

State of New Hampshire

HOUSE RECORD

First Year of the 161st General Court Calendar and Journal of the 2009 Session

Vol. 31	Concord, NH	Friday, March 20, 2009	No. 22
Contains: Reports and Amendments for March 24, 25 and 26, Hearings, Meetings and Notices			

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at 10:00 a.m. on **Tuesday, March 24th**, and 9:30 a.m. on **Wednesday, March 25th** and **Thursday, March 26th**.

On **Wednesday, March 25th**, the House and Senate will meet in Joint Session for Supreme Court Chief Justice John Broderick's address on the State of the Judiciary. The House Session will follow.

The House will not meet on April 1st, but members should plan for sessions on both Wednesday, April 8th and Thursday, April 9th for Crossover.

I would like to thank all of the House members and staff for your hard work in getting bills out of committee this week. With session on three days next week, I urge members to organize their floor debates and be as brief and concise as possible. Also, please note that any bills reported out of committee without recommendation appear at the end of the Regular Calendar.

Terie Norelli, Speaker

NOTICE

There will be Democratic Caucuses on Tuesday, **March 24 at 9:00 a.m.**, Wednesday, **March 25 at 8:45 a.m.** and Thursday, **March 26 at 8:45 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Tuesday, **March 24 at 8:45 a.m.**, Wednesday, **March 25 at 8:30 a.m.** and Thursday, **March 26 at 8:30 a.m.** in Rooms 305-307, LOB.

Rep. Sherman A. Packard, Republican Leader

NOTICE

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

TUESDAY, MARCH 24

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 131, relative to meetings and reports of the juvenile justice advisory board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deanna S Rollo for Children and Family Law: This bill adds new members to the juvenile justice advisory board. It changes the reporting requirements from annually to biennially, and changes the board's duties to meet as necessary, provided they meet at least 4 times per year.

Vote 16-0.

HB 195, relative to relocation of a residence of a child. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P Moran for Children and Family Law: This bill would have allowed a parent to relocate children within 100 miles from the original residence without notice to the other parent. The committee felt that present law requiring 60 day notice in most cases is the best practice.

Vote 16-0.

HB 342, establishing a commission to study the juvenile court diversion law. **OUGHT TO PASS.**

Rep. Edward P Moran for Children and Family Law: On the premise that juvenile diversion programs are a more effective corrective than incarceration, the commission's purpose would be to look at programs across the state, evaluate best practices, cost savings and societal benefits and report back on same. **Vote 16-0.**

HB 467-FN, relative to the review and adjustment of child support orders. **OUGHT TO PASS.**

Rep. Edward P Moran for Children and Family Law: This bill was requested by the department of health and human services. It establishes a mandatory 3-year review and adjustment process for all child support cases in which support is paid through or assigned to the department of health and human services pursuant to Title IV-A of the Social Security Act. This bill also requires mandatory notice to parents. This formalizes current DCSS practices and brings the state into Federal compliance. **Vote 16-0.**

HB 504, relative to the termination of guardianship of a minor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel C Itse for Children and Family Law: This bill creates the power of defining predetermined criteria for terminating temporary guardianships. This is similar to the structure for military guardianships and protects parental rights. These temporary guardianships shall terminate when the parent demonstrates by a preponderance of the evidence that the criteria have been met. **Vote 17-0.**

HB 694, adopting the uniform child abduction prevention act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P Moran for Children and Family Law: This bill augments protections afforded by HB 695 by giving courts clear guidelines for child abduction risk factors. It differentiates between nations that are signatories to international child abduction conventions and those that are not. It also provides effective preventive measures and gives protections to victims of domestic violence through confidentiality provisions. **Vote 15-0.**

HB 695, adopting the uniform child custody jurisdiction and enforcement act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P Moran for Children and Family Law: This bill, the Uniform Child Custody

Jurisdiction and Enforcement Act, as amended is an improvement over our existing law. It eliminates jurisdictional disputes with the Federal Parental Kidnapping Prevention Act that have caused confusion. It contains new provisions for continuing exclusive jurisdiction, clarifies emergency jurisdiction provisions and has new enforcement language. The family court also favors adoption of this update. **Vote 17-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 31-FN, requiring insurance coverage for certain preventative testing. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce and Consumer Affairs: Pap smears are already covered in virtually all state-regulated health care insurance in NH. If there are self-insured policies that do not cover such tests, that is not something that we can impact through legislation. Therefore this legislation is unnecessary. **Vote 17-0.**

HB 100, relative to homeowner's insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. James F Headd for Commerce and Consumer Affairs: This bill requires that each event reported for the purposes of homeowner's insurance be counted as a single claim even if the event caused damage in different areas of the property. At the request of the appointed subcommittee, the insurance department retrieved the original file and determined that there were two distinct incidents involved. The first was a wind loss claim that blew off some shingles which occurred on Dec. 15, 2002. The second was a water back up claim occurring on Jan. 9, 2003. The insurance department file is very clear indicating two separate incidents. **Vote 17-1.**

HB 101, prohibiting the use of credit reports for certain insurance purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill would prevent the use of credit reports to determine rates for automobile and homeowner insurance policies. Similar bills have come before this committee in the past. The majority of the committee believes that the insurance department has successfully shown that, as a component of rating factors, credit scores are predictive of the probability of loss and therefore their use should not be prevented. **Vote 17-1.**

HB 120-FN-L, relative to the installation of carbon monoxide detectors in single and multi-family dwellings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill, as amended, requires the installation of carbon monoxide detectors in all new construction of single and multi-family dwellings as well as substantially rehabilitated single and multi-family dwellings after January 1, 2010. This bill amends RSA 153:10a and adds carbon monoxide detection devices to the smoke detector section of the law. **Vote 18-0.**

HB 151, prohibiting an insurer from canceling health care coverage based on the insured's terminal condition. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce and Consumer Affairs: The intent of this legislation was to mandate healthcare insurance coverage for a person who is in a vegetative state but whose care is too complex to be managed in a nursing home or at home. Major medical insurance is designed to cover acute and restorative care. It does not cover instances in which nothing further can be done to improve the health or functionality of the individual. Some long term care policies might cover such instances but the committee felt that this is not something that can be mandated for traditional medical insurance. **Vote 18-0.**

HB 158, relative to the membership on the healthy kids board. **OUGHT TO PASS.**

Rep. John B Hunt for Commerce and Consumer Affairs: This bill will increase the size of the Healthy Kids board from 17 to 22. Based on the testimony, the committee feels that healthy kids would benefit from the increase. Currently 13 of its members are determined by statute or appointed by the Governor, Speaker or Senate President and 4 are appointed by the board itself. This bill increases the board appointed members by 5 for a total of 9. **Vote 18-0.**

HB 161, repealing protection of uncopyrighted compositions in state law. **OUGHT TO PASS.**

Rep. John B Hunt for Commerce and Consumer Affairs: This bill will repeal outdated state laws and allow compliance with now federally legislated copyright laws. **Vote 18-0.**

HB 181, relative to disclosure of contaminants prior to the sale of real property. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: This bill requires the disclosure of known contamination of a seller's property. Realtors are already required to ask the sellers, and sellers are required to disclose any contaminants or hazardous waste on the property. The sponsor of the bill was concerned with Brownfield sites. The committee heard testimony as to how that is defined and registered with the department of environmental services, and did not believe that a buyer would mistakenly purchase a site so designated as a residential property. **Vote 18-0.**

HB 198, permitting an insured person injured in a motor vehicle accident to obtain damages under his or her own uninsured motorist coverage when the insured's damages exceed the motorist insurance coverage of the person at fault for the accident. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce and Consumer Affairs: This bill would allow "stacking" of uninsured motorist coverage. (Stacking is adding together the limits provided on each vehicle or policy within a household to multiply the available coverage for a claim.) It would require underwriters to re-price the premiums to cover the added benefit on all policies and increase the price of auto insurance for all. Consumers have the ability to buy increased uninsured motorist coverage at any time and we recommend that insurance consumers consult with their agents to fully understand how much coverage they have. **Vote 18-0.**

HB 200, permitting the stacking of medical payments coverage under motor vehicle liability policies purchased by members of the same household. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill would allow for "stacking" of med-pay coverage for automobile insurance. (Stacking is adding together the limits provided on each vehicle or policy within a household to multiply the available coverage for a claim.) This would be a dramatic change in the way these policies are underwritten, and add untold complications. Problems arise when there are different policies and/or companies within the same household such as determining who is in a household, which company's policy would be considered primary and more. The cost of premiums for every policy would be increased to include the chance that payment would be made for the collective amount of all people that may reside in a household. The majority of the committee believes that individuals wishing more med-pay coverage can purchase that coverage now at a reasonable cost and therefore this bill is not necessary. **Vote 17-1.**

HB 237, relative to accident and health insurance short-term policies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce and Consumer Affairs: The bill, as requested by the insurance department, clarifies the procedures for short-term health insurance policies. The amendment allows for variable time periods for these short-term policies so that someone may renew multiple times up to 540 days of coverage. **Vote 18-0.**

HB 238, relative to market conduct and enforcement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill, as amended, makes minor modifications to our insurance statutes: 1)requires, upon request of the insurance department, a response to an investigation within 10 business days; 2)clarifies the requirement for document retention if a policy is declined; 3)clarifies the requirements by which foreign insurance companies can conduct business in NH and defines record keeping requirements; 4)reinforces that a consumer can appeal a decision under the Unfair Insurance Practices statute. Also, there is no time limitation on the ability of the commissioner to pursue insurance suppliers for alleged unfair practices. **Vote 18-0.**

HB 244, relative to automobile insurance premiums. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: By the request of the sponsor, the committee disposed of this bill. All auto insurance companies must submit their rating criteria to the insurance department complete with evidence for that criteria based upon actual claims. **Vote 18-0.**

HB 329, relative to insurance and civil unions. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill would have included the

phrase 'civil unions' in certain insurance regulations that refer to married people or spouses. The language of the civil union law passed recently states that civil unions will have "all the rights, responsibilities and obligations of marriage" in NH. It is believed, therefore, that it is unnecessary to insert the term 'civil union' in each and every statute and regulation. Rather, the law directs anyone seeking interpretation to, for example, include a civil union where a marriage is referred to, or, a civil union couple where spouses are referenced. **Vote 16-0.**

HB 331, relative to advertisements of property and casualty insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill would have established standards of conduct for insurers and their products advertising property and casualty insurance. This bill grants rule making authority to the insurance commissioner and it was requested by the insurance department. The committee also entertained a motion to add a new paragraph under RSA 412:4e giving the commissioner authority for rule making. The committee felt the commissioner had his rule making authority under RSA 417:4 and RSA 417:5, thus we voted ITL on this bill. **Vote 18-0.**

HB 336, establishing a committee to study the law regarding insurance coverage for dependent children. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill, seeking a study committee for health care of dependent children, was in response to a constituent concern. The constituent had expected to have a young adult dependent covered for health care by their employer, only to find that the employer provided benefits under federal ERISA standards, and was not bound by the NH state insurance mandates. The proper channel for seeking change for this situation is through our representation in Congress. **Vote 16-0.**

HB 359, requiring health care provider bills to state the portion of payment covering costs of the uninsured. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce and Consumer Affairs: This bill would require a health care bill to include a statement of what portion of the bill was due to the costs of the uninsured. The sponsor testified that this information would be valuable as an education tool for the public. The committee heard testimony that the problem goes beyond the uninsured, but would also have to include the underinsured, charity care, bad debt that is written off, and Medicare and Medicaid. No provider that testified had a mechanism that currently tracks that information, and there was also discussion regarding whether it would be historical data or another fixed period of time. Additionally, the data would be far different for a non-profit hospital serving a lower income demographic than a for-profit facility in the southern part of the state. The present system of medical billing is done with nationally recognized codes that indicate the service provided, patient diagnosis and service procedure codes. There is no practical way to track the desired information. **Vote 17-0.**

HB 376, relative to condominium governance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David R Meader for Commerce and Consumer Affairs: This bill, an amendment to the current condominium statutes, simply requires the owners' association to make minutes of board meetings available in a timely manner. **Vote 17-0.**

HB 416, relative to insurance examinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill clarifies the law relative to conducting insurance examinations, including how reports are to be filed with the department of insurance. This bill also clarifies the law relating to regulation of investments by insurers. The amendment addresses issues of confidentiality and clears up investment law related to current standards of practice. **Vote 17-0.**

HB 442, relative to the review and amendment of condominium bylaws. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce and Consumer Affairs: This bill would require condominium associations to meet every four years to review the association's by-laws and rules. The bill, as written, does not set a standard to be complied with, and associations meet regularly for annual and special meetings, at which time any necessary changes can be proposed. The bill would allow

by-laws and rules to be amended by a majority vote of those attending the annual meeting, which is inconsistent with RSA, 356-B: 34 which currently requires agreement of at least two-thirds of the votes of all owners, not just those attending a meeting, to amend by-laws. Condominium documents dictate how either the board or association members allow changes to their rules. The committee recognized that any association could adopt a provision for regular review of documents on their own without requiring all condominium associations to do the same. **Vote 17-0.**

HB 492, requiring certification for persons performing radon tests. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill would require only certified persons to perform radon tests. Currently buyers can perform this test on their own, but by requiring a certified person to perform these tests we would needlessly increase the cost to a home buyer. **Vote 17-0.**

HB 529-FN, relative to the healthy kids program. **OUGHT TO PASS.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill simply closes a gap that exists when kids no longer qualify for healthy kids gold but in the beginning of the following month, will qualify for healthy kids silver. Currently there is the possibility of a gap of a few days to as many as three weeks in which there could be no coverage, during which time a child could go without needed medications or, when there's a chronic illness, needed treatments. This bill requires that health and human services develop the process to bridge this gap. **Vote 17-0.**

HB 530-FN, relative to inspection of public buildings for compliance with access standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill establishes a procedure for the inspection and enforcement of the access standards required in all public buildings. The current building code includes the Americans with Disabilities Act federal standards for accessibility, however some building and code inspectors are not yet familiar enough with these standards, and so the law is not being complied with when new plans are built and approved. HB 530 would require any individual engaged in the business of inspecting public buildings for compliance with the state building code to successfully pass an International Code Council examination that covers the access standards contained in the state building code. It gives individuals with disabilities standing to question compliance to the accessibility portions of the current state building code should a question arise as to the compliance of any new public building or significantly renovated public building. The committee feels it is entirely reasonable to expect building inspectors to be familiar with the requirements of the code that they are charged with inspecting for compliance. This bill makes no changes to the code itself, it is simply concerned with making sure inspectors are informed in order to perform their duties. **Vote 17-0.**

HB 535, requiring dwelling units to have functioning smoke detectors upon their sale or transfer. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill would require the seller to certify in writing that the building is equipped with functioning, approved, automatic fire warning devices. The committee felt that most real estate transactions in the state involve a home inspection that tests the system and that the question of liability and length of time after the transfer were vague. **Vote 16-0.**

HB 605, relative to employment of minors by liquor licensees. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill would have required businesses that sell alcoholic beverages to raise the age of the manager in charge from 18 to 21 during the hours that alcohol is sold. The committee heard testimony from small businesses, primarily convenience stores, for whom this would be very difficult. There was some discussion of training programs that could be required to help impress on these young people the responsibility, and the penalties, regarding selling of alcohol to minors. The liquor commission didn't offer such a program during deliberations on this bill. **Vote 18-0.**

HB 618, relative to identification required by banks. **INEXPEDIENT TO LEGISLATE.**

Rep. David J Palfrey for Commerce and Consumer Affairs: This bill would limit a financial institution to being able to require only one form of identification from a payee when a negotiable

instrument is presented to it for payment. There are many situations when one form of identification would not offer sufficient verification of the identity of the presenter such as identification lacking a photograph of the individual. An additional form of identification would offer more reasonable verification of identity. Insufficient identification could increase the possibility of fraud leading to financial loss to the financial institution. **Vote 18-0.**

HB 659-FN, relative to insurance fraud. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce and Consumer Affairs: In this bill, requested by the insurance department, penalties for forging insurance documents would be enhanced and insurance companies would be required to turn over various documents relating to insurance fraud. Because the department can already get these documents from the police departments, the committee was not convinced that these new powers were needed. Excessive penalties - up to fifteen years in prison - were also proposed for anyone knowingly putting false information on an insurance application. **Vote 18-0.**

HB 680, making technical changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce and Consumer Affairs: The primary section of this bill will now require insurance companies to identify the parent company, as well as the affiliate - which is likely the company name that the consumer knows - in communications with the consumer. The committee felt that it may be important and useful for the consumer to know who the parent company is. Other sections of this bill: clarify public disclosure of policy form filings, require consent of the policyholder if there are changes to the policy midterm, and require notification by mail if a policy is cancelled or non-renewed. **Vote 17-0.**

HB 692, relative to emergency generators in manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill was a result of the sponsor's helping manufactured housing park constituents during a recent ice storm with an emergency generator. The park was without water and this bill was an attempt to put into statute that solution. Unfortunately the solution was not a one-size-fits-all fix, and could not be efficiently and affordably replicated for all manufactured housing parks in the state. The committee believes that forcing all parks to supply generators to run the pumps in community wells regardless of other factors could create unintended consequences with negative repercussions for parks with different circumstances. It could also create a hardship for the tenants who ultimately pay for the expense in their park fees. **Vote 16-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 214, establishing a commission to study health care services in correctional facilities and relative to regulation of prescription medication interruptions by corrections staff and access to inmates by medical, mental health, and social services providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The bill establishes a commission to study health care services in the correctional facilities, which is a recommendation of the ongoing commission to develop a comprehensive state mental health plan. This new commission will have a specific focus and submit an annual report. **Vote 18-0.**

HB 220, relative to civil proceedings for forfeiture of animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: This bill requires that animals be taken into custody when a person is charged with cruelty to animals. Current law RSA 644:8, already allows for animals to be confiscated by the arresting officer. This bill would allow the animal owner, who is subject to a criminal complaint, only 14 days to prepare a defense to a civil forfeiture petition if one were filed. **Vote 17-2.**

HB 278-FN, relative to the penalty for mistreating service animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill increases the penalty from a class A misdemeanor to a class B felony for cruelty to service animals. The committee feels that

the current RSA 167-D:9 is sufficient punishment in these cases. A class A misdemeanor carries a penalty of up to a year in jail. **Vote 19-0.**

HB 279-FN, relative to certain missing persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy N Robertson for Criminal Justice and Public Safety: With the increase in the aging population, it seems like a good time to implement the provisions of this bill which simplify the process of looking for people with mental disabilities when they appear to be missing from their homes. **Vote 18-0.**

HB 322, allowing members of the armed forces between the ages of 18 and 21 to purchase fireworks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: While the level of a person's responsibility and maturity varies from one individual to another, the majority believes there should be an established age for legal status as an adult. For the most part the age of legal adulthood in the state is 18 years old. At 18 a person is entitled to vote, make legal contracts, enter into a marriage or civil union, purchase firearms and ammunition, serve in the military, and work in dangerous occupations. Other states permit 18 year old adults to purchase fireworks. Passage of the amended bill will bring uniformity to the age of legal adulthood. **Vote 18-2.**

HB 363, eliminating requirements for additional breath tests for blood alcohol content. **OUGHT TO PASS.**

Rep. Delmar D Burrridge for Criminal Justice and Public Safety: This bill will eliminate one requirement of preserving a second sample of breath. New Hampshire is the last state in the nation to require this preservation. There is only one manufacturer that makes an instrument that captures the second sample. The technology for this instrument is over 20 years old. With the passage of this bill, New Hampshire can now purchase state-of-the-art instruments which will analyze two independent breath samples, each of which will be tested twice. Each test must correlate itself and the two tests must correlate each other. The present intoxilyzer only compares the two tests to each other. Thus, one new technology doubles the confidence in the result. **Vote 17-1.**

HB 430-FN, removing the statute of limitations on certain crimes committed in furtherance of murder. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: Our legal system recognizes that murder is a crime that is set apart from other crimes. The damage and finality of the taking of the life of a human being is such that the legislature has deemed that the passage of time should not be the reason for a killer to escape punishment, and there is no statute of limitations on the prosecution for the crime of murder. This bill makes a narrow exception to the statute of limitations on crimes of falsification in official matters (RSA Chapter 641) when that falsification is done in the furtherance of murder. Making the statute of limitations for prosecution for falsification in official matters in a murder case the same as that of the crime of murder itself will provide another tool to law enforcement to solve homicides and bring killers to justice. **Vote 17-0.**

HB 459, relative to access to restorative justice programs by victims of crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This legislation is designed to ensure that victims of violent crimes are given the right to access restorative justice programs, particularly victim-initiated victim/offender dialogue. It also requires the office of victim/witness assistance to provide information about such programs. In addition, the bill adds the victim/offender dialogue program to the department of corrections. Finally, this bill modifies, with regard to victim's assistance, the definition of "victim" to include the surviving partner in a civil union. The committee heard testimony from victims, as well as a facilitator describing the benefits of these restorative justice programs. The committee also learned that, without such legislation, it can be difficult for victims of violent crimes to gain access to these programs. The committee believes passage of this legislation to be important to the administration of justice. **Vote 17-0.**

HB 471-FN, relative to organized retail crime in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The amendment places all shop-

lifting statutes under RSA 644. Additionally, it adds to the law to improve enforcement against organized shop-lifting groups, who alter the electronic sales tags and/or activate alarms within the stores to avoid detection or apprehension, or provide distraction during the commission of the offense. **Vote 19-0.**

HB 474-FN, prohibiting the trafficking in persons for the purposes of sexual or labor exploitation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P Charron for Criminal Justice and Public Safety: The purpose of this bill is to prohibit trafficking in persons and makes such offenses involving a person under 18 years of age subject to an extended term(s) of imprisonment. Recently an arrest has been made in the trafficking of an 18 and possibly a twelve year old. Our state is not immune to this type of activity. This bill will place us in a proactive position when circumstances of this nature arise. There is no room for activity of this nature in our communities. **Vote 17-0.**

HB 512, establishing a temporary moratorium on executions and establishing a commission to study the death penalty in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill sought to establish a commission to study the death penalty in New Hampshire. It was very similar to HB 520. Since a great deal of work has been done on HB 520 and there was agreement as to the content of HB 520, the committee felt this bill was unnecessary. This bill would also have established a moratorium on the death penalty that would have sunsetted on November 1, 2011. It was agreed that even with one person currently on death row, there would be no execution before the results of the commission created under HB 520 would be required to submit its findings. **Vote 13-2.**

HB 557, requiring the attorney general to request a life sentence instead of the death penalty in certain circumstances. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill, while well intentioned, is unconstitutional. If passed, it would coerce a defendant to plead guilty in order to avoid the death penalty. The constitutional issue was established in the State v. Johnson case. **Vote 16-2.**

HB 575-FN, prohibiting driving with any amount of certain controlled drugs or metabolites in the blood or urine. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine B Swinford for Criminal Justice and Public Safety: This bill deals with the amount of schedule 1 controlled drugs or metabolites. It is unclear what trace amounts of metabolites would deem an operator impaired. The committee as a whole found this bill too broad in its scope. **Vote 13-0.**

HB 582-FN, relative to DNA testing of sexual offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: The committee was presented two bills which related to the collection, recording and distribution of DNA information. After two full-committee hearings and a sub-committee meeting, it was determined that neither bill was entirely satisfactory. The committee unanimously voted to retain the other bill (HB 523) in order to work with interested parties to develop appropriate legislation. **Vote 18-0.**

HB 586-FN, relative to the presence of a law enforcement officer at an administrative license suspension hearing. **OUGHT TO PASS.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill allows a representative of the arresting law enforcement agency, at the option of the head of that agency, to present the arresting officer's sworn report and supporting documentation. Because these hearings are administrative, there is no need to require the arresting officer to be present. An administrative license suspension (ALS) hearing is intended to be a simple procedure. It is only held when a person has been charged with operating under the influence of alcohol or drugs and has refused to submit to a field sobriety test and a breath or chemical test. It is not a criminal trial. The standard of evidence in these hearings is a "preponderance of evidence." The criminal justice system allows persons other than the arresting officer to be represented and their reports are routinely admitted at hearings as records made in the ordinary course of business. It makes sense to apply this same standard to ALS hearings. **Vote 18-0.**

HB 587-FN, establishing an information and analysis center within the department of safety. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill describes the operation of an information and analysis center within the department of safety which will gather information on natural and human caused threats to the state, its people and environment. The center will track criminal activity within the state and provide information to the department of justice, state, county and local law enforcement to assist in the deployment of resources and aid in the investigation of crimes. Each agency participating with the center shall agree to comply with the requirements governing the collection, analysis, evaluation, maintenance, sharing and expunging of information and data included as part of the inter-jurisdictional system. Access to information by employees of the Federal Bureau of Investigation and the Department of Homeland Security may be allowed subject to the provisions of this bill regarding such access. Access by Federal Bureau of Investigation and Homeland Security will only be allowed until June 20, 2013 unless such access is renewed by the legislature. **Vote 18-0.**

HB 621, relative to court procedures for persons with mental illness charged with crimes.

OUGHT TO PASS WITH AMENDMENT.

Rep. Elaine B Swinford for Criminal Justice and Public Safety: This bill, as amended, provides for the interbranch criminal and juvenile justice commission to develop a procedure for the identification of criminal defendants who may have a mental illness, estimate the cost and make recommendations for the best method of implementation of the procedures. This bill also allows county correction facilities to request a pre-trial examination of a person being held. The bill provides a new procedure for the appointment of counsel for a person with mental illness. The committee feels correctional facilities are being used as mental health facilities. This bill will allow for inmates with mental health issues to receive future treatments. **Vote 17-0.**

HB 645-FN, requiring police officers to complete certain mental health training and requiring the police standards and training council to develop and implement an advanced training curriculum for specialized crisis intervention teams. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: Police Standards and Training is already addressing this issue with 8 hours of training. The chiefs in the cities and towns are training their men and women as best they can on how to treat mentally ill people. If the state was to mandate this training it would become an issue under Part I Article 28a of the N. H. Constitution. Mental health courts are now being set up in many cities and towns to address this issue. **Vote 12-1.**

HB 690-FN, establishing a cold case homicide unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elaine B Swinford for Criminal Justice and Public Safety: This bill allows the attorney general and the department of safety to establish a cold case unit. The departments of justice and safety will provide administrative support to this investigation unit. This bill, as amended, extends the sunset date from 2011 to 2013, to give the unit ample time to be set up and begin working. **Vote 17-0.**

EDUCATION

HB 123, requiring a financial literacy component within the high school economics course.

