveyance systems*** may be cleaned out by hand or machine; provided, that the facility is neither enlarged nor extended into any area of wetlands jurisdiction of the department of environmental services, dredged spoils are deposited in areas outside wetlands jurisdiction of the department of environmental services, and wetlands or surface waters outside the limits of the constructed drainage facility, fire pond, ~~[or]~~ intake area of a dry hydrant, ***or man-made water conveyance system*** are neither disturbed nor degraded.

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

2005-0579h

Amendment to HB 498

Proposed by the Committee on Criminal Justice and Public Safety - C

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

2005-0352h

Amendment to HB 504

Proposed by the Committee on Municipal and County Government - C

Amend RSA 78-B:9-a, II(a) as inserted by section 1 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) The location of the property.

Amend RSA 78-B:9-a, III(a) as inserted by section 1 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) The location of the property.

2005-0361h

Amendment to HB 505

Proposed by the Committee on Municipal and County Government - C

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

1 Statutory Form of Warranty and Quitclaim Deeds; Mailing Address Included. Amend RSA 477:27-28 to read as follows:

477:27 Statutory Form of Warranty Deed. A deed in substance following the form appended to this section shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to ~~[his and]~~ their own use, with covenant on the part of the grantor, for himself ***or herself***, ~~[his]~~ heirs, executors and administrators, that, at the time of the delivery of such deed, ~~[he]~~ ***the grantor*** was lawfully seized in fee simple of the granted premises, that the said premises were free from all incumbrances, except as stated, that ~~[he]~~ ***the grantor*** had good right to sell and convey the same to the grantee, ~~[his]~~ heirs, successors and assigns, and that ~~[he]~~ ***the grantor*** will, and ~~[his]~~ ***the*** heirs, executors, and administrators shall, warrant and defend the same to the grantee and ~~[his]~~ heirs, successors and assigns, against the lawful claims and demands of all persons.

(Form for warranty deed)

_____, of _____ County, State of _____, for consideration paid, grant to _____, ***(complete mailing address)*** _____, of _____ Street, Town (City) of _____, _____ County, State of _____, with warranty covenants, the

_____ (Description of land or interest being conveyed: incumbrances, exceptions, reservations, if any) _____, (wife) (husband) of said grantor, release to said grantee all rights of homestead and other interests therein.

(Here add acknowledgment)

477:28 Statutory Form of Quitclaim Deed. A deed in substance following the form appended to this section shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to ~~his and~~ their own use, with covenants on the part of the grantor, for himself, ~~his~~ **or herself**, heirs, executors and administrators with the grantee, ~~his~~ heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all incumbrances made by the grantor, except as stated, and that ~~he~~ **the grantor** will, and ~~his~~ **the** heirs, executors and administrators shall, warrant and defend the same to the grantee and ~~his~~ heirs, successors and assigns forever against the lawful claims and demands of all persons claiming, by, through or under the grantor, but against none other.

(Form for quitclaim deed)

_____, of _____ County, State of _____, for consideration paid, grant to _____, **(complete mailing address)** _____, of _____ Street, Town (City) of _____ County, State of _____, with quitclaim covenants, the _____ (Description of land or interest therein being conveyed: incumbrances, exceptions, reservations, if any) _____, (wife) (husband) of said grantor, release to said grantee all rights of homestead and other interests therein.

(Here add acknowledgment)

2 Statutory Form of Power of Sale Mortgage; Mailing Address Included. Amend RSA 477:29, III to read as follows:

III. The words "statutory power of sale" shall be understood as giving the mortgagee and ~~his~~ executors, administrators, successors and assigns the right, upon any default of the performance of the statutory condition as defined in paragraph II, or any other condition contained in the mortgage, to foreclose by sale under the provisions of RSA 479:25-27-a inclusive.

(Form for mortgage deed, with power of sale)

_____ of _____ County, State of _____, for consideration paid, grant to _____, **(complete mailing address)** _____, of _____ Street, Town (City) of _____, _____ County, State of _____ with mortgage covenants, to secure the payments of _____ dollars, with _____ percent interest payable semiannually and also perform all the agreements and conditions as provided in note _____ of even date, the _____ (Description of land or interest therein being conveyed: incumbrances, reservations, exceptions, if any) _____ This mortgage is upon the statutory conditions, for any breach of which the mortgagee shall have the statutory power of sale. _____ (Wife) (husband) of said mortgagor, release all rights of homestead and other interests in the mortgage premises.

(Here add acknowledgment)

3 Statutory Form of Fiduciary Deed and Foreclosure Deed Under Power of Sale; Mailing Address Included. Amend RSA 477:30-31 to read as follows:

477:30 Statutory Form of Fiduciary Deed. A deed in substance following the form appended to this section shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, ~~his~~ heirs, successors and assigns, to ~~his and~~ their own use, with covenants on the part of the grantor, for himself **or herself**, that, at the time of the delivery of such deed, ~~he~~ **the grantor** was duly authorized to make the sale of the premises; that in all of ~~his~~ **the grantor's** proceedings in the sale thereof, ~~he~~ **the grantor** has complied with the requirements of the statute in such case provided; and that ~~he~~ **the grantor** will warrant and defend the same to the grantee, ~~his~~ heirs, successors and assigns, against the lawful claims of all persons claiming by, from or under him **or her** in the capacity aforesaid.

(Form for fiduciary deed)

_____ of _____ County, State of _____, executor under the will (administrator of the _____ estate) (trustee under the will) (guardian) (conservator) (receiver of the estate) (commissioner) of _____ of _____, by the power conferred by _____ and every other power, for _____ dollars paid, grant to _____, **(complete mailing address)** _____, of _____ Street, Town (City) of _____, _____ County, State of _____ the _____ (Insert description of land or interest therein being conveyed: incumbrances, reservations, exceptions.)

(Here add acknowledgment)

477:31 Statutory Form for Foreclosure Deed Under Power of Sale. Where a mortgage is foreclosed under a statutory power of sale, the mortgagee may give a deed to the purchaser, whether the purchaser be a stranger or the mortgagee, in the following form:

_____ of _____ County, _____ State of _____, holder of a mortgage from _____ to _____ dated _____, recorded in _____ Registry of Deeds, Vol. ____, page ____, by the power conferred by said mortgage and every other power, for ____ dollars paid, grant to _____, **(complete mailing address)** _____, of _____ Street, Town (City) of _____, _____ County, State of _____, the premises conveyed by said mortgage.
(Here add acknowledgment)

A deed in substance in that form shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, ~~[his]~~ heirs, successors and assigns, to ~~[his and]~~ their own use, with covenants on the part of the grantor, for himself **or herself**, that, at the time of the delivery of such deed, ~~[he]~~ **the grantor** was duly authorized to make sale of the premises; that in all of ~~[his]~~ **the grantor's** proceedings in the sale thereof, ~~[he]~~ **the grantor** has complied with the requirements of the statute in such case provided; and that ~~[he]~~ **the grantor** will warrant and defend the same to the grantee, ~~[his]~~ heirs, successors and assigns, against the lawful claims of all persons claiming by, from or under him **or her**.

4 Form of Manufactured Housing Warranty Deed, Quitclaim Deed, and Out-of-State Transfer Statement; Mailing Address Included. Amend RSA 477:44, II to read as follows:

II. MANUFACTURED HOUSING. Manufactured housing, as defined by RSA 674:31, shall be deemed a building for the purpose of paragraph I when such manufactured housing is placed on a site and tied into required utilities. Any deed conveying manufactured housing or evidencing its relocation within this state shall be substantially in the form provided in subparagraphs (a) and (b). If a deed for any manufactured housing is recorded in the registry of deeds of one county of this state and if such manufactured housing is relocated to another site in that county or to a site in another county of this state, a deed evidencing the change of location shall be recorded in the registry of deeds of the county in which it was originally located and a duplicate original shall also be recorded in the registry of deeds of the county to which it was relocated. If such manufactured housing is relocated to a site outside of this state, a statement evidencing the change of location substantially in the form provided in subparagraph (c) shall be recorded in the registry of deeds of the county in this state in which it was previously located. An attachment, lien or other encumbrance on manufactured housing, when properly created and recorded as required by law, shall continue to be enforceable until released or discharged notwithstanding the relocation of the manufactured housing within or outside of this state.

(a) A deed in substance following the form provided in this subparagraph shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to their own use, with covenant on the part of the grantor, for the grantor, the grantor's heirs, executors and administrators that, at the time of the delivery of such deed, the grantor was lawfully seized in fee simple of the manufactured housing; that such manufactured housing was free from all incumbrances, except as stated; that the grantor had good right to sell and convey the same to the grantee, the grantee's heirs, successors and assigns; and that the grantor and the grantor's heirs, executors and administrators shall warrant and defend the same to the grantee and the grantee's heirs, successors and assigns, against the lawful claims and demands of all persons. No owner of land shall unreasonably withhold the consent required by this statutory form.
Form for Manufactured Housing Warranty Deed

_____, of _____, _____ County, State of _____, for consideration paid, grant to _____, **(complete mailing address)** _____, of _____ Street, Town (City) of _____, _____ County, State of _____, with warranty covenants, the _____
(Description of manufactured housing being conveyed: name of manufacturer, model and serial number and incumbrances, exceptions, reservations, if any) which manufactured housing is situated, or is to be situated, at ____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of New Hampshire.