INEXPEDIENT TO LEGISLATE.

Rep. Kimberly C Shaw for Education: The committee believes that financial literacy is a vital set of skills for students to acquire. However, the committee is reluctant to legislate curriculum and feels that the state board of education is the most appropriate body to address strengthening the existing standards. **Vote 18-0.**

HB 136-FN, relative to the procedure for withdrawing from a cooperative school district.

INEXPEDIENT TO LEGISLATE.

Rep. James M O'Neil for Education: This bill is an attempt to solve the problems associated with a school district's withdrawal from a cooperative school district during the term of the contract. This issue is currently being studied by the cooperative school district study committee; therefore, this committee believes that all the issues of withdrawal will be addressed in that committee's report. Thus, any legislation introduced prior to the report is premature. **Vote 19-0.**

HB 143, relative to procedures for requesting a change of school for a child. **OUGHT TO PASS**

WITH AMENDMENT.

Rep. Rick M Ladd for Education: This bill amends the procedure for a parent requesting a change in a child's public school assignment. A person having custody of a child may enroll the child in a public school or academy outside the school district in which the child resides, and if the non-resident district or academy agrees to enroll the child, the non-resident district may charge the parent tuition. The receiving district or public academy is responsible for notifying the resident district of the child's enrollment on an annual basis. Prior to enrollment, an agreement between the resident district and the non-resident district or public academy shall be executed that allocates program and financial responsibilities of both entities for the pupil in the event that the pupil is a child with a disability as defined in RSA 186-C:2, I or an accommodation under the Rehabilitation Act of 1973, as amended. The decision to deny a non-resident child enrollment shall not be based, in whole or in part, on whether the child has a disability or requires an accommodation. This bill sets in place a long needed process that requires an agreement between resident and receiving districts for pupil program and financial responsibilities prior to the child's enrollment. **Vote 19-0. HB 154, relative to truancy. OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill is the result of a year-long study inclusive of stakeholder input. This bill brings the statute into compliance with the age of required attendance, reduces the number of half days from 20 to 10 to allow for earlier intervention, restricts absences to administratively excused, increases the flexibility for local school district decisions, provides opportunity for parents to be brought into the process earlier, and potentially reduces court involvement while bringing resolution for students. The current definition statute was a requirement of No Child Left Behind and the language did not provide clarity for proper implementation and resolution. **Vote 18-1.**

HB 317, relative to conditional approval of nonpublic schools, residency requirements for grants under the New Hampshire incentive program, and scholarships for orphans of veterans. OUGHT TO PASS.

Rep. Brien L Ward for Education: This housekeeping bill has three provisions. Section one amends RSA 541-A to allow the state board of education to establish criteria for conditional approval of non-public schools as recommended by the Joint Legislative Committee for Administrative Rules (JLCAR). JLCAR also recommended the second provision of this bill which amends RSA 188-D:13 to require that New Hampshire incentive program grants be awarded to persons who establish their residency in New Hampshire for some purpose other than the temporary or primary one of obtaining an education. The third section of this bill amends RSA 193:19 to allow any New Hampshire student who qualifies for the scholarship for Orphans of Veterans program to attend any institution of higher learning in the country and receive an award for the payments of board, room rent, books and supplies. This bill does not change the tuition waiver provision, which is still limited to New Hampshire public institutions. **Vote 18-0.**

HB 367, relative to procedures for evaluation of home schooled students. INEXPEDIENT TO LEGISLATE.

Rep. Judith E Day for Education: The majority of the committee felt that this bill could be voted inexpedient to legislate because HB 368 was retained which also deals with the home education laws. Therefore, it was felt that this bill was not necessary as the home education laws can be discussed during the retention work on HB 368. **Vote 18-2.**

HB 509, requiring parental consent for psychological evaluations by school districts. OUGHT TO PASS WITH AMENDMENT.

Rep. Rick M Ladd for Education: This bill requires school personnel to obtain written consent of a parent or legal guardian prior to conducting any psychological evaluation of a child. The bill does not change procedures currently in place for state or school district group achievement or other instructional testing. The bill itself merely ensures that the parent or legal guardian has the right to know and make the choice as to whether or not a school can administer a psychological evaluation of a child. **Vote 19-0.**

HB 527, repealing the coordinated school health committee and relative to health education in kindergarten through grade 12. OUGHT TO PASS.

Rep. Rachel B Burke for Education: Attention has been brought to the committee that the work of the coordinated school health committee has been fulfilled and the committee is no longer necessary. The state board of education in conjunction with the commissioner of education will report to House and Senate chairs of Education and Health and Human Services regarding the delivery of K-12 health education. **Vote 18-0.**

ENVIRONMENT AND AGRICULTURE

HB 48, establishing a committee on agriculture in the classroom. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H Haefner for Environment and Agriculture: This bill was a request of the department of agriculture, markets and foods with the enthusiastic agreement of the New Hampshire agriculture in the classroom directors. The intent was to take this private not for profit group and make it an official committee under the department of agriculture. The specified committee will resemble the current board and has the same charter as the current organization. It sets up an account that can receive money from the department of agriculture through the budget process, and can receive money from other state departments, federal grants and private donations. Its intent is that the department of agriculture may attract better funding and more visibility for the program to introduce elementary age kids to agriculture and to teach them from where their food comes. **Vote 16-0.**

HB 63, relative to the use of the term "farmers' markets" in corporation names. **OUGHT TO PASS.**

Rep. Robert H Haefner for Environment and Agriculture: This bill is a request of the department of agriculture, markets and food as a result of a supermarket naming itself a "Farmers' Market. The bill would not allow New Hampshire corporations to include farmers' market in their names. The intent is to preserve the term for true farmers' markets where local producers sell local products, primarily farm products. **Vote 16-0.**

HB 235, relative to the seller's liability for land use change tax assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane E Beaulieu for Environment and Agriculture: This bill would have transferred the responsibility for paying the land use change tax from the owner to the seller. Current laws in statute work very well. The New Hampshire Municipal Association, New Hampshire Association of Realtors, the statewide program of action to conserve our environment (SPACE) and the New Hampshire Timberland Owners Association opposed the bill. **Vote 16-0.**

HB 247, relative to the assistance of the state veterinarian with the investigation and enforcement of animal abuse laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Palmer for Environment and Agriculture: This bill will change the law pertaining to complaints filed due to the abuse of domestic animals. Instead of the state veterinarian being the first contact, the complaint shall be initially filed with the local law enforcement agency, animal control officer, state police, or sheriff, with jurisdiction over where the animal is kept. At the request of the contacted law enforcement agency, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of law and investigating said complaints. **Vote 16-0.**

HB 338, relative to definitions of electronic waste. **OUGHT TO PASS.**

Rep. Burton W Williams for Environment and Agriculture: This bill further defines electronic waste by adding media recorders, players and computers to the list of items that may not be placed in a land fill or incinerator. **Vote 16-0.**

HB 347, relative to use of weights and measurements at farmers markets. **INEXPEDIENT TO LEGISLATE.**

Rep. Leigh A Webb for Environment and Agriculture: In attempting to allow more people to participate in farmers' markets, the sponsor sought to exempt those with less to sell from certain provisions of RSA 428, the weights and measures laws. However noble this gesture, the effect of the bill would have eliminated all consumer protection from this law. The committee felt that the price of a \$200 scale for accurate measurement of the product being sold was a reasonable cost of

doing business, and did not preclude significant numbers of people from selling in a farmers' market environment. Also, it was important to the committee to maintain adequate consumer protection and a "level playing field" under existing law, rather than change those policies completely with the adoption of this bill. **Vote 16-0.**

HB 385, relative to placement of personal wireless service facilities on land in current use. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Z Tucker for Environment and Agriculture: This bill is in direct violation of the current use law. The installation of a cell tower would alter the property, thus the land in question would no longer qualify for current use. **Vote 16-0.**

HB 424-FN-A, relative to the land use change tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Warren J Groen for Environment and Agriculture: A recent New Hampshire Supreme Court decision, *Formula Development v. Town of Chester*, interpreted language in the current use statute to mean that all land including lots, building sites and protected undeveloped land in an open space or cluster development must all be removed from current use with the first shovel full of dirt. Members of the current use board, municipal assessors, open space advocates and members of the development community all testified that the preferred method of current use disqualification is to withdraw and assess on an incremental or lot-by-lot basis as they are sold or developed rather than as interpreted by the court. This bill further makes clear that the same method of current use disqualification would be applied to both open space developments and typical grid lot developments. **Vote 16-0.**

HB 635, relative to raw milk yogurt. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A Webb for Environment and Agriculture: The intent of this bill is to maximize the opportunities of the dairy farmers of this state by allowing them to expand into additions and mandates appropriate labeling, and stipulated that this bill does not prohibit direct sales of raw milk yogurt within the state, consistent with existing law for raw milk. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 84-FN, relative to the regulation of reflexologists, structural integrators, and Asian bodywork therapists. **OUGHT TO PASS.**

Rep. Catriona D Beck for Executive Departments and Administration: This bill establishes regulation programs for persons practicing reflexology, structural integration, and Asian bodywork therapies by the department of health and human services. These professions worked collaboratively over the past year and determined that these certified professional therapists fall into a separate and independent entity. Reflexology, Asian bodywork and structural integration differ in certain material ways from other forms of body therapy. This new law is specifically designed to protect the health and welfare of New Hampshire citizens by allowing regulation for this group of certified practitioners to work under their own scope of practice. The educational requirement component, for example, is considerably more extensive than for massage therapy certification. This bill has requirements for education and national certification that will ensure licensed practitioners will be well educated and certified in their professional organizations. The department of health and human services also recognizes that current law has prohibited certified practitioners of Asian bodywork from receiving a license to practice in New Hampshire and HB 84 rectifies this situation. **Vote 16-1.**

HB 149, relative to benefit eligibility of certain members of the city of Manchester employees' contributory retirement system. **OUGHT TO PASS.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill has three provisions: (1) a member of the Manchester employees' contributory retirement system who has not attained the normal retirement date and terminates employment prior to the completion of 5 years of service shall receive a refund of his or her contributions with regular interest on the date of payment; (2) a member who has attained the normal retirement date but who wishes to receive a lump sum distribution of accumulated contributions plus interest in lieu of a monthly retirement benefit may do so upon completion of a waiver of benefits provided by the retirement system; (3) a member entitled to a deferred vested pension may elect at any time prior to the member's retirement date to receive a cash refund of his or her contributions with regular interest on the

date of payment upon completion of a waiver of benefits provided by the retirement system. **Vote 15-0.**

HB 255, relative to the filing of statements of financial interest. **OUGHT TO PASS.**

Rep. Laurie Harding for Executive Departments and Administration: This bill is one of several bills recommended as a result of the audit done on the board of medicine. The goal is to ensure transparency. The bill requires all individuals required to file under RSA 15 A:3,III to file a statement of financial interest prior to serving in their appointed capacity. **Vote 14-0.**

HB 302, relative to making various changes to the New Hampshire practice act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill clarifies terms in the New Hampshire real estate practice act and ensures that an individual with a lapsed license cannot represent himself as a broker. The term “form” is changed to “notice” because of on line communication options. The amendment clarifies the process for renewing a lapsed license and enables a licensee to renew within a reasonable time for a good cause. **Vote 18-0.**

HB 405, relative to authority for administrative fines by the electricians' board and relative to appeals from decisions of the electricians' board and the plumbers' board. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald F Ryder for Executive Departments and Administration: This bill seeks authorization to administer fines as well as ‘cease and desist’ orders by the electricians’ board on licensed and unlicensed electricians. It also attempts to change the appeals process for both electricians and plumbers. HB 2, Section 125, seeks to restructure control over both the electricians’ and plumbers’ boards. The committee felt it was better to ITL the bill at this time and bring it back at a later date after such reorganization. **Vote 18-0.**

HB 464-FN, relative to certain duties of the department of administrative services and relative to credit card contracts for state agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Don Petterson for Executive Departments and Administration: This bill makes several changes that relate to the department of administrative services. It expands the definition applied to state buildings that may be repaired under emergency provisions. The bill also amends the law relative to state credit card contracts to permit fees to be paid from revenue received under the contract. It further shifts some responsibilities of the commissioner of transportation that relate to the governor’s advisory committee on the capital budget to the department of administrative services. **Vote 16-0.**

FINANCE

HB 113, extending the moratorium on nursing home beds and rehabilitation beds. **OUGHT TO PASS.**

Rep. Fran Wendelboe for Finance: This bill renews the existing nursing home bed moratorium which has been in place since the mid nineties. Both county and private nursing homes supported this bill in the policy committee. Nursing home beds have shown a steady slight decline every year and occupancy is now about 90%. This policy also supports the efforts to provide services in people's own homes rather than an institution. It is also less costly when home care is utilized. Since many nursing home patients are, or eventually will be on Medicaid it is important to continue this policy to save taxpayers dollars. The bill also allows nursing home renovations without certificate of need review as long as Medicaid rates are not increased. **Vote 20-0.**

HB 282-FN-A, relative to compensation for the medical/vision advisory board and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William S Belvin for Finance: This bill as amended concerns compensation and meeting process for the medical/vision advisory board to the department of motor vehicles. The amendment does two things: first it eliminates the proposed per diem compensation, and second it authorizes the board to meet “as needed.” **Vote 20-0.**

HB 403, clarifying the intent of a transfer of general funds to the highway fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William S Belvin for Finance: This bill as amended is a housekeeping change that does two

things: first, it provides for the state match for federal funds to be used in part of the Interstate 93 widening project; and second it properly accomplishes the transfer of the FY09 highway funds to the general fund originally included in HB 30, which we have already approved. There is a statement of intent which clarifies the use of the state funds as the match for the I-93 bus service.

Vote 20-0.

HB 599-FN, relative to reclassification of the position of forensic toxicologist in the department of safety. **OUGHT TO PASS.**

Rep. Marjorie K Smith for Finance: This bill, a request of the department of safety, was supported by the Committee on Executive Departments and Administration and passed by the House before coming to the Committee on Finance. We determined that there was no fiscal impact and therefore we had no role to play. We return this bill to the House for a final vote. **Vote 20-0.**

HB 649-FN, relative to the governor's authority to expend funds for heating assistance.

INEXPEDIENT TO LEGISLATE.

Rep. William S Belvin for Finance: The bill proposed process changes in providing for federal fund assistance to be available in a timely manner. As this fuel assistance is provided for in the governor's budget in the office of energy and planning for fiscal years 2010/2011 it was suggested by several sponsors that the bill was not necessary. **Vote 21-0.**

HB 688, relative to the chartered public school approval process and relative to open enrollment schools. **OUGHT TO PASS.**

Rep. Peter F Bergin for Finance: This bill was referred to Finance because various federal funds could be affected by the passage. The committee found that no federal funds would be affected. This bill separates the open enrollment provisions from the chartered public school statute and establishes a new chapter on open enrollment schools. **Vote 20-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 250, relative to access to information in the abuse and neglect of adults registry and relative to persons providing child care or child placing services who are charged with a crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Trinka T Russell for Health, Human Services and Elderly Affairs: Currently both the division of children, youth and families and the bureau of elderly and adult services maintain registries of individuals with founded reports of abuse and neglect. Founded reports do not indicate a finding of guilt in a court of law, but do indicate an investigative finding of the probability of the occurrence of abuse and neglect. This bill requires that licensed entities seeking to hire new employees to work either with children or adults in a caretaking capacity shall check both registries. The bill exempts family members from this procedure. For non-licensed employers, the bill recommends that both registries be checked. It was the sense of the committee that checking both registries will likely protect vulnerable children and adults from potential abusive behavior. **Vote 19-0.**

HB 301, establishing a task force to study access to dental care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: Many individuals of all ages are unable to access routine dental care for a variety of reasons. These reasons include lack of insurance, lack of dentists serving their community, language barriers and lack of information about oral health. It is estimated that approximately 130,000 New Hampshire residents are uninsured. Medicaid covers dental care for children; however, a limited number of dentists can accept Medicaid reimbursement rates, and Medicaid only covers adults for emergency care. Medicare does not cover dental services for senior citizens and the disabled. This legislation would bring various stakeholders together to analyze the problem of lack of access to dental care and suggest specific policy recommendations with the report due November 1, 2009. **Vote 20-0.**

HB 371, establishing a commission to study the issue of a registry for joint replacement devices. **INEXPEDIENT TO LEGISLATE.**

Rep. John W Cebrowski for Health, Human Services and Elderly Affairs: The committee came to understand that a registry on the national level, rather than the state level, would be of far greater

value because it would create a more comprehensive database. There are approximately 750,000 joint replacements in the US every year. Such a national commission is in the process of being created, being led by the American Academy of Orthopedic Surgeons. In addition, many New Hampshire residents have joint replacement surgery performed in another state so their data would not be included. **Vote 19-0.**

HB 414, establishing a commission to study preventing dental disease among New Hampshire's children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: Dental disease is one of the most common infectious diseases affecting children in New Hampshire. It is well understood that dental disease is almost always preventable. Dental disease among children can often lead to poor oral health in adulthood. Dental disease in children can also cause significant problems including pain and suffering, extensive school absenteeism, loss of self confidence and serious health problems that can result in hospitalization and even death. This bill brings together professionals from a variety of disciplines to evaluate our current programs and make specific policy recommendations to the General Court. **Vote 20-0.**

HB 458-FN, relative to the estates of persons with long-term care policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Kate W Miller for Health, Human Services and Elderly Affairs: This bill was intended to protect medicaid applicants with long term care insurance policies against recovery in an amount equal to that long term care policy. However, the sponsor of the bill realized that this measure was unnecessary under current law and asked the committee to recommend it as Inexpedient to Legislate. The committee agrees with the sponsor's assessment of this legislation. **Vote 19-0.**

HB 501, relative to recovery of assistance by the department of health and human services. **OUGHT TO PASS.**

Rep. Frank R Kotowski for Health, Human Services and Elderly Affairs: This bill amends RSA 167:14a, VI by eliminating the term "tenancy in common." This bill was recommended by the department of health and human services for the sole purpose of correcting language. Tenancy in common is dealt with in probate court but is not relevant in this section, which covers non-probable assets. **Vote 19-0.**

HB 542, relative to a health information exchange. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Trinkia T Russell for Health, Human Services and Elderly Affairs: This bill's intent is to develop a framework for health information exchange entities that could be developed in New Hampshire in the future. Other states such as ME, VT, and RI are developing exchanges, and there are more than 100 functional exchanges nationwide. This bill requires that the exchanges only be used for clinical information and not for public health or other entities such as insurance companies. This bill goes beyond HIPAA privacy and security regulations and federal and state laws pertaining to health information exchange entities. It provides patients the ability to see who accessed their clinical information. Under this bill, an individual shall be given an opportunity to opt out of sharing his or her protected information. **Vote 18-0.**

HB 592-FN, relative to "adverse events" in hospitals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill is intended to stimulate quality improvement efforts to prevent serious, but avoidable, errors in health care. As amended, it requires hospitals and ambulatory surgical centers to report to the commissioner of health and human services any of 28 adverse events and to include a root cause analysis of the event and a corrective action plan to prevent its recurrence. The 28 events were chosen because they are serious (often involving death or serious disability), clearly measurable, and preventable by system changes in the facility. The commissioner is required to systematize the reporting system, review the reports, recommend improvements when warranted, and publish an annual summary describing, by facility, the events reported and outlining the analyses and plans submitted. The commissioner is also charged to report these events to the other states through the national quality forum and to monitor similar reporting elsewhere, so that New Hampshire may keep step with quality improvement reporting in other states, as appropriate. The 27 states that now maintain adverse event reporting systems have found a substantial drop in the incidence of

the events reported. **Vote 20-0.**

HB 619, relative to medical records and patient information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: The intent of this bill is to give individuals more control over the use of their medical information for certain non-medical uses, including marketing. As amended, individuals will now have the ability to opt-out before their health information may be used for fundraising. The amendment also removes state level provisions on business associates of an entity covered by HIPAA that have been made redundant by recent changes to federal law. **Vote 20-0.**

JUDICIARY

CACR 7, relating to judges. Providing that judges be elected for a specified term.

INEXPEDIENT TO LEGISLATE.

Rep. Gary B Richardson for Judiciary: CACR 7 would amend the constitution to elect judges. There were numerous objections to the CACR as drafted and the majority of the committee objects to the election of judges. **Vote 17-1.**

HB 104, repealing the law authorizing the supreme court to establish a business and commercial dispute docket in the superior court. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: This bill would repeal the business court docket that the legislature authorized in the last biennium. The bill was opposed by business and industry groups and by the judicial branch. There was considerable testimony in favor of having complicated business disputes referred to judges with specialized experience. The referral to a business court requires consent of all parties. The committee felt that it was premature to consider repealing a new procedure before it has even been tried. **Vote 18-0.**

HB 196, establishing a penalty for destruction or frustration of an easement of access.

INEXPEDIENT TO LEGISLATE.

Rep. Gary B Richardson for Judiciary: This bill would have established a penalty for interference with an easement. The sponsor made a spirited argument on behalf of his constituent, but the committee believes that there were unintended consequences and constitutional problems with the bill. **Vote 16-0.**

HB 201, requiring the agreement of 10 jurors on issues of liability or damages for jury verdicts in trials of civil actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Frances D Potter for Judiciary: The British requirement of unanimity among jurors was continued in the U.S. through most of the nineteenth century. Since that time there has been much discussion and a number of studies under simulated conditions about juries that do or do not require unanimity. Recently there has been renewed support for unanimity, which is the “optimal decision rule” endorsed by the American Bar Association. The committee agreed to support the standard of unanimity. **Vote 17-0.**

HB 203, eliminating the requirement that the trial judge present unanimous findings of the screening panel to the jury in medical injury actions. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Nixon for Judiciary: This bill would, in civil actions, permit juries to return valid verdicts if 10 out of 12 of them agree on the result, rather than all 12 of them as is now required. Its purpose was to allow citizens to have their issues resolved in court without the danger of being judged by one or two jurors who have no belief in our system of justice, or are biased against one of the parties. The sponsor, however, believes that with all the problems, especially financial, confronting the judicial system this proposed change does not warrant full consideration at this time, and therefore requested it be voted ITL. **Vote 13-0.**

HB 236, permitting access to homeowner's property from adjoining property for the purpose of repair or renovation. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip Preston for Judiciary: This bill originated from a disagreement between two neighbors, one of whom wanted to gain access across the property of the other. She cannot paint or repair her house because it is located too close to the property line she shares with her neighbor. HB 236 would allow for a petition in the superior court for permission to enter a neighbor's property.

Passing a law that requires an individual to waive his or her property rights is arguably unconstitutional. The committee believes that attempting to remedy such a situation with new legislation would result in bad law. **Vote 17-0.**

HB 261, relative to the conveyance of real property to or from trusts. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: The sponsor of this bill requested ITL, as the issue raised was addressed in HB 260. **Vote 19-0.**

HB 374, limiting the filing of petitions for trust accountings. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul L Hackel for Judiciary: This bill limits the filing of petitions for trust accounting by beneficiaries of trusts and requires a party filing a petition for trust accounting-if frivolous- to pay all attorney's fees and court costs. There is no need for legislation because the trusts themselves could limit trust accounting and present law covers reasonable attorney fees for frivolous law suits. **Vote 13-0.**

HB 438, relative to admission into evidence of certain medical bills, reports, and records. **OUGHT TO PASS.**

Rep. David L Nixon for Judiciary: This bill will allow courts to consider as evidence hospital and medical records, reports, and bills without requiring the parties (although they are free to do so) to subpoena or present record custodians, health care providers, billing coordinators, etc., in person, subject to reasonable notice requirements as to the opposing party. The bill will lessen the expense and delay of litigation matters, and therefore benefit all concerned. **Vote 13-0.**

HB 456, establishing a committee to study the definition of surviving issue. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill would establish a committee to study the definition and rights of a child conceived by artificially preserved sperm and born more than nine months after the death of the donor parent. This issue was discussed intensively in the course of consideration of last Session's SB 460. That bill was brought on the basis of a single case. SB 460 would have altered New Hampshire's intestacy statute to include children who were conceived by in-vitro procedures after the death of one of its biological parents. The purpose of the bill was not so much to provide intestate benefits for the after-conceived child, but to ensure that the after-conceived child would, as a result of being included in the intestate succession, also thereby be eligible for social security benefits due from the account of the deceased parent. A significant but unsatisfactory attempt was made, last year and over the summer, to draft a change to the intestacy laws which would accomplish the goal of making after-conceived children eligible for social security benefits without wreaking havoc on the orderly administration of intestate estates. Given the amount of effort already expended on this issue, and the lack of any new ideas as to how this problem can be solved, it was thought inexpedient to appoint yet another legislative committee to study the issue. **Vote 12-1.**

HB 572-FN, making pretrial screening panels optional for parties to a medical injury action. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L Nixon for Judiciary: This bill makes a procedural change in the statute relating to medical malpractice screening panels so as to allow them to operate, in fact, as screening panels, and not as "trial panels" which require the parties to present evidence, exhibits and witnesses in full, the net effect of which was to require the parties to try their cases "in full" twice. This bill will allow the facts to be presented to the screening panel by "offers of proof", informal presentations not subject to the strict rules of procedure applicable to jury trials. **Vote 13-0.**

HB 634, authorizing civil unions between one man and one woman. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill would have allowed heterosexual couples to enter into civil unions. As heterosexual couples already have the option of marriage available to them, this bill is unnecessary. **Vote 20-0.**

HB 684, allowing persons of the opposite sex to enter civil unions, eliminating certain prohibitions on same-sex civil unions, and clarifying that no person shall be a party to both a civil union and a marriage, unless the parties to the marriage are legally separated. **INEXPEDIENT TO**

LEGISLATE.

Rep. Lucy M Weber for Judiciary: This bill would have allowed persons of the opposite sex to enter into civil unions. It would have permitted siblings and other family members to enter into civil unions. It would have allowed married persons, if legally separated, to enter into civil unions with persons other than the separated spouse. The majority believes that civil unions are intended to extend the rights and responsibilities of marriage to persons not currently allowed to marry. This bill would unnecessarily muddy the waters. **Vote 18-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 46, relative to dispute resolution within the context of public employee dispute resolution. **INEXPEDIENT TO LEGISLATE.**

Rep. James W Craig for Labor, Industrial and Rehabilitative Services: This bill deals with the statutory method of dispute resolution for public employees. The committee is anxious to look at this issue in a more comprehensive manner and it will retain another bill to accomplish this goal. **Vote 13-2.**

HB 305, relative to public employees' right to strike. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Labor, Industrial and Rehabilitative Services: The committee fully realizes the need to establish a fair and process for both labor and management in public employee collective bargaining. It may not be "the right to strike" for non-emergency employees. The committee has retained another bill regarding public employee collective bargaining and will thoroughly review 273-A with a clear focus on the end process. **Vote 14-2.**

LEGISLATIVE ADMINISTRATION

HB 280-FN, requiring documents offered or disseminated by lobbyists to show the employer's written authorization. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Legislative Administration: This bill would require all documents presented by a lobbyist to any legislative committee to have written identification of the employer and/or organization and the funding mechanism attached to any of those documents. The sponsor requested that the committee vote to kill this bill because it might be unconstitutional. The committee agreed with the request. **Vote 12-0.**

HB 360, relative to members of the general court participating in the state group health insurance plan. **OUGHT TO PASS.**

Rep. Lucy M Weber for Legislative Administration: RSA 14-A: 61 allows members of the general court to participate at their own expense in the state employees group health plan. This bill adds the words "by virtue of their current employment status with the State of New Hampshire". The purpose of the change is to allow current legislators more latitude with elections under Medicare Part B without subjecting themselves to a future penalty. The bill makes no change to RSA 14-A:6,II allowing former legislators to make the election to continue on the state employees group health plan for so long as they do so continuously at their own expense. The bill also makes it clear that legislators are not, by participation, considered employees for any other purpose. **Vote 12-0.**

LOCAL AND REGULATED REVENUES

HB 82, establishing a committee to study the homestead right. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen N Taylor for Local and Regulated Revenues: The sponsor requested this bill be voted ITL. **Vote 16-0.**

HB 107, making technical corrections to the law on taxation of farm structures and land under farm structures. **OUGHT TO PASS.**

Rep. Eric G Stohl for Local and Regulated Revenues: This bill is a housekeeping measure. Last year HB 1442, Chapter 390 became law and allowed municipalities to assess land under farm structures to be assessed at a lower rate if the voters of that municipality authorized it. The department of revenue administration suggested these technical corrections to the law, RSA 79-F. These technical corrections simply clarify the existing law. **Vote 17-0.**

HB 167, relative to the guidelines for revaluations used by the assessing standards board. **ought to pass with amendment.**

Rep. Eric G Stohl for Local and Regulated Revenues: In 2006, the legislature passed HB 1206, Chapter 193 which established guidelines for assessors to follow and the standard used was the 2005 edition of USPAP Standard 6. What this bill does is update the edition of USPAP Standard 6 to the “most recent edition.” The bill also clarifies RSA 21-J:14-b, 1-a. (a) which deals with establishing certification, continuing education, and revocation and suspension standards for assessing officials. It restructures that section of the law while at the same time making it clearer to understand. **Vote 16-0.**

HB 311, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn B Webber for Local and Regulated Revenues: This bill would allow a homestead exemption of \$25,000 on a person's principal residence. It was intended to cost shift to owners of vacation homes. However, in some towns every homeowner would qualify resulting in a cost shift to businesses. In other towns it could cause an increase in the local tax rate, leaving little or no savings for the property owner. Also, there is no means testing for the exemption. This bill will have consequences not anticipated by the sponsor. **Vote 19-0.**

HB 382, establishing a committee to study property tax exemptions and credits. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Local and Regulated Revenues: The only support for this bill came from the sponsor who testified that he filed it to address a problem his elderly mother encountered with her property taxes. While sympathetic with the plight of any individual property taxpayer, the committee does not believe a single instance or even a series of instances is enough reason to establish such a wide ranging study committee as this. “The committee shall study property tax exemption and credits,” the bill notes. The committee has already dealt with numerous property tax credit and exemption requests this year, ranging from special requests for veterans and the elderly to credits for making properties more environmentally friendly. In each case the committee has diligently looked into the special requests, always keeping in mind that any additional credits or exemptions will be passed along to the all other taxpayers. The committee believes that each proposal should be reviewed on its own merit and to open up all issues to a study committee is neither feasible nor wise. **Vote 17-0.**

HB 448, allowing municipalities to adopt a property tax credit to persons over 60 years of age in exchange for volunteer services. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Local and Regulated Revenues: The committee has been reluctant to permit any cost shifting which is not associated with means testing. In earlier years the towns may have accepted labor on roads in lieu of taxes, but there are too many problems with this approach now. **Vote 17-0.**

HB 522, allowing municipalities to adopt a road maintenance property tax credit for resident unit owners in an over-55 condominium community. **INEXPEDIENT TO LEGISLATE.**

Rep. David H Kidder for Local and Regulated Revenues: This bill was voted ITL due to the tax downshifting. It was deemed a local issue and should be dealt with on a local basis. **Vote 18-0.**

HB 553-FN, relative to hours of operation of state liquor stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen N Taylor for Local and Regulated Revenues: The sponsor requested this bill be voted ITL. **Vote 14-0.**

HB 676-FN-L, relative to the reappraisal for tax purposes of property damaged by a natural disaster. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G Stohl for Local and Regulated Revenues: This bill would permit early reappraisal of property damaged in a natural disaster. The bill mandated that these properties be reappraised within 30 days by the municipal assessor. There was discussion as to whether an insurance appraiser might be a better source of damage adjustment than the municipal assessor. The bill arose because one municipality failed to work with a property owner who suffered damage from such a natural disaster. RSA 76:16 provides the procedure by which a person may apply for

abatement of some or all of their property taxes. This law allows selectmen or assessors to abate “for good cause” any tax assessed by them. The process for relief in RSA 76:16 is very similar that sought in HB 676. The committee feels that the process in law now is sufficient to address this issue. **Vote 18-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 33, amending the Concord school district charter. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine M Lauterborn for Municipal and County Government: The committee heard testimony that the charter governing Concord’s school district is the only charter in the state which requires legislative approval for any changes. This bill would have put an amendment before the voters to change the election of school board members from at-large to district representation as determined by the legislature. The committee heard testimony both pro and con for this charter amendment and for other recommendations. The committee thought it best to recommend Inexpedient To Legislate on this bill and amend HB 319 to authorize the Concord school district to be able to change it’s own charter. **Vote 14-0.**

HB 43, relative to subdivision and site plan regulation waivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: There is a provision in RSA 674:36, II (n) that allows a planning board to waive its regulations if strict conformity to those regulations would cause a hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations. This amendment would add a provision that would allow a planning board to also waive its regulations if “specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicated that the waiver will properly carry out the spirit and intention of the regulations.” The committee also included that the basis for any waiver needs to be recorded in the minutes of the planning board and be approved by a majority vote of the board. **Vote 15-0.**

HB 156-L, authorizing planning boards to require third party review and inspection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert D Lewis for Municipal and County Government: This bill is an amendment to RSA 656. It strengthens and enhances existing law by providing for third party review of planning board projects. The applicant may be required to reimburse the board for expenses incurred but a detailed accounting of expenses must be provided to the applicant. In addition, a third party inspector is required to promptly report to the planning board or municipal authority, and the applicant, any perceived construction. **Vote 18-0.**

HB 290, authorizing fluvial erosion hazard zoning. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: The committee agreed that the bill, as amended, provided a useful expansion of the topic of RSA 674:56 (now flood hazards; previously floodplain ordinances), provided for department of environmental services science-based protocols and review on a complex topic and provided for local control through voluntary adoption. Better knowledge of such zones and their particular hazards-changes to land, streambed or bank caused by flow rather than flood waters rising to or past any given elevation-benefits individual land users and the municipality. **Vote 14-0.**

HB 319, revising the charter of the union school district of Concord. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Laliberte for Municipal and County Government: This bill as amended allows the Concord School District to amend it’s charter by the process outlined in RSA49:B and remove the General Court from deciding what is best for the citizens of Concord. **Vote 14-0.**

HB 320-L, relative to agreements between central business service districts and municipalities for infrastructure improvements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Laliberte for Municipal and County Government: This bill permits agreements between central business service districts and municipalities to provide enhanced infrastructure improvements. Capital expenditures are not to exceed \$20,000 per project and are only approved after a 2/3 vote of the advisory board, a public hearing and a 2/3 vote of the governing body. **Vote**

13-1.

HB 377, relative to extending certain dates for town budget preparation. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert D Lewis for Municipal and County Government: Although passage of HB 377 would ameliorate a tight time schedule regarding certain dates for town budget preparation, only one town recommended this legislation. The committee did not wish to support this legislation as it would be required of all municipalities. **Vote 14-0.**

PUBLIC WORKS AND HIGHWAYS

HB 178, naming a bridge on U.S. route 4 in Lebanon the Terri Dudley Bridge. **OUGHT TO PASS.**

Rep. Patrick T Long for Public Works and Highways: The committee felt the relevance of honoring Ms. Dudley was appropriate given the long service within several capacities, locally and as a State Representative in the General Court. The letter received from the Lebanon City Council unanimously requesting the committee to vote favorably is testimony to the appreciation the area has for her service. **Vote 12-2.**

HB 437, relative to the operation of the Chesterfield welcome and information center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G Chandler for Public Works and Highways: This bill is another step towards weaning the department of transportation away from operating New Hampshire's welcome centers and transferring that role to the department of resources and economic development. Since DRED is the state agency dealing with tourism and New Hampshire's visitors, it is appropriate and advantageous that they become the lead agency operating these centers. These centers have become a drain on the highway fund, and as they start generating revenue, it is advisable that DRED become the lead agency in their operation. **Vote 14-0.**

HB 552, renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge. **OUGHT TO PASS.**

Rep. John R Cloutier for Public Works and Highways: This bill would name the old arch bridge #040095 over the Connecticut River in Chesterfield for Harlan Fisk Stone. Stone was a Chesterfield native who served as U. S. Attorney General as well as Associate Justice and later Chief Justice of the U. S. Supreme Court. There will be no state funds used to pay the bridge's signage. This bridge is now used for pedestrians only and a letter of support was received from the Town of Chesterfield. **Vote 14-0.**

HB 554, renaming the Sewalls Falls Road Bridge after John W. Storrs. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C W Bouchard for Public Works and Highways: Sponsor asked the bill be ITL and there was no testimony of support from City of Concord where the bridge is located. **Vote 14-0.**

HB 657-FN-L, relative to the responsibility of the state for the infrastructure of state roads that run through certain towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Edmond D Gionet for Public Works and Highways: The committee unanimously felt that more clarity of the cost apportionment of certain state roads through some municipalities is needed, but not through legislation at this time. The committee is encouraging the department of transportation (DOT) to communicate directly with the affected communities and look at the "municipal compacts" as possible avenues to address the problem. Also, in light of uncertain future highway revenues, the financial impact to the DOT budget must be more carefully evaluated. **Vote 13-0.**

SB 77, renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E Cyr for Public Works and Highways: This bill would rename Concord's Christa McAuliffe Planetarium the McAuliffe-Shepard Discovery Center so as to honor astronaut Alan Shepard, a New Hampshire native, born in Derry. Testimony was received that the McAuliffe family endorses the renaming. **Vote 12-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 293, amending the Hampton Beach area commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: The bill changes expiration dates of the terms of commission members so that future terms will be staggered. Presently, all terms expire at the same time. At its own request, the office of energy and planning will be removed from the commission, to concentrate its resources on work more central to its core responsibilities. **Vote 15-2.**

HB 307, allowing the construction of grey water systems on private property. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: This bill resulted from the concerns of a town code enforcement officer who felt the state's rules regarding residential grey water systems were confusing and made it difficult for homeowners to build such systems. The department of environmental services agreed to work with him to clarify the rules so they are more easily used by homeowners. **Vote 20-0.**

HB 314-L, relative to municipalities contracting for impact studies for large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Spang for Resources, Recreation and Development: Municipalities have the ability to ask developers to pay for impact studies on projects. However, state groundwater laws have deprived them of the ability to charge developers of large groundwater withdrawal projects for the cost of an independent review of the highly technical hydrological data submitted by applicants for state permits. The committee feels this is important for giving municipalities some measure of assurance that permits will not be issued that compromise their water supplies. **Vote 16-1.**

HB 364, relative to municipalities' authority to contract with the department of environmental services for dam maintenance. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill would put the department of environmental services in competition with private contractors to do dam maintenance on municipally owned dams. The sponsor indicated that this would save money for towns with high risk dams as liability insurance is expensive for private contractors. The committee felt it was inappropriate for DES to enter into competition with the private sector. Research from the attorney general's office, without taking a position, did not build a comfort level with the possible unintended consequence of the state inadvertently assuming future liability. DES was opposed to this bill as they have limited assets and they are fully engaged in maintaining state owned dams. There was no authorization for this, nor was there an appropriation in the bill. **Vote 17-0.**

HB 443, relative to underground storage facility operator training. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill is at the request of the department of environmental services and the oil fund disbursement board. It establishes training and certification requirements for operators of petroleum underground storage facilities to reduce the risk of new releases and reduce the impact on the environment if a release should occur. The training program was developed with participation from industry and environmental groups as well as government agencies, including the U.S. EPA. Compliance with U.S. EPA requirements in this areas will allow DES to continue to apply for and receive \$1,000,000 annually in related federal funding. No new funding is needed for DES to carry out the program. The amendment clarifies record keeping requirements and provides for systems that have electronic monitoring. **Vote 17-0.**

HB 502, modifying the definition of "dam." **OUGHT TO PASS.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: This bill would remove dams of less than six feet in height, considered non-menace dams, from the definition of "dam" under the NH Dam Safety Program. This conforms to the National Dam Safety Act of 2006 and the Model State Dam Safety Program of FEMA which excludes barriers less than six feet in height. Most other states use the six foot standard. New Hampshire's current standard is four feet. **Vote 17-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 395, requiring electric utilities to offer a renewable default energy service option. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: This bill is intended to promote the growth of renewable energy for electricity, ultimately decreasing the burning of fossil fuels. HB 395 would require electric utilities to offer customers a “green option”. Only customers willing to pay a premium (amount approved by the Public Utilities Commission) would sign up for this service. The utilities support this bill, which allows flexibility in how they meet customer demand. Utilities will promote and explain the option in their communications to customers, and by choosing this option, consumers will be able to work with their wallets for renewable energy. **Vote 19-0.**

HB 413, relative to alternative regulation of small incumbent local exchange carriers. **INEXPEDIENT TO LEGISLATE.**

Rep. James M Garritty for Science, Technology and Energy: This bill would have allowed regulatory flexibility for small incumbent local exchange telephone carriers to offer competitive, bundled communications services in their territories. Due to the complex regulatory environment, pending changes from Washington, the ongoing switchover from Verizon to Fairpoint, and other factors, the committee felt that now is not the right time for this bill. **Vote 18-0.**

HB 585-FN, relative to outdoor lighting efficiency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert E Introne for Science, Technology and Energy: This bill establishes requirements for the purchase of outdoor lighting systems by state and municipal governing bodies. It further establishes the New Hampshire Dark Skies policy to encourage outdoor lighting efficiency, and minimize light pollution and glare. When state funds are used to install or replace, when needed, any permanent outdoor complete lighting system (luminaire) on highways, interstates, ramps and grounds and facilities, the lighting system must be a fully shielded luminaire when the output is greater than 1800 lumens. Compliance shall not apply when the Commissioner of Transportation determines that its use would compromise safety, incur cost or violate federal law. Permanent outdoor luminaires funded by municipalities shall use fully shielded system lighting (luminaires) when the rated output is greater than 1800 lumens. The governing body of the municipality may waive this requirement. To encourage cost savings and energy conservation, DOT will consider replacing existing luminaire installations with lower wattage, or operate at part time, or eliminate where appropriate. Additionally the PUC shall develop rates for part night service for street and area lighting. Overall, this bill is intended to be budget neutral. **Vote 19-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 517, relative to the definition of "armed forces." **INEXPEDIENT TO LEGISLATE.**

Rep. Sarah A Hutz for State-Federal Relations and Veterans Affairs: The committee does not support a definition change at this time. Under RSA 72:35 Merchant Marines serving during WWII are already recognized. This was the only time they have been activated under the federal powers act. **Vote 11-0.**

HB 550, encouraging the Museum of New Hampshire History to fly the state flag. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Emiro for State-Federal Relations and Veterans Affairs: There is an American flag now flying over the Museum of NH History. The flag staff is too short to fly two flags and is already strained by the American flag flying freely. If the sponsor had spoken with the museum personnel about our NH state flag also being flown, it would have been best dealt with and without using the NH House to do so. It is thought the sponsor should speak with a staff person at the NH Museum. **Vote 13-0.**

HJR 1, requesting that Congress appropriate funds to revitalize public facilities for access to the ocean and seashore. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia P Sweeney for State-Federal Relations and Veterans Affairs: While the committee respects the concerns of the Town of Hampton in regard to the state beach, we feel there are other avenues and other worthwhile projects across the state that should receive funding. The committee would encourage the Town of Hampton to apply directly to their representatives in the

federal government, instead of using the state legislature as an intermediary. **Vote 14-0.**

HJR 2, urging Congress to modify Medicare payments to enhance the compensation of primary care providers. **OUGHT TO PASS.**

Rep. Sarah A Hutz for State-Federal Relations and Veterans Affairs: HJR 2 urges our congressional delegation to modify payments under Medicare made to general practice physicians. Currently, doctors, especially in northern NH, are finding it difficult to continue practicing family medicine due to financial constraints, often opting for more specialized practices. The committee wishes to encourage more general practices, and finds this a reasonable vehicle. **Vote 14-0.**

TRANSPORTATION

HB 179, requiring automobile insurance to register a vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Transportation: This bill requires proof of motor vehicle liability insurance in order to register a motor vehicle. The committee feels that we should not place fiscal burdens on citizens, which include requirements to have full year insurance when companies often offer a lesser time frame for policies. This could also prevent self insurance. **Vote 18-0.**

HB 186, relative to rulemaking concerning rafts on public waters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. C. Pennington Brown for Transportation: This bill repeals a regulation that has the unintended consequence of removing “stationary swimming rafts” from all jurisdictions. These rafts can be large and create problems in place or adrift. The amendment adds a requirement that agencies that rent or lease motorized watercraft verify the customer is certified. **Vote 16-0.**

HB 224, relative to safety provisions for swimming in lakes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul H Ingersoll for Transportation: The intent of the committee was to make our lakes safe. This bill requires all swimmers that swim beyond 150 feet from shoreline must wear a red swim cap while swimming on the following lakes: Newfound Lake, Ossipee Lake, Squam Lake, Sunapee Lake, Lake Winnepesaukee, and Lake Winnisquam. This allows boaters to see and identify swimmers in open water. **Vote 15-0.**

HB 228, relative to roadside memorials. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul H Ingersoll for Transportation: The committee feels that there are already state and town laws that cover roadside activities in RSA 236:110 and the committee feels it didn’t want to conflict with any town or county or state laws. **Vote 14-0.**

HB 272, relative to operation of OHRVs on state highways in Coos county. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey for Transportation: This bill allows OHRV’s on paved shoulders of state highways after approval at the request of a town in consultation with the bureau of trails and with approval of the department of transportation. The committee agreed this will enhance business and tourism. **Vote 16-0.**

HB 273, relative to submission of electronic data by municipal and county inspection stations. **OUGHT TO PASS.**

Rep. Roland H LaPlante for Transportation: This would be a savings for cities and towns because this bill would exclude them from buying equipment necessary for them to send results to Kentucky where these records are kept. **Vote 16-0.**

HB 315, clarifying a law relative to junkyards within industrial areas. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation: The committee unanimously supports this bill in recognition of assisting the efficiency of the department of safety. This bill eliminates the words “the federal aid primary system” and leaves the remaining language of the bill intact. This elimination allows modernization in current language for the department of safety. **Vote 12-0.**

HB 485, establishing a committee to study enforcement of walking disability placard violations. **OUGHT TO PASS.**

Rep. Brian D Rhodes for Transportation: The misuse of handicap parking permits has become a daily occurrence in New Hampshire. It is the wish of the committee that the study committee complete a comprehensive review of this problem and be prepared to submit legislation next

session. On the surface it would appear that this would be a very easy problem to fix. We learned from testimony that many issues exist regarding enforcement and privacy, just to name a few.

Vote 17-0.

HB 515, establishing a commission to study electric vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George N Katsakiores for Transportation: The committee realizes that future vehicles will not be powered by gasoline engines. The bill provides an opportunity to think in terms of the future with regards to use of our highways. **Vote 13-0.**

HB 518, relative to driver's license application forms. **OUGHT TO PASS.**

Rep. C. Pennington Brown for Transportation: This is a housekeeping bill that authorizes the department of safety to omit certain options currently required on the driver's license application form when the DOS does not print social security numbers or home addresses on licenses or retain photograph files. **Vote 15-0.**

HB 578-FN-L, relative to testimony by video teleconference. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard T Stuart for Transportation: This bill and amendment authorizes testimony by video teleconference at department of safety administrative hearings in district and superior court motor vehicle cases when parties agree. It will save expenses related to transport. **Vote 17-0.**

HB 613, establishing a committee to study the advantages and disadvantages of state acquisition of the remaining rail corridors. **OUGHT TO PASS.**

Rep. Jennifer M Brown for Transportation: This bill establishes a committee to study the advantages and disadvantages of the acquisition of the remaining rail corridors by the state. The committee feels that this would be prudent in light of the fact that more rail transportation is in our future. If we can retain some of the corridors already in place, it would save efforts. **Vote 15-0.**

HB 639-FN, relative to mandatory motor vehicle liability insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Transportation: This bill requires proof of motor vehicle liability insurance in order to register a motor vehicle. The committee feels that we should not place fiscal burdens on citizens, which include requirements to have full year insurance when companies often offer a lesser time frame for policies. This could also prevent self insurance. This bill was the same as a previous one but includes stiffer penalties. **Vote 18-0.**

WAYS AND MEANS

HB 170, relative to reporting requirements for certain dedicated funds in the department of safety. **OUGHT TO PASS.**

Rep. William A Hatch for Ways and Means: This bill requires the Department of Safety to provide annual reports on the utilization of the nuclear planning and response fund, motor cycle rider safety fund, navigation safety fund, and the enhanced 911 system fund. The reports are to be submitted to the governor, speaker of the house, president of the senate, the chairperson of Ways and Means committee and the appropriate policy committee. The intent of this bill is to have the use of these dedicated funds reviewed annually to assure the use and continuation of these funds are appropriate. **Vote 20-0.**

HB 194-FN, relative to the adoption of fees for inspections and plan review services by the division of fire safety. **INEXPEDIENT TO LEGISLATE.**

Rep. William G Johnson for Ways and Means: This bill would move fees for inspections and plan reviews to rulemaking. The committee did not hear sufficient evidence to warrant such a change. **Vote 19-1.**

HB 241-FN-A, increasing the interest and dividends tax exemption for income-eligible persons 65 years of age or older. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert M Walsh for Ways and Means: This bill would grant increased exemptions to the interest and dividends tax for persons 65 years of age or older. This bill would decrease General Fund revenues by \$1,137,000. We heard from the department of revenue that this would be

difficult to administer as all individuals with taxable interest and dividends would have to furnish proof to DRA that they qualify for the exception under this bill, a most confusing and difficult situation. **Vote 17-2.**

HB 296-FN-A, relative to fees for fuel oil discharge prevention and cleanup. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for Ways and Means: This bill as amended, transfers funds from the oil pollution control fund to the fuel oil discharge cleanup fund and authorizes a performance audit of oil funds administered by the oil fund disbursement board and the related programs of the department of environmental services for clean up of petroleum contamination. **Vote 18-1.**

HB 378-FN-A, relative to fees for detoxification and methadone maintenance programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan G Price for Ways and Means: The bill was requested by the department of health and human services to address state, as well as, federal certification, inspection and administration requirements that apply to for-profit methadone detoxification and maintenance programs. The 0.3 percent fee on gross revenues will generate an estimated \$22,000 in fees will fund a .25 of one FTE staff person's position. **Vote 18-2.**

HB 543-FN-A, establishing an inheritance tax on property received by collateral heirs. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert M Walsh for Ways and Means: This bill restores the Legacy and Succession Tax, which was repealed by the Legislature several years ago. The Committee felt that this bill poses constitutional questions regarding "proportionality" in its application to our citizens. **Vote 18-2.**

HB 567-FN-A, redefining tobacco products, increasing the tax on tobacco products other than cigarettes, and dedicating the increase to a tobacco use prevention and cessation program fund. **INEXPEDIENT TO LEGISLATE.**

Rep. John D Kelley for Ways and Means: A subcommittee examined two bills which established taxes on tobacco products other than cigarettes. The subcommittee voted unanimously to recommend this bill to the full committee as ITL. The second bill was to be used to make any changes establishing taxes on other tobacco products. The sponsor of the bill agreed to the ITL. **Vote 20-0.**

HB 584-FN-A, establishing an income tax for the purpose of paying college tuition for emergency first responders, law enforcement officers, and dependents of emergency first responders and law enforcement officers. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: This bill establishes a 0.7% income tax for the specific purpose of paying college tuitions for specific persons. The department of revenue stated that this tax would cost more to administer than it would bring in. **Vote 19-0.**

HB 628-FN-A, establishing tangible personal property inventory and use taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell T Ober for Ways and Means: This would require everyone to inventory all personal property and pay to the state 4% of all property valued at greater than \$9,999. Comments from several testifiers said this would be very difficult to administer. It could be considered an invasion of privacy by government. Comment from a former IRS employee stated that this inventory leads to "cheating" by many citizens. "How much is that tuba worth?" **Vote 19-1.**

HB 672-FN-A, relative to the oil discharge and disposal cleanup fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: This legislation would have allowed transfer of funds from the oil clean up fund into the state highway fund. The committee (unanimously) felt that this was an inappropriate transfer of funds. If the transfer of funds is allowed, it would substantially reduce, and possibly eliminate, important and needed environmental cleanup funding that is passed through to eligible parties including state agencies, counties and municipalities. The Oil Discharge and Disposal Clean-up Fund (ODDCF) provides clean-up coverage and protection from lawsuits for hundreds of motor fuel retailers, businesses, counties, and municipalities and replaces a federal requirement for a \$1 million dollar insurance policy that is rarely available. **Vote 20-0.**

TUESDAY, MARCH 24

REGULAR CALENDAR – PART I

JUDICIARY

HB 62, requiring young women under 15 years of age to provide proof of counseling prior to obtaining an abortion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy M Weber for the **Majority** of Judiciary: Both the bill as originally drafted and the amendment preferred by the sponsor would have required a pregnant female under the age of 15 to provide written, notarized proof of counseling prior to obtaining an abortion. In the original bill, counseling could have been provided by a parent, adult sibling, aunt or uncle, grandparent or a certified religious counselor including but not limited to a minister, priest, rabbi or mullah. In the amendment, the counseling was limited to a parent, licensed mental health provider, pediatrician, a certified counselor, or priest, minister, rabbi or mullah or leader of a religious group provided that such religious leader is not self-certified. The counseling could not be provided by any person associated with a licensed provider who provides abortions. The majority was persuaded by testimony that abortions under the age of 15 are rare. The patient is almost always accompanied by an adult family member except in even rarer cases when that would not be safe. Concerns were expressed about lack of confidentiality surrounding the requirement that this most personal of decisions must be disclosed to a notary. Concerns were also expressed that many persons who might qualify as counselors under this bill might have little or no experience with this age group or this type of decision. The most experienced of counselors would be excluded because of their association with providers. The amendment preferred by the sponsor would exclude all family members other than a parent, while including any leader of a religious group provided that such leader is not self-certified. There are no requirements of actual certification or qualifications for religious leaders except that they not be self-certified. There is no definition of a certified counselor. Counseling is currently being given to all persons seeking abortion. The current standard of care requires that parental involvement be urged, that all options be presented, and that an evaluation is made to ensure that the accompanying family members are not coercing the patient towards any particular option. **Vote 11-9.**

Rep. Anthony R DiFruscia for the **Minority** of Judiciary: Young girls below 15 years old should be provided with proper counseling in order to make an informed decision.