The tract or parcel of land upon which the manufactured housing is situated, or is to be situated, is owned by _____ by deed dated ____ and recorded at Book ____, Page in the _____ County Registry of Deeds. _____ (wife) (husband) of said grantor, release to said grantee all rights and other interests therein.

Signed this _____ day of ____, ____.
(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid manufactured housing is situated, or is to be situated, hereby consents to the conveyance of the manufactured housing.

Signed this _____ day of ____, ____.

(Here add acknowledgment)

☐ Check box if the manufactured housing has been relocated from one site to another within New Hampshire. The manufactured housing was previously located at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of New Hampshire and title, if any, to the same was recorded at Book ___, Page ___, in the _____ County Registry of Deeds. If the relocation is to a county of the State of New Hampshire other than the county in which the deed to the grantor was recorded, a duplicate original of the deed must be recorded in the registry of deeds of that county at the same time this deed is recorded.

(b) A deed in substance following the form provided in this paragraph shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to their own use, with covenants on the part of the grantor, for the grantor, the grantor's heirs, executors and administrators with the grantee, the grantee's heirs, successors and assigns that at the time of the delivery of such deed the manufactured housing was free from all incumbrances made by the grantor, except as stated, and that the grantor and the grantor's heirs, executors and administrators shall warrant and defend the same to the grantee and the grantee's heirs, successors and assigns forever against the lawful claims and demands of all persons claiming, by, through or under the grantor, but against none other. No owner of land shall unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing Quitclaim Deed

_____, of _____, _____ County, State of _____, for consideration paid, grant to _____, **(complete mailing address)** _____, of _____ Street, Town (City) of _____, _____ County, State of _____, with quitclaim covenants, the (Description of manufactured housing being conveyed: name of manufacturer, model and serial number and incumbrances, exceptions, reservations, if any) which manufactured housing is situated, or is to be situated, at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of New Hampshire.

The tract or parcel of land upon which the manufactured housing is situated, or is to be situated, is owned by _____ by deed dated ___ and recorded at Book ___, Page ___, in the ___ County Registry of Deeds. ___ (wife) (husband) of said grantor, release to said grantee all rights and other interest therein.

Signed this _____ day of ___, ___.

(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid manufactured housing is situated, or is to be situated, hereby consents to the conveyance of the manufactured housing.

Signed this _____ day of ___, ___.

(Here add acknowledgment)

☐ Check box if the manufactured housing has been relocated from one site to another within New Hampshire. The manufactured housing was previously located at ___ (state name of park, if any, and street address), Town (City) of ___, ___ County, State of New Hampshire and title, if any, to the same was recorded at Book ___, Page ___, in the ___ County Registry of Deeds. If the relocation is to a county of the State of New Hampshire other than the county in which the deed to the grantor was recorded, a duplicate original of the deed must be recorded in the registry of deeds of that county at the same time this deed is recorded.

(c) An out-of-state transfer statement in substance following the form appended to this paragraph shall, when duly executed and recorded in the registry of deeds of the county in which the manufactured housing was previously located, have the force and effect of transferring title of the manufactured housing to the grantee, the grantee's heirs, successors and assigns and terminating the record title of the manufactured housing in such registry of deeds under circumstances by which the manufactured housing is relocated to a site outside of this state. No owner of land shall unreasonably withhold the consent required by this statutory form. No manufactured housing may be relocated to a site outside of this state unless all holders of liens, attachments or incumbrances, if any, consent thereto in writing on the transfer statement.

Form for Out-of-State Transfer Statement

_____, of _____, County, State of _____, for consideration paid, grant to _____, **(complete mailing address)** _____, of _____ Street, Town (City) of _____, _____ County, State of _____, the _____ (Description of manufactured housing being conveyed: name of manufacturer, model and serial number and incumbrances, exceptions, reservations, if any) which manufactured housing, was situated at _____ (state

name of park, if any, and street address), Town (City) _____ of _____ County, State of New Hampshire.

The tract or parcel of land upon which the manufactured housing was situated is owned by _____ by deed ____ dated ____ and recorded at Book ____, Page ____ in the _____ County Registry of Deeds. _____ (wife) (husband) of said grantor, release to said grantee all rights and other interest therein.

Signed this _____ day of ____, ____.

(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid manufactured housing was situated, hereby consents to the conveyance of the manufactured housing.

Signed this _____ day of ____, ____.