HB 163, allowing firefighters, police officers, emergency medical technicians, and other public safety officers to recover damages or benefits for negligently-caused injuries. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Preston for the **Majority** of Judiciary: Emergency responders, EMTs, firefighters or policemen are trained to work under hazardous and potentially life-threatening situations. Currently, responders may not sue for negligent conditions encountered in the scope of their work. The bill would have allowed suit for negligence. The majority was persuaded that the wages and benefits of responders are structured to reflect and, in part, compensate for their acceptance of the hazards of their jobs. In addition, as professionals in their respective fields, responders want the members of their counties to call upon them in emergencies. They do not want a call to 911 to be preceded by indecision brought on by the fear of a subsequent negligence suit. **Vote 13-5.**

Rep. Lawrence B Perkins for the **Minority** of Judiciary: Under the “fireman’s rule,” police officers, emergency medical personnel and firemen give up their right to recover for injuries under certain circumstances. The minority believes that our public servants should have the same rights to recover damages as other people.

HB 177, relative to loss of consortium. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David L Nixon for the **Majority** of Judiciary: This bill would restore to innocent spouses, not at fault to any degree for injuries suffered by the other spouse due to fault by a third party, the

right to reasonable compensation for harm done to her marital relationship. Unless HB 177 is passed, for example, a woman at home whose husband is injured and out of work due to the combined fault of a third party and the husband will have her entitlement to reasonable compensation for injury to the marital relationship reduced by her husband's degree of fault, even though she was herself without fault. **Vote 11-6.**

Rep. William L O'Brien for the **Minority** of Judiciary: Following an executive session in which the bill was to be reported out as Inexpedient To Legislate by a 19-0 majority, the sponsor showed up at a subsequent session. Thereafter, it was moved for reconsideration. The bill therefore went through 2 votes resolved along party lines, ending in it being reported out as Ought To Pass on an 11-6 vote. That vote overturns a traditional understanding that loss of consortium is a derivative cause of action which means it is derived from the bodily injury suffered by a spouse. This understanding has reflected the reality that a monetary recovery in these cases is for damages to the marital relationship and when the negligence of one of the spouses has contributed to those damages, his or her negligence ought to be considered because he or she will effectively receive and enjoy the recovery. Thus, under current law, if the negligence of the physically injured spouse is found by a jury to have a 25% contribution to causing a loss of consortium in his or her marriage, then the monetary recovery shall be reduced by 25%. This bill would allow the negligent spouse to get access to that additional recovery even though he or she may have caused it.

HB 197, relative to apportionment of damages in civil actions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill as amended would reduce the employer's worker's compensation lien against third party actions if the employer was at fault for the employee's injury. Under current law, the employee's damages in a third party claim are reduced by the percentage of fault attributed to the employer. The employee thus has to reimburse the employer for the full amount of his worker's compensation benefits even though the employer was partially at fault for the injury. The amendment would give the court or the department of labor authority to reduce the lien by the amount of the damages attributed to the employer. **Vote 12-8.**

Rep. William L O'Brien for the **Minority** of Judiciary: There is a complete disconnect between the title of this bill and the subject matter of the amendment. The legislation started out only as a bill to allow judges to apportion damages in personal injury cases among those who are actually defendants in the cases. Thereafter, an amendment was filed that changed the legislation completely. This amendment would deny employers and their workers compensation insurers the right to receive back wages and medical benefits paid to employees when the employees recover wage and medical costs damages in lawsuits against third parties arising out of the same lawsuit, if the employees can prove in those lawsuits that the employers were also negligent.

Not only does this proposed modification of insurance law not have anything to do with the original bill purpose of apportioning damages, the subject matter of the new legislation contained in the amendment should have been heard by either the Commerce and Consumer Affairs Committee, as an insurance bill, or the Labor, Industrial and Rehabilitative Affairs Committee, as an employment matter. Moreover, the bill, as now to be amended, would allow double recovery by an employee injured in the workplace: he can recover lost wage benefits and medical costs from his employer's workers compensation insurer and then he can recover and keep money from a negligent third party for the very same lost wages and medical costs, so long as he can prove the employer was also negligent. Proving that the employer is negligent will not be terribly difficult because the employer will not be a party to the case, unless of course the judge in the lawsuit allows the employer's motion to intervene (assuming the employer or his insurer finds out about the lawsuit).

The change proposed by this amended legislation would violate a fundamental premise of workers compensation law. It would do this by essentially taking away the employers' present immunity from lawsuits given in exchange for the employers having to pay set benefits for lost wages and medical costs for all workplace injuries, even when the employer is not negligent, and with the understanding that the employers' insurers will get back those payments if a third party's

negligence caused the accident. The bill will drive up workers compensation insurance premiums by taking away the opportunity to recover in a third-party lawsuit for benefits paid to an employee injured at work because of another's negligence. It will drive up these premiums even further by requiring workers compensation insurers to hire lawyers to file motions to participate in those lawsuits to make sure employee lawyers don't try to lay some of the blame on the employer in order to double-up on lost wages and medical costs recovery. These increased premiums clearly will make New Hampshire a much less favorable state in which to employ people.

HB 260, relative to quieting title in certain trust circumstances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for the **Majority** of Judiciary: This bill and its companion, HB 261, address the title problem that occurs when the named grantee on the deed of a parcel of real estate is a trust. This creates a defective conveyance which should have been made in the name of the trust. The resulting defect of the title must now be resolved by court order. The amendment provides for the correction of the defect without court intervention. It also provides a mechanism by which a trustee which has not accepted the conveyance and which does not want to accept the conveyance can avoid doing so. **Vote 12-8.**

Rep. Robert H Rowe for the **Minority** of Judiciary: The purpose of this bill is to establish a new method for correcting a defective title to real estate; specifically title to real property that has been improperly made in the name of a trust due to a conveyancing attorney error. Real estate title must be in the name or names of the trustees of the trust, not in the name of the trust. If the trust is titled in the name of the trust, the record title is defective. This bill was proposed by a number of trust bankers and title attorneys. The minority believes that the bill is extremely technical and requires substantial background in real property title examination. When the bill was introduced, even the two interested groups (trust bankers and conveyancing attorneys) did not agree on the wording. They were requested by the committee to work together and obtain a bill that would be acceptable to both groups. When the subcommittee met, only the chair had a draft of an amendment, not the final amendment. We were told that the draft had been amended; the subcommittee voted to recommend OTP/A to the full committee, the minority believes, on faith alone. The first time the full committee viewed the final amended bill was at the executive session and the bill was to be voted on that day. The minority believes that there was insufficient time to read, study and understand the final amendment. There are traditional and acceptable methods of correcting a defective title to real property that have been used for over a century, so there is no urgency to enact a new method to correct flawed title of real property in a trust. The minority is in doubt that this bill will supplant these time-accepted methods.

HB 274-FN, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janet G Wall for the **Majority** of Judiciary: This bill would require written notification to a parents' usual place of abode to be delivered personally by a physician or an agent. That process in itself sets up complications. There is no clarity in the bill regarding who the physician or agent would be. The alternative process would be to send a certified letter, return receipt requested. Otherwise, the young woman would have to petition a court for a hearing. All women seeking abortions are currently counseled as to all options and minors are counseled to consult with a parent. While we all wish for our children to have loving and supportive families, this is not always the case. Records show that most young women will go to either a parent or other trusted adult for support. The provisions in this bill for procedures to follow will do nothing to enhance family relationships. **Vote 11-9.**

Rep. Peter L Silva for the **Minority** of Judiciary: The frustration the minority feels on the subject of parental notification, stems in large part from its view that the majority keeps shifting the basis for its opposition. Once it was the lack of a judicial bypass. Such a bypass was supplied. Then it was the lack of a specific exception for medical emergencies, notwithstanding the existing common law self defense immunity, statutory civil immunity at RSA 329:25, and statutory criminal immunity at RSA 672:3. Such specific exception was added. The governor stated a need for parental notification when our law was repealed and the opposition party promised one, but none

was forthcoming. Several bills have been proposed since the repeal of law and have soundly been rejected without any attempt by the opposition to amend the bill to one they could agree with. The only possible explanation is that the majority does not believe that parents have the right to raise their own children. The minority feels that it is extremely insensitive to leave parents to worry daily if their child will be taken to an abortion clinic to receive an operation with life changing results and not be able to know and help their child through this terrible time. Abortion is almost the only surgical procedure in which the “item” to be removed is one whose loss has the potential to be grievously regretted forever. It is not one to be made by a frightened child on her own, but in consultation with the two people in the world who love her most, her parents. Children often have little understanding of the depths of love and understanding of which parents are capable in a crisis, because those depths thankfully seldom have to be tested. Representatives must answer the question at the heart of this bill, namely whether or not it supports parents’ fundamental right to rear their own children. Another important aspect of parental notification (or lack of) that is not often talked about among the legislature but constantly brought up for discussion among the citizens of our state. If this were a ballot question it would have overwhelming support from our constituents. It’s important as legislators that we don’t lose sight of the fact that we were sent here to represent our constituents. The people of New Hampshire has survived for over 300 years taking care of themselves, making decisions for their families without government intervention. Government was set up to serve the people not the other way around. Let us do as we were sent to do “Serve the People” and not let some special interest groups influence how we legislate.

HB 291-FN, relative to a one day/one trial jury duty pilot program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for Judiciary: This bill would create a one day / one trial jury duty pilot program in Belknap County. One day / one trial systems are preferred by jurors and work well in other states. Due to cost considerations, it was decided to recommend the system in a moderately sized county as a pilot program. **Vote 19-0.**

HB 531-FN, relative to parental notification prior to abortions being performed on minors.

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

Rep. Lucy M Weber for the **Majority** of Judiciary: This bill requires notice to a parent prior to the performance of an abortion on a minor. The majority considers the bill to be flawed in a number of ways. First, there are only two situations in which a parent need not be involved. The first is in a medical emergency. The definition of a medical emergency is very narrowly drawn. Either an immediate abortion must be necessary to avert death, or a delay must create serious risk of substantial and irreversible impairment of major bodily function. Presumably, the irreversible impairment of a minor bodily function is an acceptable outcome, and would not be grounds for the procedure. One is left to wonder which bodily procedures count as major or minor. In the absence of such a medical emergency, a pregnant minor who cannot, for whatever reason, notify her parents has only one recourse—to seek judicial approval. Concerns were raised about the difficulty of maintaining confidentiality and the potential health effects of the delay caused by the judicial proceeding—up to 14 days or longer if an appeal is needed. Currently, all women of whatever age are counseled as to all of their options prior to the performance of an abortion. Minors are urged to consult their parents, and ways of talking to the parents are discussed. In the event a minor is unable to talk to the parents, the involvement of another trusted relative or adult is urged. Most minors seeking abortion do involve at least one parent, and most of the others do have another adult for support. In all cases, care is taken to evaluate whether the decision is the result of coercion. We all wish that every minor had the guidance of loving, supportive parents, but such is not the case for all of our young people. We believe that when a minor is unable to involve her family in this most personal of decisions, it is bad policy for the state to intrude and force notification or judicial proceedings. Such a requirement does not foster good family communications, and it may be very detrimental to the ultimate welfare of the minor. **Vote 11-9.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: When parental notification was repealed two reasons were cited: 1. The constitutional question raised by the U.S. Supreme Court in the case of a “health emergency” when there is no time to notify a parent; and 2. If it is not repealed, it is

wrong for a judge to write language to address the constitutional amendment. The Supreme Court ruled that the lower courts erred in ruling N.H.'s parental notification law wholly unconstitutional. The Court remanded the question on an emergency health exception back to the lower court. Emergency health exceptions in states required to keep data account for less than 1% of teen abortions. An amendment was presented that addresses both of these concerns. The language defining an "emergency health exception" in the amendment has already been tested by the U.S. Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833, 112 S. Ct. 2791 (1992) – a challenge of the Pennsylvania law. The Court, in upholding Casey's "emergency health exception" observed "the Pennsylvania legislature in crafting this language clearly demonstrates they know how to define an emergency health exception. There is a judicial bypass in the bill for mature teens or those in abusive situations. House bill 531 also clarifies 24/7 access to a judge in the bypass process as well as assures confidentiality. HB 531 would bring back into our law the parental notification statute with the constitutionally approved "medical emergency" health exception and a judicial bypass exception that would allow a girl the option of accessing a judge, in place of her parents, if the girl is unable to communicate with her parents. Upon passage, New Hampshire would join 42 other states which currently have either parental notification or consent laws. The minority of the committee feels strongly that a constitutionally sound parental notification law is first and foremost needed for the safety, health and best interest of minor girls. The bill also enhances parental rights. Parents should be informed of medical procedures which may have grave long-term consequences on their minor daughters. We feel that parents can properly ensure their daughters are aware of the risks involved before an abortion and can adequately assist with medical care after an abortion. The bill also protects providers. Notified parents are the primary and best resources for giving providers their minor daughters' medical histories. This protective measure can prevent medical malpractice and protect the patient's health. HB 531 is essential to protect minor girls' wellness, and parental awareness. We emphatically urge its passage.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 231, relative to resolution of collective bargaining disputes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary J Gorman for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill would have repealed RSA 273-A:12 VII requiring public employers to maintain an expired contract pay schedule, including the payment of step increases, until a new agreement is reached. This law was enacted in June 2008 and only applies to contracts negotiated after this date. It does not include cost of living adjustments (COLA). Proponents of this bill state the continuation clause creates a "tone" which favors employees during the period of contract negotiations. During the public hearing, supporters were unable to cite words or actions of public employees or their representatives which could constitute "tone." The committee received written testimony identifying contracts with automatic continuation provisions stating such a provision was never an impediment to reaching a fair agreement. The committee recognizes the difficulties that may arise during contract negotiations. However, the majority of the committee believes maintaining an expired contract salary schedule during negotiations is not a barrier to a robust or good faith collective bargaining process. **Vote 11-7.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: The passage of the "evergreen" bill last term diminished the incentive for parties to come to agreement in negotiations. HB 231 would repeal the mandatory nature of the "evergreen" bill. Furthermore, making an "evergreen" clause mandatory infringes on the rights of a local legislative body by forcing residents to pay expenses. They did not vote to approve.

HB 500, repealing the authority for an exclusive representative of an employee organization to conduct collective bargaining for employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill seeks to repeal RSA 273-A:1, XII, relative to the definition of "written majority authorization" and RSA 273-A:10, IX, relative to election of an exclusive representative of an employee organization. This bill was enacted only sixteen months ago and to date there has been no report of abuse in the

establishment of collective bargaining units. **Vote 11-7.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: The so called “card check” bill passed two years ago shifted an existing problem of employee coercion when an attempt is made to form a bargaining unit. It did nothing to solve this problem. A secret ballot is fundamental to our country and form of government. We have a secret ballot when we vote as citizens, why is this not given to municipal workers?

LEGISLATIVE ADMINISTRATION

HB 349, relative to legislator email records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Legislative Administration: Communications among members of the House of Representatives and the Senate and the public are a key element for us to do the people’s work. Communications by e-mail and other electronic forms carry with them the potential for widespread and rapid public dissemination. This could have the chilling effect of less communication and perhaps reluctance by our constituents to talk openly with us. HB349 recognizes this dilemma and was filed to give confidentiality to the communications we as legislators have with our constituents. The bill specifies that the record of electronic communication or e-mail of a legislator, which is not a governmental record pursuant to RSA 91-A, shall be confidential and shall not be made accessible to any other person without consent of that member. The amendment clarified that only communications related to the member’s function as a legislator are confidential. The committee felt that since telephone conversations and discussions face to face are not subject to the right-to-know law it was appropriate to add electronic communications or e-mail records in our legislative duty to the same exemption. **Vote 14-0.**

HJR 3, recognizing the historic milestone represented by the New Hampshire senate being the first legislative body in the United States with women as the majority of its members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Legislative Administration: It is with pride and joyful celebration that the committee unanimously recommends this resolution which recognizes the collective accomplishment of the 2009-2010 NH State Senate as the first legislative body with a majority of women as members, as well as the accomplishments of other NH women who were pioneers in the political arena. In this year, the 90th anniversary of the 19th amendment which gave women the right to vote, we honor the daughters of New Hampshire. The resolution urges the placement within the state house of a plaque or similar symbol of recognition of the occasion. There is no funding attached to the resolution; funds would presumably be solicited privately. **Vote 12-0.**

LOCAL AND REGULATED REVENUES

HB 242, relative to taxpayer inventory blanks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Catherine Mulholland for the **Majority** of Local and Regulated Revenues: The sponsor requested this bill be voted ITL rather than OTP since she did not like the proposed amendment. The inventory form is still used in many of the smaller towns and is convenient for selectmen to acquire additional information such as the number of dogs and the size of households without going through the additional expense of collecting this information separately. **Vote 12-5.**

Rep. Steve Vaillancourt for the **Minority** of Local and Regulated Revenues: Ninety two towns use the inventory tax property form noted in this bill; 167 towns use other forms, and this bill would not change those other forms. It’s really rather simple. This form was developed for cities and towns to keep track of taxable property, yet somehow section 5 of this form requires all who file it to submit census data. The minority concurs with the sponsor and a gentleman from Wentworth who testified as to the intrusive nature of this request. Why are we requiring people to list the names and ages of everyone who resides at the property when that information has nothing to do with the taxable property nature of the form? The committee received the answer that some towns use this form in adjudicating welfare requests. The minority disregards that answer since anyone applying for welfare would obviously have to submit other paperwork enumerating this information. Let’s stop penalizing people (up to one percent of the property tax amount in this case) for standing up for their privacy rights. This bill represents a simple attempt to limit

government intrusion into our lives, and the minority feels it's a fine place to draw the line and say no to Big Brother nanny-state government.

HB 351, relative to the interest rate on late and delinquent property tax payments and subsequent payments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G Stohl for the **Majority** of Local and Regulated Revenues: This bill establishes a procedure for the determination of interest rates chargeable by towns and cities for late payments. The bill also includes a reduced rate for persons with financial hardship. The bill uses the prime rate as a base and adds or subtracts points for differing class of taxes. The committee feels that this is a moving target. The rates charged for delinquent taxes would always be changing which would require tax collectors to reprogram their computers at significant cost to already strapped communities.

The rates now are 12% for taxes that are delinquent and 18% for taxes after a lien has been placed on the property. These interest rates are meant to be a deterrent. The high rates are there to motivate citizens to pay their taxes instead of other bills. This proposal has previously been defeated by the House. Both the municipal association and the association of tax collectors oppose the change.

The committee is sympathetic to the fact that some people are unable to pay their taxes through no fault of their own. However those citizens may petition their selectmen for an abatement of all interest and, as appropriate, an abatement of their actual taxes. In addition, people who own their home can acquire a home equity loan for about 4% to pay their taxes and not worry about the high rates.

The committee heard no evidence that these rates are causing people to lose their homes. A representative of the tax collector's association testified that a recent survey revealed that compliance in paying taxes on time has improved or at least stayed the same recently. **Vote 15-5.**

Rep. Steve Vaillancourt for the **Minority** of Local and Regulated Revenues: For late payment of income taxes, the Internal Revenue Service (IRS) currently adds a five percent late charge. For late payment of New Hampshire state taxes, ranging from business taxes to rooms and meals taxes to interest and dividends taxes, the department of revenue administration (DRA) uses the IRS rate plus two percent, currently seven percent. The prime rate is currently close to zero. However, towns and cities are allowed to add 12 and 18 percent charges for late payment of property taxes. The rates were established decades ago when the prime rate was in double digits. How can this legislature, the same body which voted to put private companies out of business last session for usurious interest charges, continue to allow usurious rates? The minority is convinced that it's simply because cities and towns have come to rely on this late fee not to guarantee collection of taxes as a revenue source. For example, take the average property tax bill of \$4000. At 18 percent, the poor homeowner is charged \$720 a year in late charges. However, should the town need to borrow in anticipation of taxes to make up the difference (something which is not usually even required), the town can do so at approximately three percent. The \$4000 costs only \$120. That's a difference of \$600 or a spread of six times (three percent vs. 18 percent). Cities and towns argued that they wanted a stable rate, so the minority, rather than moving forward with a rate tied to the prime, fashioned a compromise to lower the 18 and 12 percent rates to a still hefty 12 and 8 percent. Even that amendment could not get passed. Certainly, we should not be charging more for late property taxes than we do for other state taxes. The amendment is a step in the right direction. It gets the state out of the loan sharking business, a shameful enterprise all the more shameful when the state is the allowing cities and towns to serve as the sharks.