(Here add acknowledgment)

_____, holder of (lien, attachment or encumbrance) hereby consent to the conveyance of the aforesaid manufactured housing, subject to condition that the aforesaid (lien, attachment or encumbrance) shall remain in force and effect thereon.

Signed this _____ day of ____, ____.

(Here add acknowledgment)

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

2005-0719h

Amendment to HB 521

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 3 with the following:

3 Effective Date. Section 2 of this act, relative to the referendum, shall take effect upon its passage. If the provisions of section 1 of this act shall be adopted as provided in section 2, said provisions shall be declared adopted and shall become effective as follows:

I. Creation of the 401(h) subtrust pursuant to 218:28 as inserted by section 1 of this act and contributions by the member shall commence 90 days after the date of the election.

II. Contributions by the employer shall commence with payrolls paid after July 1, 2006.

III. Commencement of benefits to retirees in the form of subsidies paid to their former employer shall commence with remittances made after July 1, 2006 for group health insurance purposes.

2005-0421h

Amendment to HB 522

Proposed by the Committee on Ways and Means - R

Amend subparagraphs I(a) and I(b) of section 2 of the bill by replacing them with the following:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives, two of which shall be proponents of casino gambling, two of which shall be opponents of casino gambling, and the remaining member shall be initially undecided.

(b) Five members of the senate, appointed by the president of the senate, two of which shall be proponents of casino gambling, two of which shall be opponents of casino gambling, and the remaining member shall be initially undecided.

Amend paragraph IV of section 3 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) Recognized experts on the subject of the economic and social effects of casino operations.

Amend section 3 of the bill by inserting after paragraph IV the following new paragraphs:

V. Evaluate the total revenues attainable by the state given existing market conditions and assuming projections of additional casinos and casino expansion in adjacent states.

VI. Determine and quantify, to the extent possible, the social and economic affects of casinos in various sites around the state on the state, county, and local governments, and on tourism and other industries, including but not limited to:

(a) Property crimes.

(b) Crimes against persons.

(c) Social welfare costs.

(d) Competition for entertainment market share.

2005-0604h

Amendment to HB 602-FN-A

Proposed by the Committee on Ways and Means - C

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

1 Communications Services Tax; Definition of "Gross Charge;" Non-Taxable Charges. Amend RSA 82-A:2, V(e) to read as follows:

(e) Charges for services which are not provided in connection with originating or receiving communications services and which are not necessary for or directly related to the provision of communications services, to the extent that the charges for such services are disaggregated and separately identified from other charges on the customer's bill. ***In instances where the retailer does not separately list charges for taxable and non-taxable communications services, such charges shall be subject to the taxes imposed by this chapter, unless the retailer can reasonably identify charges not subject to such tax from its books and records kept in the ordinary course of business. A taxpayer may not rely upon the nontaxability of charges for communications services unless the taxpayer's retailer separately states the charges for nontaxable communications services from taxable charges or the retailer elects, after receiving written notice from the taxpayer in the form required by the provider, to provide verifiable data based upon the retailer's books and records that are kept in the regular course of business that reasonably identify the nontaxable charges.***

2 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill permits the exclusion of nontaxable components of bundled communications services packages from the communications services tax if the retailer can identify the charges not subject to the tax from its books and records kept in the ordinary course of business.

2005-0680h

Amendment to HB 647-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 21-J:6-c as inserted by section 3 of the bill by replacing it with the following:

21-J:6-c Central Tax Services Unit. There is hereby established within the department of revenue administration a central tax services unit, under the supervision of an unclassified taxpayer advocate who shall be responsible for the following functions, in accordance with applicable laws:

- I. Providing general assistance to the public for all taxes administered by the department.
- II. Internal control of all tax receivables for the department.
- III. Taxpayer advocacy.

2005-0658h

Amendment to HB 696-FN

Proposed by the Committee on Criminal Justice and Public Safety - C

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

AN ACT relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Enhanced Penalties for Certain Crimes Against the Elderly or Persons With Disabilities. Amend RSA 651:6, I by inserting after subparagraph (k) the following new subparagraph:

(l) Has committed or attempted to commit any of the crimes defined in RSA 637 or RSA 638 against a victim who is 65 years of age or older or who has a physical or mental condition that impairs the victim's ability to manage his or her property or financial resources or to protect his or her rights or interests.

AMENDED ANALYSIS

This bill imposes enhanced penalties for certain crimes against the elderly and persons with disabilities.

2005-0656h

Amendment to SB 57

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

Amend paragraph I of section 2 of the bill by inserting after subparagraph (i) the following new subparagraph:

(j) A representative of the New Hampshire chapter of the American College of Obstetricians and Gynecologists (ACOG), appointed by such association.