HB 429-FN, relative to cider. **INEXPEDIENT TO LEGISLATE.**

Rep. David W Hess for Local and Regulated Revenues: While a subcommittee did an admirable job in attempting to find answers to questions raised during the public hearing, and to forge a compromise between competing interests, an amendment proposed by the subcommittee failed by a 3 to 1 margin. Among other things, committee members were concerned that: (1) there was no definitive information available as to the amount of revenues the state would lose under this legislation; (2) the bill did not specify an upper limit for the alcoholic content of cider; (3) the

amendment allowed the cider manufacturer itself to decide whether it wanted to be licensed and regulated as either a wine manufacturer or as a beverage manufacturer. Many on the committee did not believe that the regulated party should have the power to decide which license it wanted to have and under which statutory framework it desired to be regulated. **Vote 14-6.**

HB 596-FN-L, relative to establishing a property tax credit for all taxpayers whose property taxes exceed 10 percent of household income. **INEXPEDIENT TO LEGISLATE.**

Rep. Melissa L.B. Lyons for Local and Regulated Revenues: This bill established a property tax credit for state, county and local property taxes when the taxes owed exceed 10 percent of the taxpayer's total household income for the prior year. The committee believed that the bill would unfairly shift the local property tax burden. Additionally, the committee was concerned about unintended consequences that may arise with taxpayers who had limited income, but who could otherwise afford their taxes via other assets. **Vote 15-4.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 393-L, authorizing municipalities to publish electronic legal notices. **INEXPEDIENT TO LEGISLATE.**

Rep. Margaret M Crisler for Municipal and County Government: RSA 91-A, the right to know law, already allows electronic posting of legal notices on the public body website. This bill would have allowed substituting electronic notification for the newspaper posting, but the majority felt that it was important to continue public notice in local newspapers. The committee also considered an amendment which would standardize posting requirements to be consistent at two public places in all cases, but concluded that public participation would be better served by the current requirements. **Vote 16-2.**

SB 39-FN-L, relative to municipal deposits and special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G Gagnon for Municipal and County Government: The original part of this bill allows the treasurer of municipalities where there is no bank to make a deposit when funds accumulate to \$1500 or at least to deposit weekly. The state treasurer shall establish procedures for state departments and institutions to make deposits of funds of \$500 and in places where there is no bank, those departments or institutions may wait until funds total \$1500 or at least weekly to deposit those funds. This bill also contains the amendment relating to the American Recovery and Reinvestment Act of 2009 which allows towns, village districts, including village districts or precincts created by an act of the legislature, and towns that have adopted RSA 40:13, to call a special meeting without court approval to consider a response to the American Recovery and Reinvestment Act of 2009. In addition, this bill contains the non-germane amendment which provides the governor authority to waive administrative rules and adopt temporary alternative rules upon a finding that such changes are necessary to use federal stimulus funds. The committee added a public notice process to be sure affected parties would know what those rule changes are and why they are being made. The court bypass and the rule-making changes have sunset dates. **Vote 14-0.**

PUBLIC WORKS AND HIGHWAYS

HB 570-FN-A, requiring the department of transportation to convey ownership of Skyhaven airport to the Pease development authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dale R Sprague for Public Works and Highways: This bill enables the legislation passed from last session mandating the transfer of the Skyhaven Airport ownership from the State of NH DOT to the Pease Development Authority for \$1. This also sets up an advisory council to establish bylaws for the management of the airport and to ensure the intent of this bill and laws of the state are followed. **Vote 14-0.**

HB 604-FN-A, relative to tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. Dale R Sprague for Public Works and Highways: The majority of the committee found this bill unfairly relieved one community on the turnpike system of paying its fair share. The turnpike system is set up as a "pay as you go system," and if the community finds the fee doesn't make

travel easier in their day to day living, they can choose not to use the system. **Vote 12-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 353, designating Hampton Beach as a historic seaside recreational area. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank A Tupper for Resources, Recreation and Development: The committee appreciates the needs of Hampton Beach to generate state or federal funds to renovate and maintain facilities at Hampton Beach State Park. However, the committee maintains that legislation is not the best method for creating a historical seaside area. The proponents of this legislation should pursue such a designation with local authorities. **Vote 14-3.**

HB 384, creating urbanization and timber harvesting exemptions for prime wetlands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S Bolster for Resources, Recreation and Development: This bill is a classic win-win solution for long term protection and sensible use of forested wetlands and their buffers. It allows property owners to carefully manage their forested areas while insuring that effective oversight can be established to protect the positive values of prime wetlands. It is a great balance of sensitive conservation and protection of the rights of property owners to gain value from their land. It also allows for an expedited authorization for utility corridor repair and maintenance with appropriate local input. **Vote 20-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 303-FN, relative to motor vehicle emissions and motor vehicle idling. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James M Garrity for the **Majority** of Science, Technology and Energy: This bill, as amended, would have set time limitations on motor vehicle idling of trucks, but not on automobiles. While the majority believes in controlling air pollution, and realizes that vehicle idling contributes to it, we do not believe that this bill is the appropriate method to meet that goal. The bipartisan majority felt this bill should be voted ITL for a variety of reasons, including the belief that our fellow citizens can be trusted to do the right thing if educated and we should educate about idling, not mandate. We were uncomfortable that it infringed on private property rights. There were 11 exceptions in the bill, which would weaken its impact. Enforcement would be problematic for local officials. It could harm small, independent owner-operators who are struggling to survive in this tough economic climate. We applaud the sponsors for their hard work and join them in urging all of our citizens: "Please avoid motor vehicle idling unless absolutely necessary." **Vote 11-8.**

Rep. Carol H Friedrich for the **Minority** of Science, Technology and Energy: This bill sets idling restrictions on vehicles over 14,000 pounds in accordance with the truckers association's desire for consistency in state laws across the country. The bill allows time frames for truckers and truck stops to install proper equipment. While the committee sees the need for all motorists to restrict idling, thereby reducing gas consumption and pollutants emitted in the air, this bill only concerns itself with the large over-the-road trucks. DES will continue its outreach programs to educate automobile drivers as to the detrimental effect that idling has on air quality. The minority believes that this bill is a step in the direction

HB 496, establishing a limit on the amount of cost recovery for the emissions reduction equipment installed at the Merrimack Station. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Nickolas J Levasseur for the **Majority** of Science, Technology and Energy: While this bill is well intentioned, the committee received many hours of testimony outlining the negative and unintended consequences associated with passing the bill. The committee heard lengthy testimony from both sides and the majority decided that since the legislature mandated in 2006 for PSNH to install the scrubber without placing a limit on the costs, to choose to place a limit on the cost nearly three years later would pose significant problems. While the committee recognizes that the increase in projected cost for the scrubber is significant, there is no evidence that PSNH has acted improperly in their costing or contracting process. The majority believed that placing a cap on cost recovery for a legislatively mandated project was not only arbitrary but could constitute a taking

and be unconstitutional. The majority was also concerned that the passage of this bill would lead to a pause in or cancellation of the project. This would not only have significant environmental ramifications but also would lead to the loss of several hundred short term and long term jobs related to the construction and operation of the scrubber. The committee also decided that an unofficial late amendment was too far reaching, requiring more time to debate and receive public input. As a result, the potential amendment was not considered by the committee and discussion was focused on the bill as introduced. **Vote 15-4.**

Rep. Robin P Read for the **Minority** of Science, Technology and Energy: Public Service of New Hampshire's (PSNH) estimated cost of installing a mercury scrubber at its coal-fired power plant in Bow has gone from \$250 million in 2006 to \$57 million today, an increase of 83% in less than three years. There has been no review of the increase in costs by the PUC. The total cost of operating the plant could increase even more in the coming years when new expected federal environmental regulations and laws, including laws regarding carbon emissions, are implemented. Under current law, New Hampshire commercial and residential ratepayers will have to pay for the project through higher electric bills no matter what the costs, while the project will result in significantly increased profit for PSNH shareholders. The minority of the committee believes that it is in the best interest of New Hampshire ratepayers for the cost of the project to be paid for by ratepayers to be capped at PSNH's original estimate of \$250,000 and that PSNH shareholders should finance any costs over \$250 million.

HB 697, relative to the penalty against public utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for Science, Technology and Energy: This bill is intended to encourage the public utilities to maintain their systems by increasing the potential fines for non-compliance. The prolonged power outages from the December 2008 ice storm are the main reason for the introduction of this bill. This bill would create huge increases in the potential fines for public utilities. These potential fines were substantially increased just two years ago, up to the lesser of \$250,000 or 2.5% of the annual gross revenue. There is presently no evidence or history that any utilities have paid fines rather than maintain their systems. Additionally, a sizable proportion of the trees that fell on wires in the December 2008 storm were not within the maintained right-of-way. The Public Utilities Commission (PUC) is still in the process of gathering information on the December 2008 ice storm. When the PUC's analysis is complete a determination will be made about the utilities' actions and how they might improve in the future. **Vote 19-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 90-FN, relative to the employment of veterans on Veterans' Day. **OUGHT TO PASS.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: On March 4 the House approved an amendment to HB 90 but recommitted the bill as amended back to the committee due to a lack of clarity in the blurb. The committee agreed with the House and made no changes to HB 90 as amended. The bill does not require employers to give any or all veterans Veterans' Day off. It states that if the employer does allow people to take a vacation, personal day or even be scheduled off on that day that preference be given to the veteran without risk of losing his or her job. The bill would not place a small business at risk, as it would be no different than employees being required to work religious holidays if all are required. Nor does HB 90 state that the employer is required to pay the veteran for that day off; pay would be restricted to the company's policy concerning vacation and personal days. Except in the rarest of occasions there would be no additional cost to local or state governments because vacation, holiday and personal days can and should be scheduled in advance. Additionally it would be good business practice to budget for vacation, sick, personal and training days in order to reduce costs. The bill would not place public safety at risk because the priority goes to manning those positions. In cases of multiple veterans the company's seniority policy is the controlling factor. HB 90 is not about creating a new class of people. The federal government and most states provide veterans job preference due to their honorable service. This is about the fact that over 2,000 veterans die every day; that the youngest Vietnam veteran is fifty-five, with most in their 60's and would be leaving the work force shortly. HB 90 is about the fact that within the next fifteen years almost 50% of our veterans will have passed on. The committee felt it was the honorable thing to honor veterans on their day rather on

Memorial Day. **Vote 13-1.**

HB 524-FN, establishing a permanent state defense force. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patrick F Garrity for the **Majority** of State-Federal Relations and Veterans Affairs: The majority of the committee felt the formation of a permanent state defense force is unnecessary at this time. The N.H. Adjutant General opposes this bill. Based on the fact that the N.H. National Guard is 2850 members strong, the national guard is more than adequate to handle the state's needs at the governor's request. This group can already be formed by the governor at the request of the adjutant general and the state director of homeland security. Also, the first responder association felt this bill was unnecessary and would create more havoc in regards to emergency response. **Vote 8-4.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs: The minority of the committee believes that the state guard would benefit our state during disasters as a first response team where there would be no cost to the tax payers. Conway has a group of over 200 volunteers and Fremont has over 25 volunteers. RSA 110-B:1, IV states the unorganized militia shall consist of all able-bodied residents of the state who are 18 years old or older. This bill would get them organized and in compliance with the N.H. Constitution. Part First, Art. 24, states that a well regulated militia is the proper, natural and sure defense of a state. Part First, Art. 25 "Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the legislature."

HCR 8, urging the President and Secretary of Defense to withdraw all New Hampshire national guard troops from Iraq in the absence of a valid and subsisting Congressional mandate for such service, and withholding the consent of the governor and New Hampshire state legislature from any further deployment of the New Hampshire national guard to Iraq in the absence of such mandate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P Baldasaro for the **Majority** of State-Federal Relations and Veterans Affairs: This resolution does nothing to benefit our national guard since the President of the United States has the constitutional authority to federally activate the national guard. The adjutant general does not support this resolution and stated that the governor issues the orders to activate the units requested to deploy and the adjutant general cuts the orders per the federal deployment date. We feel that we want to give the commander-in-chief the chance to exercise his constitutional authority and not politicize the plan to withdraw. **Vote 8-7.**

Rep. Kris E Roberts for the **Minority** of State-Federal Relations and Veterans Affairs: It is very easy for members of both parties to pick and choose passages in HCR 8 that they could whole heartedly use to support their opinions. The purpose of HCR 8 is not to demand the immediate and complete withdrawal of New Hampshire national guard personnel from Iraq nor is this resolution a stepping stone for some to demand the withdrawal of guardsmen and guardswomen from Afghanistan. The sponsors of HCR 8 fully understand that the President of the United States, regardless of political party, has the right and personal responsibility to protect the welfare of the nation both internationally and domestically to include citizens, businesses, embassies, naval vessels, territories and sea lanes. Furthermore, it is understood that we must trust the President's judgment as there will be times where the defense of the nation requires immediate action while leaving the discussions until later. The Constitution of the United States not only allows that but demands that. President Roosevelt, even after the attack on Pearl Harbor, went to Congress to ask for a Declaration of War. Learning from the Vietnam War and the expansion of presidential war making powers, the Congress passed the War Powers Act of 1973 which did nothing to limit the President's authority and power to engage American military forces in hostilities. It required that the President in every possible (not every) instance shall consult with Congress before introducing U.S. armed forces into hostilities or imminent hostilities and that the use of such forces be terminated within 60-90 days unless Congress authorizes such use or extends the time period. HCR 8 is asking the President of the United States to provide Congress and the people of America with justification for keeping national guardsmen and guardswomen in Iraq; what would their mission be and for how long? HCR 8 is saying that if we are going to ask our

men and women to go into harm's way, endure extended hardships, risk life-long disabilities or even death, then the right thing to do no matter how harsh and dangerous it may be to American service members, is to provide them what they deserve, a well thought-out justification. History has shown us that when presidents such as Lincoln, Roosevelt, and Kennedy provided clear and proper justification we kept the nation together, we defeated Hitler and Tojo and we put a man on the moon. HCR 8 isn't about cutting and running, it isn't about trying to embarrass the former or current president; it is about citizens holding their government accountable and protecting the long-term viability of the national guard.

HCR 10, urging the federal government to withdraw the United States from the North American Free Trade Agreement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: The sponsors of HCR 10 are trying to have it both ways. They want the perceived benefits of free trade without the restrictions of free trade agreements such as the North America Free Trade Agreement (NAFTA). When it comes to the justification for international trade treaties and agreements most people who support free trade and globalization speak of Adam Smith and his Wealth of Nations as the basis of their support. However, a fuller reading of the Wealth of Nations does not support free trade and even warned of the dangers of trading companies (international corporations) becoming monopolies or near monopolies. Adam Smith was more of a moral philosopher than an economist; he understood that international trade had to provide benefits to all. He understood the importance of education and raising the standard of living for everyone. He believed that by moving the means of production to the lowest cost environment would not only improve everyone's standard of living by increasing wages on the low end but by providing reduced cost items and freeing up time for a better quality education, or the development of intellectual capital on the high end. Instead, many trade agreements have lead to higher prices and greater profits and greater consumer debt. HCR 10 as amended states that the people of New Hampshire don't support uncontrolled free trade but rather they support fair trade; HCR 10 states that any party to the agreement under Chapter Twenty-Two, Article 2202 has the explicit right to modify or otherwise amend the agreement. After fifteen years it has become very clear that without new and updated agreements on environmental and labor provisions, NAFTA will continue to be about free trade rather than fair trade and will lead to continue exporting of United States manufacturing capability at the cost of America's standard of living. **Vote 14-0.**

TRANSPORTATION

HB 34, relative to rules of the road. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian D Rhodes for the **Majority** of Transportation: This bill will prohibit writing a text message while driving. The majority of the committee felt this bill will send a strong message to the motoring public that the practice of writing a text message while driving is dangerous to both the driver of said vehicle and others using our roadways. **Vote 12-4.**

Rep. John A Hikel for the **Minority** of Transportation: This bill prohibits text messaging or use of two hands to type or operate an electronic or telecommunication device while driving. It was felt by the minority that this bill is unenforceable as written and violates state and federal constitutional rights. There is also confusion whether text messaging with one hand is permitted.

HB 357, relative to retention of special number plates for veterans by surviving spouses.

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

Rep. C. Pennington Brown for the **Majority** of Transportation: This bill, as amended, would allow a surviving spouse to keep veteran license plates until he or she remarries. This bill was put forward in recognition of the several emotionally charged symbols held by a surviving spouse including the veteran license plate. A military spouse is a true partner sharing the sacrifices involved. The committee heard many supporting testimonies and no objections. **Vote 11-5.**

Rep. Jennifer M Brown for the **Minority** of Transportation: This bill would allow for the surviving spouses of veterans to retain their spouses' veteran plates until he or she remarries. The minority of the committee feels that the veteran's plate is for the veteran. We already allow the spouse to

retain the veteran's plates for one year after the veteran has died. Anything beyond that gets confusing and creates undue stress for the spouse. The committee has the deepest respect for veterans and would not want to taint that respect.

HB 525, prohibiting smoking in vehicles when child passenger restraints are required.

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

Rep. Jennifer R Coffey for the **Majority** of Transportation: This bill prohibits smoking in vehicles when child passenger restraints are required. The committee feels this is a violation of civil liberties and control of private property. This is a slippery slope to controlling what one does in his or her own home and is a matter of common sense that should not be legislated. **Vote 10-8.**

Rep. Richard T Stuart for the **Minority** of Transportation: The minority believes safety of children and their civil rights trumps rights of adults and this bill should be passed by the legislature. Children have no defense against second-hand smoke in confined places.

WAYS AND MEANS

HB 166-FN-A, increasing the beer tax. **INEXPEDIENT TO LEGISLATE.**

Rep. David J Bettencourt for Ways and Means: The majority of the committee believed that in the current economic climate that this was not the best time to raise this particular tax. Additionally, there was substantial concern about the result that raising this tax could potentially have on the jobs contained within the Anheuser-Busch brewery in the town of Merrimack. Should this tax be raised, there is the possibility that the brewery may shut down. Should that occur, not only would jobs be lost but a responsible and community-oriented corporate citizen would close its doors. The majority is aware that there is some disagreement regarding the seriousness of InBev, which owns Anheuser-Busch, in closing. However, it is clear that within their contract that if we changed their current tax situation they would have that ability. This is made more likely because of recent changes in local taxes in Merrimack. That was the risk the majority was not willing to take. We appreciate the problem of alcohol abuse and genuinely commend the sponsor of this legislation for her attempt to fund programs to address the issue. **Vote 11-9.**

HB 193-FN, establishing a fee for certification of reduced ignition propensity cigarettes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for Ways and Means: This bill establishes a \$250 fee per type of cigarette for certification of reduced ignition propensity cigarettes. The division of fire safety recommended this bill to assist in covering its costs of administering the certification process which are paid out of the fire and emergency medical services fund. The committee felt that this fee would make the certification process pay for itself and that was acceptable. **Vote 12-8.**

HB 696-FN-L, relative to fees for registration of criminal offenders. **OUGHT TO PASS.**

Rep. William G Johnson for Ways and Means: This bill increases the annual registration fee paid by criminal offenders under the federal Sexual Offenders Against Children Act by \$20. The entire increase goes back to the towns and cities to reimburse the cost of the registration process. There is also a waiver process that has never been denied. **Vote 11-8.**

COMMERCE AND CONSUMER AFFAIRS

HB 75, prohibiting the use of information concerning education level to underwrite insurance coverage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Tara G Reardon for the **Majority** of Commerce and Consumer Affairs: This bill would have prohibited the use of education level to underwrite insurance coverage. The committee heard extensive testimony in both the public hearing and subcommittee about the factors and weighting used to determine a particular companies insurance rate. We also listened to a presentation regarding ratemaking, risk classification and regulation by David Withers, the Property and Casualty Actuary of the New Hampshire Insurance Department. The Department is charged with reviewing rates charged to New Hampshire consumers, and the entire rating plan and accompanying rates and factors that must be justified actuarially. Data supplied must support that there is a correlation between the classifications used by that company and the rates. Risks may not be based upon race, creed, national origin or religion of the insured. Variables that are

allowed, and may be used by some or all companies, include, but are not limited to: age, sex, marital status, accident history, homeownership, occupation, good student, liability limits carried, insurance score (credit), education level, driver's training, as well as the kind of vehicle including age and cost, the use, miles driven, where it is garaged and how many vehicles are owned by the insured. Research done by the committee indicates, that although one insurer may use occupation as a factor, others do not. According to the New Hampshire Insurance Commissioner, our consumers enjoy a very competitive auto insurance market, with over 100 companies writing auto insurance at this time, with a wide range in premium cost. The committee did not see the need to make changes. **Vote 14-3.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: The committee learned from the insurance department that educational level is not commonly used in our state as a rating factor, the minority was concerned that it is nonetheless a form of legalized discrimination that does not correlate with accident risk. Historically education has been used as a proxy for race and income in setting insurance rates, where one class of people obtain preferred rates over another class. Thus, as a matter of public policy, New Hampshire should bar its use in setting rates.

HB 109, relative to consumer choice in health insurance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Susi Nord for the **Majority** of Commerce and Consumer Affairs: This bill would allow insurance companies to offer health insurance plans that do not contain state mandated health benefits. This is based on the idea that mandates make insurance cost more, so doing away with them will make insurance cost less. Mandates only account for between 1 and 3% of cost increases annually. Interestingly, even mandating something that all companies cover will increase premiums. In addition, studies suggest that the 1-3% figure is high if we take into account the long term benefits of the mandated care or the fact that often many plans would offer the mandated benefit anyway. The reality is that by far the largest driver of health care cost is cost shifting due to uncompensated care, not mandates. Limited mandate plans increase the likelihood that employees will have to pay exorbitant out-of-pocket expenses for illness that their plans do not cover and will end up unable to pay for those expenses, passing them on to the system. Health insurance mandates are put into statute because they promote good public health and good management of health care dollars. Allowing insurance companies to sell plans that circumvent state mandates increases the risk on the individuals and raises the cost of those items to the employees who do choose to add them back as a rider since opting for something indicates that it will likely be used thus making coverage virtually unavailable to those who do need it. For all of these reasons, the majority feels that HB 109 is bad public health policy and bad insurance policy. It exposes individual employees to greater risk, and ultimately will increase health care costs to everyone. **Vote 10-8.**

Rep. John B Hunt for the **Minority** of Commerce and Consumer Affairs: The minority of the committee feels that this bill would be an excellent vehicle to review all health insurance mandates. By killing this bill we would lose a great opportunity to discuss the impact of mandates on premiums. Given these difficult economic times, why not allow insurance companies to offer a mandate-free policy especially if it would have the potential to be affordable?

HB 199, requiring motor vehicle insurers to pay benefits to insured persons under their underinsured or uninsured motorist insurance coverage in cases of bodily injury or death cause by uninsured or underinsured negligent motorists, except under certain circumstances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: Under current law, if you are in an accident where the other driver is at fault and has less liability insurance than your uninsured motorist coverage, your costs are covered over and above the at-fault party's coverage up to the limit of your coverage. For example, you are hit by someone with \$25,000 of liability coverage and you have \$100,000 of uninsured motorist coverage and the amount of damages is \$75,000. The at-fault party's insurance covers the first \$25,000 and your insurance covers the next \$50,000. The catch is that you must notify your own company before settling with the other party. This is so that your

company can attempt to recover their costs from the other driver if he or she has the means to pay it. If you do not notify your company before settling with the other company, you forfeit your additional coverage. This amendment clarifies the disclosure notice you must sign when you receive payment from the other company and puts it in plain English. It also applies the disclosure should the at-fault party have no insurance, but offers to pay a settlement. This disclosure is intended to notify the party not at fault in an accident that their own policy may have benefits should the at-fault party not have enough coverage. Some people who settle these types of claims out of court do not know this and end up settling for less than they would have received had their insurance company been notified early on. It is the belief of the majority that this disclosure can be a flashing red light to indicate that one should contact one's own insurance company before accepting any settlement. **Vote 15-3.**

HB 373, relative to insurance reimbursement for acupuncturists. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: The committee has been down this road many times before. Acupuncturists who work with a physician are being reimbursed by managed care companies. This bill would require HMO's to reimburse directly and the committee fears that passage would begin the cycle whereby HMO's will limit coverage, or in some cases, drop coverage completely. This bill does not mandate acupuncture coverage be provided, only direct reimbursements. Generally that will require credentialing and inclusion in the network. The administrative burden would be passed on to the consumer. **Vote 12-6.**

HCR 2, endorsing the National Health Insurance Act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This house concurrent resolution endorses the National Health Care Act, HR 676. In difficult economic times, when laid-off employees are losing affordable health insurance and small businesses are struggling with double-digit rate increases that leave them financially vulnerable, when over 45 million Americans are uninsured, and our hospitals and care providers are seeing more patients show up sicker and unable to pay, we need a health care system that includes all citizens and asks for equitable payments, and focuses on reimbursing our care providers for quality, cost-effective medical care for ALL Americans. A national single-payer system will provide health security for all, put an end to medical bankruptcy, preserve the high technical quality of our medical establishment, and liberate our businesses to compete strongly in a global market. **Vote 11-6.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 78, relative to the interbranch criminal and juvenile justice council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill does two things that are housekeeping in nature. The amendment amends RSA 21-H: 14-C, II (a) which deals with the interagency coordinating council for women offenders by adding one member from the New Hampshire Association of Counties, county corrections affiliate, to be appointed by the affiliate president. It also clarifies RSA 651-E: 4, II as inserted by section 2 of the bill which provides that the chairperson of the interbranch criminal and juvenile justice council "may invite any person to provide information in council meetings, provided there is not objection." **Vote 18-0.**

HB 449-FN, increasing the penalty for unlawful possession or release of criminal records. **OUGHT TO PASS.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill concerns RSA 106-B: 14, I, which addresses state police criminal records and does two things. The first thing it does is housekeeping in that it replaces the word "municipal" with "district" in referring to the courts. There are no longer any municipal courts. All lower courts are now district courts. The second change raises the penalty from a violation to a misdemeanor for an unlawful possession, or release of criminal records under RSA 106-B: 14, I, or of any rules adopted under RSA 541-A, the administrative procedure act. The committee felt that raising the penalty to a misdemeanor was appropriate. **Vote 14-3.**

HB 520, establishing a commission to study the death penalty in New Hampshire. **OUGHT TO**

PASS WITH AMENDMENT.

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill will establish a commission to study the death penalty in New Hampshire. The committee amendment is the result of considerable discussion involving the attorney general. The amendment incorporates language changes requested by the attorney general which clarifies the duties of the commission. Also, at the request of the attorney general, that position was added to the council. The committee added a member of the New Hampshire police association and the New Hampshire mental health council to the membership of the commission. All changes were discussed with the sponsor who agreed with all the changes set forth in the amendment. **Vote 15-1.**

HB 556-FN, repealing the death penalty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Elaine B Swinford for the **Majority** of Criminal Justice and Public Safety: This bill would repeal the death penalty. With HB 520, creating a commission to study the death penalty, coming before the House, the committee feels it is premature to institute a repeal before a comprehensive study is completed. Further, the New Hampshire death penalty is a narrowly crafted law. It sets forth a number of procedures that must be followed in order to not only obtain a conviction, but also to impose the death penalty. We all witnessed the process in action with the Michael Addison case. We saw the trial phase play itself out. Next came the penalty phase which is, in essence, a brand new trail. Here the prosecution was required to prove statutory aggravating factors. If these statutory factors are not proved there can be no imposition of the death penalty. They must be proven beyond a reasonable doubt. Next the jury considered non-statutory mitigating factors which must be proven beyond a reasonable doubt. The defendant submits a series of mitigating factors which need only be proven by a preponderance of evidence. Following this, the jury weighs the proven aggravating factors against any proven mitigating factors and then determines whether the aggravating factors sufficiently outweigh the mitigating factors to warrant a death sentence. Even without any mitigating factors the jury must decide if the aggravating factors are in themselves sufficient to warrant a sentence of death. After all that, regardless of those findings, they are told that they are never required to impose a death penalty and can only do so if all twelve jurors agree. In the case of Michael Addison all twelve jurors agreed. In the case of John Brooks, they did not, so the death sentence was not imposed. It only required that one juror disagree. There are some crimes of such magnitude as to warrant seeking the death penalty and the majority of the committee believes that for such crimes the death penalty should be available.

Vote 11-7.

Rep. Robert R Cushing for the **Minority** of Criminal Justice and Public Safety: Ever since Governor William Badger first asked the legislature in 1835 to abolish capital punishment the death penalty has been an issue before the House. As a matter of public policy the death penalty does not work and is a distraction from addressing important criminal justice issues. The death penalty does not meet the real needs of public safety, or of victims of crime and law enforcement. The enactment of the law that mandates the sentence of Life without Parole for those convicted on First Degree Murder assures that killers are punished and citizens are protected. New Hampshire has not executed a prisoner since 1939. The majority of the nations of the world now recognize the death penalty is not a criminal justice sanction but a human rights violation. New Jersey and New Mexico have recently repealed the death penalty and many other states are considering similar actions. Passage of HB556 is consistent with New Hampshire's long tradition of respect for human rights.

EDUCATION

HB 332, establishing a commission to study school discipline. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for the **Majority** of Education: The purpose of this bill is to establish a commission to study disciplinary measures that keep students out of school, how these affect student learning, and what types of violations lead to suspension. Additional duties include examining student behaviors or infractions requiring disciplinary action, examining frequency of out of school suspension for non-violent behavior, and examining alternative forms of discipline

such as dispute resolution and positive behavior reinforcement techniques. In addition to legislators, the commission will include educators, administrators, parents, and a student. **Vote 11-7.**

Rep. Pamela G Price for the **Minority** of Education: This bill proposes a commission to study school discipline. This study is directed at out of school suspensions. Included within the duties is a study of the use of and the type of violations which qualify for out of school suspension, the frequency of use for non-violent behavior, alternate forms of discipline that do not involve removing the student from school, and opportunities for suspended students to make up class work. The majority is concerned with the number of unspecified reasons for out of school suspensions in an “other” category. Additional information could be collected by having the department of education require that a description be placed next to the “other” box. A study implies that the legislature believes that there are too many out of school suspensions. The minority believes that this sends the wrong message to our school districts who are attempting to deal with problem students.

HCR 7, in support of teen dating violence education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy F Stiles for the **Majority** of Education: HCR 7 is the NH General Court’s statement regarding the need to elevate the importance of recognizing student behaviors that are warning signs of abusive relationships. HCR 7 asks the department of education to work with cooperating school districts to develop policy and identify age appropriate student education and staff training to recognize behavior warning signs. A teen dating violence policy, in partnership with the required bullying or internet safety policy, results in a plan that promotes school safety as required in the No Child Left Behind Act in order to receive the Safe and Drug-Free School funds. The Lindsay Ann Burke Act was introduced in RI through the efforts of the attorney general as a result of the murder of Lindsay Ann Burke. Lindsay was a typical young woman graduate of the University of Rhode Island about to begin her career who entered into a romantic relationship that resulted in her murder. Her parents, both educators, recognized the need to educate students to give them power to recognize these behavior signs and methods to successfully end relationships. The amendment makes the resolution gender neutral. **Vote 15-4.**

Rep. Paul Ingbretson for the **Minority** of Education: While very well intended and improved by the amendment, the number of resolutions of this kind would be endless if we passed them all. The issue is already addressed locally.

ELECTION LAW

HB 614, relative to domicile of students for voting purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for the **Majority** of Election Law: Federal constitutional law makes clear that college students living in New Hampshire while attending school have a fundamental right to vote in that the determination of constitutional rights should not be left solely to the courts and that the legislature should be the first line of defense of the fundamental right to vote. **Vote 9-5.**

Rep. Shawn N Jasper for the **Minority** of Election Law: While the minority concedes that the amendment improves the bill, we believe that the bill is unnecessary, as the secretary of state’s representative testified that the perceived problems which the bill attempts to address have been dealt with through training sessions, held for local election officials. The minority is concerned that we are heading down a path, with our registration process that will lead to disaster for certain communities and possibly entire counties. While everyone domiciled in New Hampshire has a right to vote, the legislature has the duty to set the qualifications to meet the domicile test, within certain parameters. It is not an unreasonable restriction to require that students who have a driver’s license or a car and claim domicile here, obtain a New Hampshire drivers license and car registration, rather than allowing them to continue to maintain out of state licenses and registrations, but the requirement was recently eliminated. It is not a stretch of one’s imagination to envision that in a college town students could take over the governments and budgets of those towns, if they were so motivated. In fact we have seen it happen on a limited basis in one county. Students in dorms have none of the rights afforded tenants under our laws, yet we consider them

domiciled here for voting purposes. If they are domiciled here shouldn't they be protected equally under the laws of our state? In the end, all this bill does is make students a special class of voters for the purpose of registering.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 289, relative to the requiring financial and business management experience for membership on the board of trustees of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill would eliminate all eight trustees representing the four employee groups on the board of the NHRS, as well as remove the appointee of the Senate President and the appointee of the Speaker of the House. While the concept of selecting trustees with finance or business management could be a consideration in future sessions, the newly created independent investment committee which was inaugurated last year added three non-board trustees who have substantial experience in finance or institutional investment. This change should produce improved results. Progress stabilizing the NHRS, increasing the return on investment and implementing sound practices is the focus of our legislative efforts. Another bill has been retained to consider other alternatives. **Vote 15-0.**

HB 475-FN, prohibiting the investment of state funds in the energy sectors of countries that have been identified by the United States Department of State as state sponsors of terrorism.

INEXPEDIENT TO LEGISLATE.

Rep. Russell C Day for Executive Departments and Administration: This bill was intended to prohibit the investment of state funds, including the state retirement system, in countries that have been identified as sponsors of terrorism. While the intention of the bill was thoughtful, it was similar to legislation passed last year regarding investments in the Sudan. That legislation is presently being evaluated by the state supreme court, and the decision has not yet been handed down. There are controls at the federal level by the Office of Foreign Assets Controls which is a more appropriate level to investigate foreign assets than the NH state treasurer. **Vote 17-1.**

HB 532-FN, excluding extra or special duty pay from earnable compensation in the retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for the **Majority** of Executive Departments and Administration: The legislation as amended would require that all of the employer contributions for extra or special duty pay for Group II members be the full responsibility of the municipal or local employer. The municipality would continue to bill the appropriate entity for the costs of special and extra duty activities including their own employer share as well as the State's employer share (currently 65%/35%). This amendment removes the State of NH from the obligation to make contributions for extra and special activities. In addition the majority of the committee wishes to make a comprehensive review of all earnable compensation including extra or special duty pay, compare our benefits with other states and determine which should be part of the compensation package offered for any future hires. **Vote 12-6.**

Rep. Ken Hawkins for the **Minority** of Executive Departments and Administration: This bill as introduced would eliminate special duty and extra pay from the earnable compensation reported to the NH Retirement System. Currently special duty pay is paid to Group II members for work done flagging at construction sites, sporting events, and some school events. This money paid into the retirement system inflates a person's pension. In some cases the pension is higher than the base pay earned. In other cases it allows a person to retire after twenty years at full salary. This was included in HB 1645 that passed overwhelmingly in the house last year, and was eliminated in the committee of conference by the Senate. Some other states do not allow this money to be included in the pension system, specifically Massachusetts.

HB 591-FN, relative to the maximum initial retirement benefit for retirees in the New Hampshire retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patricia M McMahon for the **Majority** of Executive Departments and Administration:

Current law provides that a member (employee) hired before July 1, 2009 shall not exceed 100 percent of the member's highest year of earnable compensation which includes the base rate of compensation paid plus overtime pay, holiday and vacation pay sick pay etc. This bill does not impact those already hired. Members hired on or after July 1, 2009 are limited to a maximum retirement benefit of \$120,000. HB 591 would limit all future employees to 100 percent of the member's highest year of base rate of compensation without consideration for other earnable compensation. The majority of the committee seeks an opportunity to consider and study all elements of earnable compensation at one time, compare our benefits with other states and determine which should be part of the compensation package offered for future hires. That can be accomplished with more time and a full recommendation can be prepared and presented to the House next fall. **Vote 10-8.**

Rep. Ken Hawkins for the **Minority** of Executive Departments and Administration: This bill would limit an employee's pension to no more than 100% of their base pay. There is no policy decision that should be simpler to make than someone should not make more in a pension check than what their base pay was. We see stories in the newspaper about retirees making 110% and more, and the public is outraged, but this committee seems to disagree with the need to address immediately the problem.

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: This legislation as amended addresses a shortcoming in HB 1645, Chapter 300 (2008 session) which attempted to resolve the "spiking" issue. Spiking sometimes occurs at the end of an employee's career and is enhanced by using the highest three years of compensation to determine a member's annuity by the New Hampshire Retirement System (NHRS). It was discovered that most employer and employee contributions were not able to be credited to the municipalities because of technical and software limitations. HB 532 credits the employer and employee contributions previously made. The goal of the bill last year was to offset contributions that were not available for investment in the NHRS fund by employers who provide more generous end of career benefits to their employees. The NHRS defined benefit plan bases the employee annuity on earnings over the entire career of the employee in order to assure that the funds are available when a member retires. When spiking occurs the potential imbalance in employer contributions requires a "loading factor" to be assessed on all employers (approximately 7 – 11%). HB 532 will now allow employer assessments to be phased in over a four year period. The NHRS trustees and their actuary will create a formula for the assessments and will take into consideration the spiking and loading factors. Over the next few years a more reliable method to ascertain the assessment of employer contributions will be implemented to fund the retirement system. In addition the bill clarifies a provision regarding the application and date of contracts or agreements when the NHRS assesses a municipality. **Vote 19-0.**

FINANCE

HB 433-FN-A, making an appropriation to fund the reporting of hospital infections by the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: The committee reaffirms its strong commitment to reporting of hospital acquired infections through this bill. The bill originally made an appropriation to fund the infection control program beginning in FY 09. The amendment removes the FY 09 appropriation, because there will be insufficient time to expend the dollars in FY 09, after passage of the bill. Additionally, the committee directed the department of health and human services to assess a per bed fee on hospitals to fund the infection control program. **Vote 20-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 580-FN, relative to health information and patient rights. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rich T DiPentima for the **Majority** of Health, Human Services and Elderly Affairs: This bill will return to patients some key privacy rights lost when rules for the Health Information

Portability and Accountability Act (HIPAA) were rewritten in 2003. Until that time, a New Hampshire's patient's medical records could not be shared among providers without the consent of the patient. The 2003 rules for HIPAA allowed a provider to overrule a patient and share information in the record without the patient's consent. This bill restores the patient's right to elect to not permit disclosure of their protected health information to a provider independent of the one who holds the record. It will not affect the sharing of medical records within a care-providing organization (e.g. a hospital or an independent physician practice). The bill provides for exceptions when disclosure without consent should be allowed, such as a medical emergency or as required by state law. The bill also contains protections for providers and actions that patients may take when their protected health information is inappropriately disclosed. The bill also gives patients the right, when their medical records are in electronic form, to a report of whether particular individuals have had access to their record within a period in the prior three years, based on whatever audit trail is associated with the record at the time. **Vote 14-6.**

Rep. Alida I Millham for the **Minority** of Health, Human Services and Elderly Affairs: Privacy of health information is important to everyone. All health care providers are sensitive to their patient's privacy needs and desires. At the same time, this bill: 1. May lead to the restriction of information that may be critical to the quality of a persons care: 2. requires a level of restriction that may be burdensome enough to be a barrier to the implementation of an electronic health record (EHR has been deemed important in preventing health care errors and improve care by ensuring appropriate communication between health care providers). 3. The American Recovery and Reinvestment Act (ARRA – "Stimulus Bill") rules on health care information privacy have not been written and are not expected until the end of the year. The minority of the committee contends, given the changes forthcoming in health information privacy and some potential unintended consequences in health care services, that this bill is, at this time, premature.

HB 595-FN-L, relative to eligibility for long-term care. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: This bill was requested by the department of health and human services to help relieve the eligibility assessment process for home and community based care. It involved using non-registered nurse personnel. The majority of the committee felt this was moving away from making clinically accurate assessments. **Vote 15-5.**

HB 648-FN, relative to the use of marijuana for medicinal purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert G Bridgham for the **Majority** of Health, Human Services and Elderly Affairs: The bill would make legal under New Hampshire law the use of marijuana to treat debilitating medical conditions. The committee heard compelling testimony from patients who reported that marijuana produced relief from symptoms and allowed continuation of treatment when prescribed pain relief medicines had failed them. The committee worked to shape a very narrow, carefully controlled bill. The bill's controls begin with certification by a physician, within a bona fide physician-patient relationship, that the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the debilitating condition or symptoms as results of treatment. Controls also include restriction of supply for each patient to six plants and two ounces of usable marijuana, held between the patient and a designated caregiver; restriction of designated caregivers to family members, household members or a licensed health care professional; and issuance of a forgery-resistant registry identification card to patient and caregiver so law enforcement officials can quickly and surely identify individuals authorized to possess marijuana for medical purposes. The program is self-funding. **Vote 13-7.**

Rep. Peter L Batula for the **Minority** of Health, Human Services and Elderly Affairs: The minority of the committee proclaims, here we go again. Practically every session comes a new bill to, in one way or another, to decriminalize the use of marijuana. This time around for medical purposes, even though a doctor cannot prescribe it. A doctor can recommend it but that leaves a person with the problem of getting the marijuana because there is a federal law against the sale of marijuana. A state cannot weaken or over ride federal law. The minority understands quite clearly that some may benefit from the use of marijuana and carry the same compassion but are

conflicted by knowing that the legislature makes laws and expects enforcement. Yet here we are being asked to pass a state law that violates federal law and based on law enforcement testimony would create a major problem with enforcement. There is a prescription medicine called marinol and several others that are available by prescription for the treatment of nausea, muscle spasms, glaucoma, HIV etc. We need to listen to and appreciate what the experts in the field are saying to guide us in our deliberations. The A.M.A. says marijuana must be retained in schedule one of the controlled substance act pending for further outcomes, Director of National Drug Control, John Walters, says the use of marijuana damages the brain, heart, lungs and immune system and has been implicated in a large percentage of auto crashes and work place accidents. The Institute of Medicine says the use of marijuana has ill effects on H.I.V. patients on immunity, pneumonia and does serious harm to AIDS patients. U.S. Substance Abuse and Mental Health Services Administration (SAMSHA) released a report this March that concludes that the younger children and young adults are when they first use marijuana, the more likely they are to use cocaine or heroin and become addicted at a later age. Andrea Barthwell, Deputy Director of the White House Office of Drug Abuse Treatment routinely reports that children do say that marijuana if approved for use is considered medicine and therefore believe it would be good for them. These are prestigious government experts we rely on for their expertise on pharmacological and medical guidance, safe guards, risks, cautions and benefits. As legislators do we have the necessary educational, pharmacological and medical background to over ride their expertise? The answer is we all have compassion to understand pain and suffering testimony but not the medical background to pass such a law as this. There is no right way to do the wrong thing so for that reason the minority recommends ITL.

HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF). **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Donovan for the **Majority** of Health, Human Services and Elderly Affairs: This bill would provide a housing subsidy to the neediest families who are receiving TANF and, subject to available funds, issue such families a monthly supplemental rent voucher. Over the last 20 years the TANF grant has increased by \$186, a 34 percent increase. At the same time, inflation has increased by 60 percent. Thus, the TANF grant's purchasing power has dropped by 26 percent. It is more than apparent that TANF recipients in the state of New Hampshire are in need of a great deal of financial support which this bill attempts to provide. **Vote 15-5.**

Rep. Peter L Batula for the **Minority** of Health, Human Services and Elderly Affairs: A well intentioned piece of legislation that should catch the attention of all those who would like to express their compassion, concern and ambition to assist those in our state and local community who feel and live in the current environment of un-affordable housing and the loss of housing due to the masses who have literally lost their housing due to foreclosures in these times of uncertainty. The question we must address is who in the Commission is capable of determining who are the "neediest of the needy" to receive a housing allowance increase, as the bill calls for? The minority also asks the legitimate question, before we distribute this new state funding allowance increase, how do we explain to other deserving groups that lack sufficient funding that the state has just removed their funding in the proposed budget? Therefore breaking the promise made to these families by our state government. Compassion is a wonderful thing but no compassion ever grows great until it is accurately focused, dedicated and disciplined. Let us fulfill the obligations we have made before we venture into new ones. The minority feels strong that the timing of this legislation is premature and should be revisited at a later more appropriate time.

REGULAR CALENDAR – PART II

JUDICIARY

HB 73, relative to the solemnization of marriage. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Clerk's Note

Majority and Minority committee reports on this bill will be printed in a calendar addendum and will be available on Tuesday, March 24.

HB 147, prohibiting the recognition as civil unions of marriages between persons of the same sex contracted outside of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Janet G Wall for the **Majority** of Judiciary: This bill would prohibit a same sex marriage legally contracted outside New Hampshire from being recognized as a civil union in this state. The provisions in this bill potentially complicate the lives of same sex married couples who travel to or move to our state and who may have one partner who is injured or one who dies while in New Hampshire. Current law provides no more and no fewer rights to same sex couples with marriage or civil unions performed outside New Hampshire than it does for those who are civilly united residents. **Vote 12-8.**

Rep. Joseph M Hagan for the **Minority** of Judiciary: This bill is limited in scope and effect as it seeks not to change in any other way our civil unions statute. Rather it seeks to remove the potential "sleeper" provision of RSA 157-A:8 requiring that New Hampshire recognize a marriage contracted out of state. Therefore, our proscription against same-sex marriage could be subverted by couples marrying in Massachusetts and promptly moving here. This significantly expands the effect of civil union legislation beyond what was intended. In addition, the lack of specificity as stated in RSA-A:8 would require recognition of marriages from sundry cultures outside Western culture where polygamy is practiced.

HB 396, relative to the solemnization of marriage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Clerk's Note

Majority and Minority committee reports on this bill will be printed in a calendar addendum and will be available on Tuesday, March 24.

HB 453, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Clerk's Note

Majority and Minority committee reports on this bill will be printed in a calendar addendum and will be available on Tuesday, March 24.

HB 480-FN, relative to the definition of "public use" regarding eminent domain. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Preston for the **Majority** of Judiciary: Under current law, the state may acquire private property by eminent domain for public purposes. This often happens in conjunction with highway projects. This bill would require the state, after five years, to sell back to the previous owner any such property unless 'real or substantial progress' has been made on the project for which the property was taken. This provision would cripple the department of transportation. Construction on some large highway projects does not even begin for ten or more years after an initial taking of land. There are many examples of current projects which would exceed the five-year period specified in the bill, including the Manchester Airport access road and the Spaulding Turnpike extension in Rochester. Furthermore, use of such land by common carriers would be prohibited, and such a prohibition could seriously impact all forms of transportation, especially rail. The taking of land by eminent domain is already constitutionally restricted, so passage of this bill is both unnecessary and unwise. **Vote 11-9.**

Rep. William B Smith for the **Minority** of Judiciary: This bill reinforces the Constitutional Amendment on eminent domain, approved overwhelmingly by the voters (about 86%) in November 2006, by closing loopholes. The approved Amendment read:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property."

(This question was submitted to the voters by the 2006 Legislature on votes of 277 to 61 in the House of Representatives and 24 to 0 in the Senate. CACR 30)

The bill writes the approved amendment directly into RSA 162-K:2, IX-a, and also specifies that property cannot be taken for incidental private use. Further, it stipulates that when the government does not make substantial progress towards public use within 5 years after seizure, the property reverts to the original owner for the amount of compensation paid by the government. Thus, if the government doesn't act quickly to put the property into public use, it should be returned. The minority feels that these changes reflect the intent of the people in approving the Constitutional Amendment.

HB 574-FN-L, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert B Thompson for the **Majority** of Judiciary: Due to the lack of affordable alternatives, many low income renters often live in apartments that are unsafe and unsanitary. Forcing owners of such property to make the repairs necessary to protect the health and safety of residents is often difficult. Two common reasons for a landlord's failure to make timely repairs are that the owner lives out of state, or there is no one in the vicinity of the apartment who can or is authorized to make the repairs. This bill provides that out of state owners have an authorized local agent who can contract to make repairs, a local agent who is authorized to receive service of legal process, and enables municipal code enforcement agencies to obtain liens for unpaid fines. **Vote 8-5.**

Rep. William B Smith for the **Minority** of Judiciary: Although substantial means presently exist for governmental imposition and enforcement of fines for building code violations, this bill piles on additional remedies against owners of rented property by allowing foreclosure of the property after a fine is entered for violation of housing code. It also requires nonresident owners of rental property to provide an in-state person authorized to accept service of process; failure to do this will permit foreclosure procedures on the property to begin 60 days after a recording of judgment against the owner. It contains technical provisions about written notices to tenants whereby violations of these provisions give tenants the opportunity to sue for multiple damages and attorney fees against hapless or confused landlords who at the same time are losing their properties to regulatory foreclosures. This rush to seize property is likely to have a negative effect on the sale of rental and vacation properties in NH, particularly for out of state buyers.

HB 655-FN, extending senior active status to judges over 70 years of age. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William B Smith for the **Majority** of Judiciary: This bill as amended provides for allowing judges over 70 years of age to serve temporarily as senior active status justices, after approval by the chief justice or administrative justice of the court from which he or she retired. The bill provides an economical solution to temporary situations in which the court system does not have sufficient judges to meet the public's need. **Vote 14-3.**

Rep. William L O'Brien for the **Minority** of Judiciary: The committee amendment makes a bad bill better, but does not cure its fundamental defect. Since 1792 our constitution has prohibited judges from continuing to serve on reaching age 70. (NH Const. Pt., Art 78) This bill ignores that constitutional mandate.

HB 686, relative to complaint procedures in cases before the commission for human rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for the **Majority** of Judiciary: Currently, a person alleging discrimination can file an action before the Human Rights Commission. Under certain circumstances, the person alleged to have committed the discrimination has the right to force the injured party into the superior court to pursue their claim.

This allows an oppressive landlord or employer to force the person discriminated against into a civil suit, thus imposing both significant delay and added costs. The practical effect can be to foreclose all remedies to the injured party. This bill levels the playing field by allowing the person discriminated against the choice of forum, allowing them to continue their case under the more informal procedures of the Human Rights Commission. **Vote 8-5.**

Rep. William L O'Brien for the **Minority** of Judiciary: To the majority, taking away the right to a jury trial from defendants, but leaving plaintiffs with a right to obtain a jury trial at all stages of the proceedings before the Human Rights Commission (HRC) and later on appeal in the superior court is warranted, because, you see, employers and landlords have too much money to defend cases and they hire clever lawyers who make it hard to win those cases, particularly if the defendants get to defend them in court rather than before the HRC. And employers and landlords should want to stay in the HRC for these cases and not slyly remove them to the superior court because the HRC is so very fair that employers and landlords lose only 60% of the HRC cases, while employees and tenants lose a whopping 25%.

To the minority, committing such a constitutional violation for any reason, let alone based on such flimsy and biased reasoning, can never be justified. They believe the House should not be a party to such a miscarriage of justice.

For those who need reasoning beyond constitutionality and fundamental fairness to forego anti-employer bias, it should be noted further that defendants in many HRC discrimination cases are small businesses having one or two employees. These businesses can no more afford to hire an attorney than can many (but certainly, not all) employees and are also at a disadvantage before the courts. Further, by structuring the enforcement of discrimination laws in such an unbalanced, pro-complainant manner, our state would be motivating employers and landlords to do what none of us want: not hire or rent to minorities and thereby avoid being subjected to such a system. Finally, in their apparent rush to report out this bill before the business community caught wind of it, the bill was passed by the majority of the committee voting on it (which was not a majority of the committee) even before the sponsor and HRC's representative provided documents that were requested and promised during its hearing.

COMMERCE AND CONSUMER AFFAIRS

HB 187-FN, relative to manufactured housing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill was originally intended to address the concerns of consumers who bought manufactured homes that were uninhabitable due to poor installation. The committee considered numerous alternatives to addressing the problem and quickly realized that some options needed more extensive public input before they could be properly implemented. The amendment creates a study committee to take the time to fully examine the suggested solutions as well as look at how other states have addressed these issues to craft a solution that works for NH consumers. Only two sections of the original bill remain, both were requested by the state fire marshal. Section 1 allows the fire marshal to set and collect fees for building inspections done by his office and Section 2 sends appeals of his decisions directly to superior court instead of to a board that he oversees. **Vote 15-2.**

HB 334-FN, relative to consumer credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill gives additional regulatory authority to the banking commissioner with regard to auto retail sellers, mortgage loan servicers, debt adjustment services personnel, and money transmitters, including barring licensure and expanding criminal record checks. It also allows for the collection of certain examination expenses, fines, and other penalties, increases registration and renewal fees, and allows the banking department to examine business records in certain situations. This bill has the agreement of the banking associations. **Vote 10-7.**

HB 346, relative to real estate developers creating space for drying laundry without electricity or gas. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill would require that a space be set aside in all new residential construction for the purpose of hanging laundry. Though this is an admirable goal which state level is unworkable and that such efforts must be made locally through zoning changes. The committee also noted that clotheslines are currently prohibited where the homeowners association or condominium association covenants specifically prohibit them.

Vote 14-3.

HB 350, prohibiting the sale and distribution of household cleaning products containing phosphorus. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill adds household cleaning products to the current ban on products containing phosphorus. "Household" refers to domestic cleaning products; therefore this does not impact commercial businesses and hospitals, for example. The committee heard testimony from the department of environmental services, the manufacturers' representatives, NH Lakes Association, and others in support of this bill. The industry will be ceasing to manufacture phosphorus containing detergents by July 2010 when this legislation would be effective. **Vote 14-3.**

HB 482, relative to mold assessment, testing, and remediation. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: The bill requires persons providing residential mold assessment or remediation services for mold containment in residential dwellings be certified by out-of-state professional organizations. The assessor and remediator could not be the same person. The committee certainly appreciates the sponsor's desire to protect consumers from being exploited by unscrupulous "mold experts." However, the committee felt this bill would not stop those who are unscrupulous and could instead hurt legitimate contractors from correcting the mold problems we may have. **Vote 13-3.**

HJR 4, requesting the Macquarie Bank to withdraw its rate hike request relating to the Aquarion Water Company in Hampton, North Hampton, and Rye. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce and Consumer Affairs: This house joint resolution requested the Aquarion Water Company, that services the town of Hampton, North Hampton and Rye, to withdraw its rate hike request that has been filed with the New Hampshire Public Utilities Commission. The committee felt that this matter was properly pending before, and the jurisdiction of, the PUC. There was no testimony that indicated the PUC would not be holding a hearing and ruling on the rate hike request in the normal course of business before that commission. The sponsor testified that the water company was owned by a foreign entity, which was not deemed relevant by the committee. **Vote 17-3.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 204, relative to discovery in driving while intoxicated cases. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: Discovery is an important part of any criminal trial. It allows the prosecutor and defense to prepare their respective cases in such a manner that eliminates surprises and allows the system to operate more smoothly. It has been observed in some DWI cases that the defense has requested material that the state does not possess. This material included schematics, software codes, and other material that may be protected under patent laws and are proprietary in nature. This bill limits this type of request for this material. A third element in this bill allows a judge to order such requests when there is a showing that the intoxilyzer may be, or is likely to be, unreliable. The current testing and certification of these machines is still allowed to be requested under discovery and this bill does not change that important right of the defendant. **Vote 11-2.**

HB 312, permitting a person to record a law enforcement officer in the course of such officer's official duties. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gene P Charron for the **Majority** of Criminal Justice and Public Safety: Having heard the testimony of both sides of this issue, the committee is not convinced that this bill is necessary. In fact, the committee felt that there would be some serious un-intended consequences if the bill were passed. Proponents of this bill expressed that the crux of the bill is to protect a person from being charged with a felony for violating wiretapping laws. But, in most cases, if this bill was passed would everyone understand the limitations? A major concern that was expressed in opposition to this bill would be someone recording witnesses, or conversations at a crime scene. Another concern is having an event recorded and seeing it on the Internet. There is no protection for those involved. Consider this scenario: A police officer responds to a domestic call. Upon arrival the domestic is in a full blown stage. The officer is trying to quell the incident, but while doing so a neighbor knowing the new law decides to record the event. This in and of itself is distracting to the officer and could cause serious harm to all involved. Another example is a high speed chase. The

adrenalin while attempting to apprehend is high and it is the same for the person trying to elude the officer. Vehicles finally come to a stop and the officer slowly approaches. The occupant of the vehicle is pumped and reaches for his recorder in a quick and rapid manner. This could prove to be a fatal move in that the move could be interpreted by the responding officer as a possible threat with a firearm. An opponent of this bill indicated that this proposed law is just another solution in search of a problem that really doesn't exist. The police chiefs association and the department of safety are opposed this bill. **Vote 14-5.**

Rep. Robert R Cushing for the **Minority** of Criminal Justice and Public Safety: In a number of instances, such as a routine traffic stop, a member of law enforcement has a right to record you without your consent. But the reverse is not true – a citizen who has been pulled over and attempts to make his own record of the traffic stop can be threatened with a class B felony under the wiretapping laws. This bill would exempt the recording of on-duty law enforcement from the wiretapping statute as long as notification was given to the officer. However, it does not permit a person to break other laws – they could still be charged if they trespass or record someone else without getting consent.

HB 370, relative to equality of treatment of victims of crime. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: The committee heard testimony that in some jurisdictions there has been on occasion a lack of uniform treatment of some victims of crime based upon their position on prosecution decisions. This bill clarifies that all victims, including victims in families where there is a division about the appropriate criminal sanction, are entitled to equal treatment. **Vote 11-7.**

HB 398, relative to the unauthorized use of firearms in the compact part of a city or town. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill repeals a statute that requires a person to obtain written permission to discharge a firearm on his or her own property if within a compact area, described in the statute as six or more occupied dwellings closer than 300 feet from each other regardless of whether it may be safe to do so or not. The requirement for written permission from the chief of police is problematical for liability reasons. Clearly, if anyone discharges a firearm in an unsafe manner, or recklessly, other statutes may apply. RSA 207:37-a, Negligent Discharge of firearms, including target practice if endangering property or a person, applies and is a misdemeanor and RSA 631:3 Reckless Conduct is a Class B felony if a person uses a deadly weapon and places another in danger of serious bodily injury. Statutes covering criminal threatening and disorderly conduct may also apply. And finally, RSA 207:3-a Prohibition, states it is unlawful to discharge a firearm within 300 feet of a permanently occupied dwelling without consent of the owner or the occupant of such dwelling. RSA 644:13 restricts a landowner's use of his or her own property by requiring written permission of the local chief of police with no language of how long such permission is granted or, if a new chief is appointed whether such previous permission is still valid. The statute is vague, redundant and likely not used when other statutes are more specific. **Vote 8-6.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 248-FN, relative to establishing a single liquor commissioner. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth H Gould for Executive Departments and Administration: The liquor commission is currently a three person team appointed by the governor and one of them is appointed as chairman. This bill would change that arrangement to one liquor commissioner appointed by the governor. Most departments in our state are headed by one leader and the origin of this bill comes from a performance audit of the liquor commission. The work of the other two (former) commissioners would be assumed by the other liquor commission employees. There would be a better recognition of responsibilities in the organization chart and a clear recognition of the lead person. There is legislation to modernize the commission coming from the senate and this concept can be added to that bill. **Vote 15-0.**

HB 356, relative to required training for chiropractors performing spinal manipulation or spinal adjustment. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill seeks to create a category of unlawful practice of chiropractic for anyone licensed under Title XXX (Occupations and Professions) who provides spinal manipulation or spinal adjustment without having met specific educational requirements outlined in this bill. While the committee appreciates the stated intent of protecting the public, one professionally licensed group may only concern itself with its' own scope of practice, not that of other licensed professionals. In addition, there have been no complaints of harm on this issue. Spinal manipulation has been a component of practice for physical therapists, doctors of osteopathy, medical doctors and chiropractors since the inception of licensing. Chiropractors, as do all professional licensing and regulatory boards, have the ability to determine educational and practice requirements for their own licensees through rule making authority. No professional regulatory board may make rules concerning the scope of practice of other professions. **Vote 15-0.**

HB 381, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie Harding for the **Majority** of Executive Departments and Administration: This bill would prohibit preferential treatment or discrimination based on race, sex, national origin, religion, or sexual orientation. However, the committee appreciates the progress the university has made in its use of progressive hiring strategies. For example, in 1975, the USNH faculty was comprised of approximately 15% women and 1% minority group employees. Today, 35% of the faculty members are women and 5% are minorities. The university has had a long standing commitment to diversity in the workplace and has found it to be helpful in this global economy. Therefore, the committee believes this bill is unnecessary. **Vote 14-1.**

Rep. Carol M McGuire for the **Minority** of Executive Departments and Administration: The principle of nondiscrimination is important, and the minority strongly believes the state and the postsecondary education system should support it.

HB 408-FN, relative to the regulation of physicians and physician assistants by the board of medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill is the result of a comprehensive audit done on the board of medicine during the last session. It brings into current regulation various language adjustments and outlines the major responsibilities of the board to safeguard and protect the health of New Hampshire citizens while serving the licensing and evaluation needs of its members. It addresses accreditation of physicians trained abroad and provides for license by waiver for physicians who have satisfactorily passed all examinations and requirements to become board certified by the American Board of Medical Specialties. The bill further delineates the professionals' health program to include physician assistants. It also requires all licensees to provide the board with any notice of complaint, action for medical injury, or claim received from, or disciplinary action taken in jurisdictions outside the state of New Hampshire. It adjusts the role and actions to be taken by the medical review sub-committee and spells out recusal of board members in the case of relationships of board members to complainants or licensees. The amendment to HB 408 deals with establishing fees for licenses and renewals and the right of the president of the board to call an emergency meeting when required by an imminent peril to public health and safety, or when there is a compelling reason for immediate board action, such as an issue related to medical services in rural or underserved communities. Finally, this bill provides for the actions of the board in a complaint and addresses relationships between board members either by professional relationship or private interest in such matters. When an investigation of a complaint against a licensee is determined to be unfounded, the board shall explain in writing to the complainant its reason for dismissing the complaint. **Vote 19-0.**

JUDICIARY

HB 415, adding certain terms regarding non-discrimination to the laws. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass:

This is a bill which simply adds the words “gender identity or expression” to the antidiscrimination and hate crimes statutes. This change is needed to protect transgendered persons or others with gender identity issues from job loss, housing discrimination and other discriminatory practices. Gender identity issues are not a matter of personal choice. They are often the result of chromosomal abnormalities and accompanying physical ambiguity. Existing language in the antidiscrimination statute, in the opinion of the Human Rights Commission, provides adequate protection for this population. Nothing in this bill will provide protection for sexual predators in public restrooms. Similar protections are already in place in 13 states and numerous political subdivisions. The level of fear and misunderstanding generated by this bill convinces the proponents of the urgent need for protection for this vulnerable population.

Rep. Lucy Weber

Statement in support of Inexpedient to Legislate:

HB 415 is a complete violation of our citizens’ rights. To make the entire 1.3 million residents of our state uncomfortable and afraid in the restroom is unconscionable and an example of the tyrannical minority pushing around the majority. This would also allow a man to enter the ladies locker room at the gym and the sauna. People are in various states of undress and are very often the only ones there. Men are at risk of women entering their private spaces and accusing them of sexual advances. Our children are at particular risk. When a child enters the restroom a predator of any sex could be there waiting and no one can say a word to them. All a man in a girls room would need to say if someone questioned him why he was there, is that he thought he was a woman and was just using the restroom. We need to protect the children of NH from sexual predators. Our neighbor to the south, MA, has experimented with this line of thinking and has all kinds of problems. Constituents reported that the unisex bathrooms in Europe are a haven for rapists.

A law very similar to HB 415 passed in Colorado, has since become known as the “bathroom bill” because it has opened up public restrooms, once reserved to either men or women, to all genders depending upon their “gender expression” at that time. As you can imagine, this new law has also opened up an opportunity for sexual predators to use it as a “cover” to enter intimate areas in search of a victim. Gender confusion is NOT a biological disorder, but rather a psychological one and has been classified as such by the American Psychiatric Association. People with Gender Identity Disorder (GID) need compassion and treatment, not confirmation of their disorder through special rights.

In addition, the NH bill also serves as a threat to the religious liberties of business owners in NH. A refusal to do business with someone based on a sincerely held religious belief would now violate the law. That threatens the religious liberties of every Christian, Jewish or Muslim business owner who operates a business on faith-based principles.

New Hampshire already has the term “sexual orientation” in its anti-discrimination laws, it does not need to add “gender identity and expression” to it as well, as it will only cause confusion and open itself up for countless lawsuits. If someone were to challenge or not allow a professing transgender to use the restroom of their choice they could be charged with a hate crime. That case would go through the Commission on Human Rights. Another bill that has been recommended OTP by Judiciary Committee (HB 686) says that. If you are in question of a Human Rights violation the Plaintiff has the choice of court or the Commission. The Defendant does not. The Plaintiff can remove to the Court, after the commission’s finding, but the Defendant cannot. The penalties can be as high as \$50,000. So if you question why a man is in the ladies room, he can bring you before the Commission, they can fine you \$50,000 and there is nothing you can do about it.

Rep. Nancy Elliott

HB 436-FN-LOCAL, relative to civil marriage and civil unions. WITHOUT RECOMMENDATION.

Statement in support of Ought to Pass with Amendment:

This bill would extend equal access to the civil benefits of marriage to same-sex couples. The bill provides for the recognition of out-of-state civil unions and same-sex marriages. It provides a

mechanism by which the parties to a civil union may enter into a marriage. The bill affirms that no officiant is obliged to preside at any civil or religious ceremony in violation of their free exercise of religion. A floor amendment which will be in seat pockets and is favored by the proponents removes an unnecessary change to the solemnization statute, and also removes a paragraph which might have permitted such practices as plural and child marriages. Proponents of the bill believe that passage of this bill is a matter of fundamental fairness which can only serve to strengthen our familial and societal ties.

Rep. Lucy Weber

Statement in support of Inexpedient to Legislate:

We must exercise caution in this uncharted social area. When adult desires for acceptance conflict with the needs of children, it is clear that children should win. Social science demonstrates time and again, that children who are raised by their married biological parents do better, live happier lives, and contribute more to society than the children of any other family configuration. As a result, we must consider the needs of children when changing the definition of marriage to include same-sex. The vast majority of our citizens do not want this change. Marriage amendments have passed in 30 states. Marriage stands for something important and bigger than ourselves. It is the correct way to bear and create the next generation and train them to replace us. It is arrogant to assume that history's great minds, religious leaders, churches and the populace as a whole were wrong, while the supporters of this bill have a new moral enlightenment never seen before. Not one religion or philosophical teaching, the world over, from the beginning of time, ever defined marriage as being between members of the same sex. Supporters of an inexpedient motion see confusion in our neighbor to the south, Massachusetts. They discourage young girls from imagining that they will marry a handsome prince. To do so would be "heterosexist" a moral equivalent to racist. We are of the opinion that girls are instead asked in school if they would like to marry a boy or a girl when they grow up. This is extremely confusing to a child. Children are encouraged to experiment in this area. Books are presented to kindergarteners about two daddies or two mommies. Children who think they may be same-sex are removed from families that do not support their new lifestyles, and adoption agencies are forced to place children in same-sex homes even when the biological parents object. We've heard of two men who claimed to have adopted a baby girl. We feel that this is an unwise practice and certainly should not become the norm. We must never change the definition of marriage. The price to our society and successive generations will be enormous.

Rep. Nancy Elliott

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 9, urging the United States Senate to ratify the Comprehensive Test Ban Treaty. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass:

There are numerous misconceptions concerning the Comprehensive Test Ban Treaty (CTBT). As of January 2009, 180 countries have signed on, of which 148, including Russia, have ratified the treaty. Of the 41 nations that must ratify the treaty to place it in force, 35 have ratified the CTBT. Ratification of the CTBT by the United States will not result in the closing down of nuclear research laboratories or nuclear test sites. The CTBT just concerns underground nuclear testing. Furthermore, the Department of Energy is currently developing and utilizing a system of high-tech laboratory facilities to preserve the United States' capacity to maintain, test, modify, design and produce nuclear weapons without the need for underground tests. The CTBT establishes a system of 337 facilities and stations worldwide to monitor indications of nuclear explosion and automatically transmit such data. In FY 2008 the United States spent \$6.4 billion through the Stockpile Stewardship Program to maintain nuclear weapons and testing.

Rep. Kris Roberts

WAYS AND MEANS

HB 426-FN-A-LOCAL, establishing the New Hampshire homestead plan. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment:

This is the first bill in years that is more than a band aid for the systemic problems of structural budget deficits and high property taxes. The “NH Homestead Plan” creates a sustainable base for education funding requirements and delivers significant property tax relief to the overwhelming majority of NH residents. The bill establishes a uniform statewide property tax at the rate of \$5.50 per thousand, subject to an exemption on the first \$150,000 of value of an owner-occupied primary residence. Thereby, it allows our property tax based system to evolve to recognize a reasonable distinction between our primary residences and other classes of property, amounting to an \$825 benefit for all homesteads valued at \$150,000 or greater. Like the previous uniform statewide rate of \$6.60 that was law earlier this decade, the institution of a fixed statewide property tax rate will, in general, cause the total tax rate of higher taxed communities to decrease and lower taxed communities to increase. For homeowners, these changes in rate are further modified by the homestead benefit. Based on figures provided to the committee by the Legislative Budget Assistant Office, we believe that total taxes will decrease in communities with a combined population totaling over 430,000 residents, including such cities as Manchester, Berlin, Nashua, Claremont and Rochester. In these communities, as well as in towns like Greenville, Derry, Swanzey and Colebrook, we believe that taxes will decrease on all properties, including businesses, investment/rental properties and second homes. In towns with a combined total of over 870,000 residents, taxes on all properties should either go down or go up in equalized rate by no more than a dollar and change. Due to the homestead benefit in towns where taxes would go up by \$2 or less, all homeowners would pay fewer taxes under \$412,000 in value, and the effect of any increase would only apply above that level. In the remaining towns, tax rates would rise under the bill between \$2 to a maximum of \$3.36 per thousand on an equalized basis. However, even in the most extreme example, we believe that homestead properties valued under \$245,500 will pay lower taxes under the bill in all NH towns and increases in tax rates only begin to take effect for primary residences above that level. In other words, the owner of a \$345,500 home would pay \$336 more per year in such a community, but still much less than a home of similar value in a higher tax community nearby. We support this bill as the best example we have seen of a way to come together and address the most pressing concerns facing our state. The committee has worked now for three years on the bill. The supporters of the bill have a floor amendment, which will be in seat pockets, to better address technical and administrative issues with implementing the plan. We believe the bill is a measured but significant step forward for New Hampshire. It will result in greater tax equity and sustainable funding for the education of our youth, both now and into the future.

Rep. Ronald Mack

Statement in support of Inexpedient to Legislate:

This bill has had intensive study and many efforts to make it workable. The opponents are concerned that the property tax relief is not great enough as well as still having many questions. This bill raises \$362 million by raising the statewide property tax from the current level of \$2.14 per thousand to \$5.50. The payers will be businesses (including rental apartments) and second homes. It is unclear how this burden is distributed among the payers, but there are many more business properties than second homes. This would be a major burden on our businesses and apartment dwellers. This bill also includes changes to education funding policy passed by the Legislature last term which have not been reviewed by the relevant policy committee.

Rep. Susan Almy

HOUSE DEADLINES

Thursday, March 26, 2009	Last day to act on all House bills not in a second committee, except budgets
Thursday, April 2, 2009	Last day to report all remaining House bills Last day to report list of retained House bills

Thursday, April 9, 2009	Last day to act on House bills: CROSSOVER
Thursday, April 30, 2009	Last day to report Senate bills going to a second committee
Thursday, May 7, 2009	Last day to act on Senate bills going to a second committee
Thursday, May 28, 2009	Last day to report all remaining Senate bills Last day to report list of retained Senate bills
Thursday, June 4, 2009	Last day to act on Senate bills
Wednesday, June 10, 2009	Last day to form Committees of Conference
Thursday, June 18, 2009	Last day to sign Committee of Conference reports
Thursday, June 25, 2009	Last day to act on Committee of Conference reports

LAI D ON TABLE

HR 6, affirming revenue estimates for fiscal years 2009, 2010, and 2011. (Pending question is adoption of the motion of Ought to Pass.)

COMMITTEE MEETINGS

MONDAY, MARCH 23

COMMISSION TO PROPOSE A RETIREE HEALTH CARE BENEFITS FUNDING MODEL (HB 1645, Chapter 300:13, Laws of 2008), Room 306, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY AIR QUALITY ISSUES IN PUBLIC SCHOOL BUILDINGS (HB 1171, Chapter 242:1, Laws of 2008), Department of Education, 101 Pleasant Street, Concord

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

FINANCE – (DIVISION I), Room 212, LOB

9:30 a.m. Budget work session

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

Budget work session:

10:00 a.m. University System, NH
Community College System of NH
Postsecondary Education Commission
Lottery Commission
Planetarium
Police Standards and Training
Department of Transportation, as needed.
Department of Fish and Game, as needed.
Department of Safety, as needed.
Department of Education, as needed.

FINANCE – (DIVISION III), Room 209, LOB

10:00 a.m. NH Cares

10:30 a.m. Work session on **HB 468-FN-LOCAL**, relative to caps on total billings by the state

to the counties for nursing home care.
10:45 a.m. Budget work session.
1:00 p.m. Budget work session.

JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-c), Room 308, LOB

11:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Capital Budget work session – Department of Transportation
11:30 a.m. Capital Budget work session – Department of Safety
1:00 p.m. Capital Budget work session – Fish and Game Department
2:00 p.m. Capital Budget work session – Judicial Branch
3:00 p.m. Capital Budget work session – University System of New Hampshire

TASK FORCE ON HOMELESS TEENAGERS (HB 537, Chapter 273:1, Laws of 2008), Room 206, LOB

10:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work session **HB 205-FN-A**, relative to certain boating fees, **HB 629-FN-A**, revising certain motor vehicle laws, **HB 481-FN-A**, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters, **HB 490-FN-A-L**, relative to the maintenance of state-owned dams, **HB 609-FN-A**, establishing a judicial branch information technology fund, **HB 281-FN**, increasing the maximum amount of debt or damages for small claims actions and requiring mediation for small claims actions exceeding \$5,000 and establishing a fee for the cost of such mediation.

1:00 p.m. Executive session on **HB 476-FN**, relative to modifying the quorum requirement and filing fees for the board of tax and land appeals, **HB 232**, permitting the pesticide control board to establish pesticide fees, **HB 40**, requiring sanctions against hospitals for failing to report infection rates, **HB 97**, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association, **HB 168**, relative to disposition of electricians' fees, **HB 211-FN**, relative to drivers' licenses and relative to the definition of "drivers' school," **HB 225**, relative to room and board scholarships for children of firefighters and police officers, **HB 392-FN**, establishing an on-premises cigar, beverage, and liquor license.

TUESDAY, MARCH 24

FINANCE – (DIVISION I), Room 212, LOB

During the session lunch break, budget work session.
Immediately following the end of session, budget work session, as needed.

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

During the session lunch break, budget work session.
Immediately following the end of session, budget work session, as needed.

FINANCE – (DIVISION III), Room 209, LOB

During the session lunch break, budget work session.
Immediately following the end of session, budget work session, as needed.

WEDNESDAY, MARCH 25

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), NH Municipal Association, 25 Triangle Park Drive, Concord

8:30 a.m. Public sector working group.

FINANCE – (DIVISION I), Room 212, LOB

During the session lunch break, budget work session.

Immediately following the end of session, budget work session, as needed.

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

During the session lunch break, budget work session.

Immediately following the end of session, budget work session, as needed.

FINANCE – (DIVISION III), Room 209, LOB

During the session lunch break, budget work session.

Immediately following the end of session, budget work session, as needed.

THURSDAY, MARCH 26

FINANCE – (DIVISION I), Room 212, LOB

During the session lunch break, budget work session.

Immediately following the end of session, budget work session, as needed.

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

During the session lunch break, budget work session.

Immediately following the end of session, budget work session, as needed.

FINANCE – (DIVISION III), Room 209, LOB

During the session lunch break, budget work session.

Immediately following the end of session, budget work session, as needed.

NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R), Upham Walker House, Park Street, Concord

2:00 p.m. Regular meeting.

PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of 2007), Department of Health and Human Services, Room 312, 29 Hazen Drive, Concord

2:00 p.m. Regular meeting.

FRIDAY, MARCH 27

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

9:30 a.m. Regular meeting.

1:30 p.m. Low income housing subcommittee meeting.

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

1:00 p.m. Complaint hearing.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work session on **HB 330**, relative to life, accident, and health insurance, **HB 546-FN**, relative to authorizing temporary registrations of off-highway recreational vehicles and snowmobiles for nonresidents and increasing the agent fee, **HB 598-FN**, relative to the regulation of auctioneers by the state board of auctioneers, **HB 610-FN**, relative to consumer protection from certain practices of mortgage bankers, mortgage brokers, and mortgage loan originators and implementing the S.A.F.E. mortgage licensing act, **HB 647-FN**, relative to motor vehicle fines and violations, **HB 654-FN**, relative to the dam maintenance revolving fund, **HB 441-FN**, relative to CART providers and sign language interpreters, **HB 608-FN**, establishing a committee to oversee the design and construction of a public works employee memorial for public works employees who

died in the course of performing public duties.

Room 204, LOB

11:15 a.m. Full committee work session on **HB 69**, relative to submission of health care data.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 305, LOB

9:00 a.m. Regular meeting.

MONDAY, MARCH 30

FINANCE – (DIVISION I), Room 212, LOB

9:30 a.m. Work session on **HB 174-FN**, establishing a performance measurement system for state agencies, **HB 310-FN**, relative to reimbursement of mileage for judges and marital masters, **HB 344-FN**, establishing the number of associate justices of the superior court, **HB 682-FN**, relative to court security and court security officers, **HB 590-FN**, relative to the retirement age for group II members.

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

9:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Capital Budget work session – Other Agencies

11:00 a.m. Capital Budget work session – Lapse Extensions

1:00 p.m. Full Committee work session on the capital budget proposal

TUESDAY, MARCH 31

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. **SB 100-FN**, relative to home improvement contracts.

11:00 a.m. **SB 55**, establishing a commission to study the collision repair industry in New Hampshire.

1:00 p.m. **SB 103-FN**, relative to prohibited sales of alcoholic beverages.

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

3:00 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 70**, relative to taking stones from stone walls.

10:15 a.m. **HB 215**, making technical corrections to certain OHRV and snowmobile laws.

10:30 a.m. **HB 276-FN**, relative to challenges of voters.

10:45 a.m. **HB 295**, relative to mental health treatment for members of the armed forces and veterans convicted of crimes.

11:00 a.m. **HB 432-FN**, relative to penalties for telephone harassment involving a number used to facilitate transportation of voters or otherwise to support voting or registering to vote.

11:15 a.m. **HB 473-FN**, relative to water treatment plants and penalties for safe drinking water violations.

11:30 a.m. **HB 537-FN**, relative to penalties for oil spills.

11:45 a.m. **HB 538-FN**, relative to penalties for water pollution.

12:00 p.m. **HB 651-FN**, relative to regulation of private investigative agencies and security services.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 174-FN**, establishing a performance measurement system for state agencies, **HB 310-FN**, relative to reimbursement of mileage for judges and marital masters, **HB 344-FN**, establishing the number of associate justices of the

superior court, **HB 420-FN**, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, **HB 590-FN**, relative to the retirement age for group II members, **HB 632-FN**, relative to including fully certified police officers of the New Hampshire hospital campus force in group II of the retirement system, **HB 682-FN**, relative to court security and court security officers, **HB 391**, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling, **HB 468-FN-L**, relative to caps on total billings by the state to the counties for nursing home care, **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **SB 121**, establishing a commission to study potential revenue enhancements for municipalities.
- 10:30 a.m. **SB 29**, relative to review of developments of regional impact.
- 11:00 a.m. **SB 75-L**, changing the formula for distribution of highway funds in the Woodsville fire district.
- 11:30 a.m. **SB 93**, relative to the exemption from subsequent local land use regulation where substantial development has begun on an approved plan.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **SB 168-FN**, establishing the Coastal Watershed Alliance.
- 11:30 a.m. **SB 47**, relative to surface water.
- 1:00 p.m. **SB 28-FN**, relative to annual dam registration fees for non-menace dams and notification to dam owners of downstream development.
- 1:30 p.m. **SB 107-FN**, relative to the leasing of state-owned real estate on public waters.

WEDNESDAY, APRIL 1

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

- 4:15 p.m. Regular meeting.

THURSDAY, APRIL 2

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. **SB 147-FN**, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.
- 11:00 a.m. **SB 102-FN**, relative to managed care and patient choice.
- 1:00 p.m. **SB 115**, relative to eligibility for the healthy kids program.
- 2:00 p.m. **SB 80**, establishing a committee to study requiring insurance coverage for services provided by athletic trainers.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Executive session on **HB 70**, relative to taking stones from stone walls, **HB 215**, making technical corrections to certain OHRV and snowmobile laws, **HB 276-FN**, relative to challenges of voters, **HB 295**, relative to mental health treatment for members of the armed forces and veterans convicted of crimes, **HB 432-FN**, relative to penalties for telephone harassment involving a number used to facilitate transportation of voters or otherwise to support voting or registering to vote, **HB 473-FN**, relative to water treatment plants and penalties for safe drinking water

violations, **HB 537-FN**, relative to penalties for oil spills, **HB 538-FN**, relative to penalties for water pollution, **HB 651-FN**, relative to regulation of private investigative agencies and security services.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 9:30 a.m. **SB 65-FN**, relative to the acceptance of in lieu payments for the restoration or creation of wetlands.
- 10:45 a.m. **SB 60**, establishing a commission to study water infrastructure sustainability funding.
- 1:00 p.m. **SB 48**, relative to preventing contamination of groundwater from certain geothermal processes.

FRIDAY, APRIL 3

ADMINISTRATIVE RULES (RSA 541-A:2), Room 100, State House

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

COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS (HB 672, Chapter 252:1, Laws of 2007), Room 304, LOB

- 1:30 p.m. Regular meeting.

MONDAY, APRIL 6

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB

- 9:00 a.m. Regular meeting.

COMMISSION ON THE PREVENTION OF CHILDHOOD OBESITY (HB 1422, Chapter 219:1, Laws of 2008), Room 205, LOB

- 3:15 p.m. Regular meeting.

COMMISSION TO STUDY THE ISSUE OF STORMWATER MANAGEMENT (HB 1295, Chapter 71:1, Laws of 2008), Room 305, LOB

- 1:00 p.m. Regular meeting.

ELECTRONIC BALLOT COUNTING DEVICE ADVISORY COMMITTEE (HB 285, Chapter 134:1, Laws of 2008), HAVA Conference Room, Archives and Records Management Building, 71 South Fruit Street, Concord

- 10:00 a.m. Regular meeting.

TUESDAY, APRIL 7

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. **SB 46**, relative to group life insurance.
- 11:00 a.m. **SB 116**, repealing the prohibition on political contributions by insurance companies.
- 1:00 p.m. **SB 92**, relative to the commission to study access to consumer credit for people in New Hampshire.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. Informational meeting with the Commissioner, Department of Transportation and staff.
- 11:15 a.m. **SB 58**, relative to the use of alternating flashing lights on highway maintenance vehicles.
- 11:30 a.m. **SB 109**, relative to certification of excess weight vehicles.
- 12:00 p.m. **SB 111**, authorizing the governor to appoint a public member to the rail transit authority.

12:15 p.m. ***SB 133-FN***, authorizing purple heart special number plates for veterans still on active duty.

FRIDAY, APRIL 10

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

1:00 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

FRIDAY, APRIL 17

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

9:00 a.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), The Willows, Families in Transition, Manchester

9:30 a.m. Regular meeting.

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

10:00 a.m. Special hearing in the matter of Marie Dubreuil.

MONDAY, APRIL 20

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

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

THURSDAY, APRIL 23

COMMISSION TO DEVELOP ALTERNATIVES TO THE DISPOSAL OF MEDICAL SHARPS IN HOUSEHOLD WASTE (HB 1502, Chapter 259:2, Laws of 2008), Room 304, LOB

2:00 p.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 103, State House

3:00 p.m. Public comment hearing - procedural revisions to guardian ad litem rules.

NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R), Upham Walker House, Park Street, Concord

2:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Executive Committee will meet **March 23** to work on the 2009 County Budget. The meeting will take place at 9:00 a.m. in the Carroll County Administration Building Delegation Room at 95 Water Village Road, Route 171, Ossipee.

Carroll County Executive Committee will meet **March 30** to finalize the 2009 County Budget. The meeting will take place at 9:00 a.m. in the Carroll County Administration Building Delegation Room at 95 Water Village Road, Route 171, Ossipee.

Rep. Karen C. Umberger, Clerk
Carroll County Executive Committee

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **March 27** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown. Immediately following this meeting there will be the bi annual budget orientation meeting which is open to the entire Hillsborough County Delegation. Please let me know if you are attending the orientation as lunch will be provided.

Rep. Maurice Pilotte, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Pursuant to RSA 24:23, there will be a public hearing before **Merrimack** County Delegation at 6:00 p.m. on **March 24**, 2009 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is to consider 2009 budget appropriations for Merrimack County and to consider any other business. At this time, any member of the public may present oral or written testimony regarding the 2009 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. Candace Bouchard, Chairman
Merrimack County Delegation

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the public hearing on Tuesday, **March 24**, 2009 at 6:00 p.m. there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is to approve the withdrawal of funds from the Capital Reserve Account, the approval of the 2009 Merrimack County Budget and to consider any other business.

Rep. Candace Bouchard, Chairman
Merrimack County Delegation

REVISED FISCAL NOTES

The following House Bill has revised fiscal notes: HBs 30, 31, 41, 52, 56, 64, 69, 112, 140, 166, 168, 216, 223, 256, 282, 348, 392, 419, 423, 426, 441, 460, 468, 538, 564, 582, 583, 584, 585, 586, 587, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 608, 610, 617, 627, 628, 629, 630, 632, 633, 637, 638, 639, 640, 641, 642, 643, 644, 647, 650, 651, 652, 653, 655, 656, 657, 658, 659, 660, 661, 663, 664, 665, 666, 668, 670, 672, 673, 674, 675, 676, 677, 678, 685, 689, 696, SBs 25, 39, 79, 100, 135, 163, 165.

Karen O. Wadsworth, Clerk of the House

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.

Rep. Marcia Moody, 1 Maple Street, Newmarket, New Hampshire 03857-1803.

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

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

The components of the NH Dental Society will be inviting legislators to events in their area in order to educate legislators regarding oral health issues in New Hampshire. Events are being scheduled for the month of March. Please watch for invitations in the mail.

Reps. Mary Jane Wallner and Sherman A. Packard

The House Republican Alliance will meet Monday, **March 23** at 8:30 a.m. at the Upham Walker House, Park Street, Concord. Monday meeting is for this week only.

Rep. Nancy J. Elliott

A blood drive will be held at the State House on Tuesday, **March 24th**, from 9:00 a.m. to 3:00 p.m. Donations will be made in the Red Cross Bloodmobile, which will be parked in front of the plaza. They are able to process three donors at a time. Please contact the Health Services office and reserve a time slot so that you will not have to wait. You can contact the Health Service at 271-2757 or at dianne.bergquist@leg.state.nh.us or ellen.neilley@leg.state.nh.us. We encourage everyone to consider making the gift of life.

Rep. Cindy Rosenwald

The University of New Hampshire President, Mark W. Huddleston and the UNH Alumni Association are pleased to invite members of the New Hampshire General Court and Staff to the annual UNH Legislative Breakfast on Wednesday, **March 25th** from 7:30 to 9:00 a.m. at the Holiday Inn, 172 North Main Street, Concord.

Rep. Marjorie K. Smith

New England Police Benevolent Association is pleased to invite all legislators to a breakfast reception on Wednesday, **March 25** at the Barley House from 8:00 a.m. to 9:30 a.m.

Rep. Thomas L. Buco

All legislators are cordially invited to join the New Hampshire State Alliance of YMCAs in the State House cafeteria on Wednesday, **March 25** at noon for an informal luncheon reception. Sandwiches, hot and cold drinks, and dessert will be provided.

Rep. Larry Emerton

There will be an informational meeting for all members interested in knowing more about the American Legislative Exchange Council (ALEC) on **March 25** at the noon break in Room 307, LOB. Bring a bag lunch.

Rep. Gary Daniels

The Department of Transportation will hold the following meeting:

March 25 – McKelvie Middle School, 108 Liberty Hill Road, Bedford, 7:00 p.m. Public hearing special meeting. Bedford, US Route 3 bridge replacement over FE Everett Turnpike.

Rep. Candace CW Bouchard, Chairman
Public Works and Highways Committee

Planned Parenthood of Northern New England is pleased to invite legislators to a breakfast to introduce the new Public Affairs Director for NH, Kary Nealle Jencks. The breakfast will take place on Thursday, **March 26th** from 7:30 a.m. to 9:00 a.m. in the board room at the Rath, Young and Pignatelli Law Office in Concord.

Terie Norelli, Speaker

All legislators and staff are welcome to the annual massage therapy day for a free chair massage in Room 212, LOB from 9:30 a.m. to 2:00 p.m. on Tuesday, **March 31**. This event is sponsored by the NH Chapter of the National Association of Massage Therapists.

Rep. Benjamin C. Baroody

All legislators and staff are cordially invited to the New Hampshire Automobile Dealers Association's annual legislative reception on Wednesday, **April 1** at the Grappone Conference Center, Marriott Courtyard, 70 Constitution Avenue, Concord, beginning at 3:00 p.m. or following session. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Mary Jane Wallner and Sherman A. Packard

The New Hampshire Preservation Alliance, together with the NH Department of Education and other partners, is pleased to invite legislators to A Forum on School Building Aid and Siting Policies: Opportunities for New Hampshire on Thursday, **April 16** from 3:00 to 4:30 p.m. Presentation by national advisor and architect Royce Yeater to be followed by discussion with representatives from the Department of Education, The Jordan Institute and AIA NH. Refreshments will be served. NH Historical Society Library, 30 Park Street, Concord.

Rep. Mary Jane Wallner

Bring the whole family to the grounds of the NH Fish and Game Department Headquarters, 11 Hazen Drive in Concord on Saturday, **April 18** from 10:00 a.m. to 3:00 p.m. for Discover WILD New Hampshire Day. This 20th annual community conservation education event is being sponsored in conjunction with the NH Department of Environmental Services. It's a free fun-filled day of activities for the whole family, with lots to see – and even more to do. Try your hand at archery, learn to cast a fishing line, or find your way with a map and compass. Build a duck box, tie a fly, do a wildlife craft activity, take a nature walk or learn how to landscape for wildlife. The list is endless. "The Ways of the Woods Traveling Museum" is offering a look at the rich culture and history of our Northern Forest. Visit the Discovery Room and see if you can discover the various wildlife mounts including a mother moose and her calf. Meet Smokey Bear, trained falcons, live trout and salmon and numerous types of wildlife. More than 35 exhibitors from an array of nature, environmental and conservation organizations will be on hand, rain or shine, to help you learn about NH's wildlife, habitat and natural resources. Remember: Free admission. For more information call 271-3211 or visit www.wildnh.com

Rep. Robert J. L'Heureux

The Main Street Republicans will meet every Tuesday at 8:30 a.m. in Room 212, LOB. All Republicans are welcome.

Rep. Cynthia J. Dokmo

NH OWLS will meet the third Thursday of every month at 3:00 p.m. at the Upham Walker House. Guest Speakers will be announced. If you know a non-traditional student who would like to apply for an OWL Scholarship, applications are available on the 4th floor of the LOB. Applications must be returned by April 15, 2009.

Rep. Nancy F. Stiles

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **March 2009**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the remainder of the school year and **subject to change**. **Please contact the Visitors' Center concerning school tour booking information**. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Caitlin A. Daniuk, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Size/Grade</u>
Mar. 23	10:15	Pelham Elementary School	50/4
Mar. 23	11:30	Sanbornton Central School	45/4
Mar. 24	9:00	Greenland Elementary School	46/4
Mar. 24	10:00/11:30 SH/HM	Ledge Street School – Nashua	86/4
Mar. 25	10:00/11:30 SH/HM	Marston Elementary School – Hampton	80/4
Mar. 25	10:30	Crotched Mountain School	12

Mar. 26	9:30/11:00 SH/HM	Barnstead Elementary School	60/4
Mar. 27	9:30/11:00 SH/HM/SC	Jaffrey Grade School	66/4
Mar. 27	11:30	Wells Memorial School – Harrisville	12/4
Mar. 27	1:00	Strafford Elementary School	53/7
Mar. 30	10:00/11:30 SH/Pierce Manse	Atkinson Academy	90/4
Mar. 31	9:30/11:00 SH/HM	Webster Elementary School – Manchester	90/4

TUESDAY, MARCH 24

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2009-0404h

Amendment to HB 34

Proposed by the Majority of the Committee on Transportation - R

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

AN ACT prohibiting writing a text message while driving.

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

1 New Section; Rules of the Road; Prohibited Text Messages and Device Usage While Operating a Motor Vehicle. Amend RSA 265 by inserting after section 105 the following new section:

265:105-a Prohibited Text Messages and Device Usage While Operating a Motor Vehicle.

I. A person operating a moving motor vehicle who writes a text message or uses 2 hands to type on or operate an electronic or telecommunications device, is guilty of a violation. A person does not write a text message when he or she reads, selects, or enters a phone number or name in a wireless communications device for the purpose of making a phone call.

II. The fine for a violation of this section shall be \$100.

2 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill prohibits writing a text message and using 2 hands to type on or operate an electronic or telecommunications device while driving.

2009-0612h

Amendment to HB 43

Proposed by the Committee on Municipal and County Government - C

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

1 Subdivision Regulations; Waiver. Amend RSA 674:36, II(n) to read as follows:

(n) Include provision for waiver of any portion of the regulations. ~~[in such cases where, in the opinion of the planning board,]~~ ***The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:***

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

2 Site Plan Regulations; Waiver. Amend RSA 674:44, III(e) to read as follows:

(e) Include provision for waiver of any portion of the regulations. ~~[in such cases where, in the opinion of the planning board,]~~ **The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **or**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

AMENDED ANALYSIS

This bill authorizes planning boards to waive provisions in subdivision and site plan regulations without finding that conformity would pose a hardship to the applicant and requires that the basis for the waiver be recorded in the minutes of the board.

2009-0886h

Amendment to HB 48

Proposed by the Committee on Environment and Agriculture - C

Amend RSA 425:25, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an agriculture in the classroom committee, which shall include but not be limited to the following members: the director of the university of New Hampshire cooperative extension, or designee; the state commissioner of agriculture, markets, and food, or designee; the commissioner of the department of education, or designee; the dean of the college of life sciences and agriculture at the university of New Hampshire at Durham, or designee; and one representative from each of the following, appointed by the governor: New Hampshire Fruit Growers Association, Granite State Dairy Promotion, New Hampshire Plant Growers Association, New Hampshire Beekeepers Association, New Hampshire Maple Producers' Association, New Hampshire Farm Bureau Federation, Granite State FFA Association, New Hampshire Christmas Tree Promotion Board, New Hampshire Farmers' Market Association, and the New Hampshire Horse Council. The committee shall elect a chairperson from its members. The members of the committee shall serve without compensation, but the appointees shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties. It may adopt rules, pursuant to RSA 541-A, necessary for the execution of its functions under this subdivision and shall keep a record of its official actions.

2009-0710h

Amendment to HB 78

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

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

AN ACT relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Interagency Coordinating Council for Women Offenders. Amend RSA 21-H:14-c, II(a) by inserting after subparagraph (19) the following new subparagraph:

(20) One member from the New Hampshire Association of Counties, County Corrections Affiliate, appointed by the affiliate president.

Amend RSA 651-E:4, II as inserted by section 2 of the bill by replacing it with the following:

II. The chairperson may invite any person to provide information in council meetings, provided there is no objection from the council.

AMENDED ANALYSIS

This bill adds the commissioner of the department of health and human services to the interbranch criminal and juvenile justice council and authorizes the chairperson to invite any person to participate in council meetings provided there is no objection from a member of the council.

The bill also adds an additional member from the New Hampshire Association of Counties, County Corrections Affiliate, to the interagency coordinating council for women offenders.

2009-0103h

Amendment to HB 120-FN-LOCAL

Proposed by the Committee on Commerce and Consumer Affairs: - C

Amend the bill by replacing section 1 with the following:

1 Requiring Carbon Monoxide Detection Devices in Certain Dwellings. Amend RSA 153:10-a to read as follows:

153:10-a ~~[Fire Protection and Warning]~~ **Automatic Fire Warning Devices and Carbon Monoxide Detection** Devices in ~~[Multi-Family]~~ Dwellings.

I. Each unit contained in a multi-unit dwelling shall be equipped with automatic fire warning devices **and carbon monoxide detection devices**. On every floor level and in each common stairway and in each common hallway of a multi-unit dwelling, there shall be an automatic **fire warning device and carbon monoxide detection device**.

II. Every single family dwelling which is built or substantially rehabilitated after January 1, ~~[1982]~~ **2010**, shall be equipped with an automatic fire warning device **and a carbon monoxide detection device**.

II-a. Every rental unit as defined in RSA 153:1, IX-a shall be equipped with at least one automatic fire warning device **and one carbon monoxide detection device**. An automatic fire warning device shall be located in each hallway or area which is adjacent to a sleeping area. The provisions of this paragraph shall be in addition to any requirements under paragraph II. The owner of the rental unit shall be responsible for maintaining the automatic fire warning device **and carbon monoxide detection device** in a suitable condition.

III. The state fire marshal may adopt such rules pursuant to RSA 541-A as ~~[he thinks are]~~ necessary to enforce paragraphs I, ~~and~~ II, **and II-a**. ~~[He]~~ **The state fire marshal** shall either enforce the provisions of this section or appoint the appropriate municipal authority to enforce the provisions of this section.

IV. Any party aggrieved by the state fire marshal's interpretation, order, requirement, or direction under the provisions of this section may, within 45 days after the service of notice, appeal to the supreme court under RSA 541.

V. The state fire marshal may grant authority in writing to local fire authorities to issue citations for violations of fire safety rules adopted under RSA 153:10-a and RSA 153:10-b. A citation for violations issued under this paragraph shall carry the penalty set forth in RSA 153:24.

VI. Any ordinance or bylaw enacted by a city, town, village district, or precinct, or any rule or regulation adopted for licensure by a governmental agency which contains more stringent requirements than the provisions of this section shall not be made void by this section and shall remain in full force and effect.

VII. Whenever the enforcement authority observes a violation of this section, he **or she** shall prepare a written notice of violation describing the substandard condition and specifying a time limit for the elimination of the violation. The written notice of violation shall be served by the enforcement authority or ~~[his]~~ **the authority's** designee upon the owner or ~~[his]~~ **the owner's** duly authorized agent or upon the occupant or other person responsible for the violation. Such notice of violation shall be served either by certified mail to the last known post office address or by delivering it personally to such person or persons.

AMENDED ANALYSIS

This bill requires the installation of carbon monoxide detectors in single and multi-family dwellings built or substantially rehabilitated after January 1, 2010.

Amendment to HB 131

Proposed by the Committee on Children and Family Law - C

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

AN ACT relative to the juvenile justice advisory board.

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

1 Juvenile Justice Advisory Board; Membership; Duties. Amend RSA 621-A:9 through RSA 621-A:11 to read as follows:

621-A:9 Juvenile Justice Advisory Board Established.

I. There is hereby established a juvenile justice advisory board. The board shall act in an advisory capacity and make recommendations to the commissioner relative to programs and services provided to children at the youth development center and the youth services center.

II. The board shall be composed of the following members:

(a) ~~[Three]~~ **Four** members from the house of representatives, one of whom shall be a member of the house finance committee, **2 of whom shall be members of the children and family law committee, and one of whom shall be a member of the criminal justice and public safety committee**, appointed by the speaker of the house of representatives.

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

(c) The director of the unit of juvenile justice services within the department~~[-who shall serve as an ex officio member]~~.

(d) ~~[The commissioner]~~ **A representative** of the department of health and human services ~~[or designee, who shall serve as an ex officio member]~~ **who is responsible for mental health services, designated by the commissioner of health and human services.**

(e) The commissioner of the department of education or designee~~[-who shall serve as an ex officio member]~~.

(f) One district or family court judge, appointed by the administrative justice of the district courts.

(g) Two human services administrators, one from an urban county and one from a rural county, appointed by the executive director or other appropriate appointing authority of the New Hampshire Association of Counties.

(h) ~~[Six]~~ **Seven** members, appointed by the governor with the advice and consent of the council, which shall include 2 members representing the interests of business and industry, 2 parents of children who are receiving or have received services from the department, one member of state or local law enforcement, and ~~[one member]~~ **two members** from the general public.

(i) One juvenile probation and parole officer, appointed by the commissioner of the department of health and human services.

(j) ~~[One member of the house children and family law committee, appointed by the speaker of the house.]~~ **One member of the commission on juvenile justice established in RSA 169-H, appointed by the commission.**

III. Members of the advisory board shall serve without compensation provided that legislative members shall receive mileage at the legislative rate while attending to the duties of the board.

621-A:10 Terms of Office; Organization.

I. The legislative members and the members listed in RSA 621-A:9, II(c) — ~~[(e)]~~ **(e)** shall serve terms which are coterminous with their terms in office. ~~[The members listed in RSA 621-A:12, II(g) shall serve for 3 years. Three of the members listed in RSA 621-A:9, II(h) shall serve for 4 years, and 3]~~ **The remaining** members shall serve ~~[for 3 years]~~ **3-year terms.**

II. Each appointed member of the advisory board shall hold office until a successor is appointed and qualified. The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment in the same manner as the original appointment. **Non-legislative appointed members shall not serve more than 2 consecutive terms.**

III. The advisory board shall elect its own chairperson and officers annually. The board shall meet ~~[monthly, or]~~ as deemed necessary, provided that the board shall meet at least ~~[once every 3 months]~~ **4 times per year**.

621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an advisory capacity to assist the commissioner of the department of health and human services relative to juvenile justice programs and services provided to children at the youth development center and the youth services center. The board may also provide advice and input on fiscal and budgetary matters related to such facilities, the availability of state and federal grants, business partnerships, and other funding sources available to the department for such facilities.

II. Beginning in December ~~[2009]~~ **2010**, and ~~[annually]~~ **biennially** thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, and the governor detailing the activities of the board and any recommendations made by the board to the department relative to juvenile justice services.

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

AMENDED ANALYSIS

This bill adds new members to the juvenile justice advisory board and changes the board's duties concerning meetings and reports.

2009-0555h

Amendment to HB 143

Proposed by the Committee on Education - C

Amend the bill by replacing section 2 with the following:

2 New Paragraph; School Attendance. Amend RSA 193:3 by inserting after paragraph III the following new paragraph:

IV.(a) Any person having custody of a child may apply to enroll that child in a public school or public academy outside the school district in which the person and child reside. If the non- resident school district or public academy agrees to enroll the child it may charge tuition to the parent or resident school district.

(b) When a non-resident school district or public academy agrees to enroll a pupil as a unilateral parental assignment it shall immediately notify the resident school district of the name, date of birth, address and grade assignment of the pupil. The non-resident district or public academy shall provide the same notification to the resident school district at the beginning of each school year so long as the child is a pupil in the non resident district.

(c) No pupil shall be enrolled in a non-resident district prior to the execution of an agreement between the resident district and the non-resident district or public academy that allocates the program and financial responsibilities of both entities for the pupil in the event that the pupil is a child with a disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the Rehabilitation Act of 1973, as amended.

(d) The decision by a school district or a public academy to deny enrollment of a non-resident pupil shall not be based, in whole or in part, on whether such pupil is a child with a disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the Rehabilitation Act of 1973, as amended.

(e) The decision of a parent to enroll a child in a charter school shall not be subject to the provisions of this section.

2009-0213h

Amendment to HB 154

Proposed by the Committee on Education - C

Amend RSA 189:34, II as inserted by section 1 of the bill by replacing it with the following:

II. School board policies on truancy shall include provisions which define administratively excused absences and identify a system of intervention steps designed to

reduce the number of habitual truants in the school district. The policy shall also designate an employee in each school as the person responsible for truancy issues.

Amend RSA 189:36, II as inserted by section 3 of the bill by replacing it with the following:

II. A truant officer, upon finding that a child is a habitual truant, shall first comply with school district policy governing habitual truants. After complying with such policy, the truant officer may file a petition pursuant to RSA 169-D alleging that the child is in need of services.

2009-0778h

Amendment to HB 156-LOCAL

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 New Section; Planning and Zoning Administration and Enforcement; Planning Board; Third Party Review and Inspection. Amend RSA 676 by inserting after section 4-a the following new section:

676:4-b Third Party Review and Inspection.

I. A planning board reviewing a subdivision plat, site plan, or other land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third party review and consultation during the review process.

II. A planning board approval of a subdivision plat, site plan, or other land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third party inspection during the construction process.

III. A planning board retaining services under paragraph I or II shall require detailed invoices with reasonable task descriptions for services rendered. Upon request of the applicant, the planning board shall promptly provide a reasonably detailed accounting of expenses, or corresponding escrow deductions, with copies of supporting documentation.

IV. A person retained as a third party inspector during the construction process shall observe, record, and promptly report to the planning board or appropriate municipal authority and applicant or applicant's successor in interest any perceived construction defect or deviation from the terms of the approval or approved project plans.

V. Any person who becomes aware of a failure by a third party inspector to report properly and promptly a construction defect or deviation from the terms of the approval or approved project plans, may file a written complaint to the joint board established under RSA 310-A:1 for possible peer review or disciplinary action.

2009-0041h

Amendment to HB 167

Proposed by the Committee on Local and Regulated Revenues - C

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

AN ACT relative to the guidelines for revaluations used by the assessing standards board, and the adoption of rules for disciplinary standards for assessing officials.

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

2 Assessing Standards Board; Sanctions. Amend RSA 21-J:14-b, I-a (a), to read as follows:

(a) ***(1) The establishment of the following standards for assessing officials:***

(A) Certification standards;

(B) Continuing education ~~[-and]~~ standards;

(C) Revocation ~~[and]~~, suspension, and other disciplinary standards ~~[for assessing officials]~~ and sanctions.

(2) The department of revenue administration shall be responsible for the enforcement of ~~[those]~~ the standards adopted under subparagraph (a)(1).

AMENDED ANALYSIS

This bill updates the authority for the assessing standards board in establishing guidelines for revaluations used in the assessment review process. The bill also allows the board to adopt rules for disciplinary standards and sanctions relating to assessing officials

2009-0385h

Amendment to HB 186
Proposed by the Committee on Transportation - C

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

AN ACT relative to rulemaking concerning rafts on public waters and prohibiting the rental of a motorized watercraft to a person who does not have a certificate of boating safety education.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 New Paragraph; Vessel Registration and Numbering; Definitions; Rental Agent. Amend RSA 270-E:2 by inserting after paragraph X the following new paragraph:

X-a. "Rental agent" means any person, as defined in RSA 270:2, II, accepting money or other valuable consideration for the temporary use of vessels, provided to members of the general public.

3 Rental Agents; Prohibitions. Amend RSA 270-E:25 to read as follows:

270-E:25 Prohibitions; Penalties.

I. No ~~person~~ **rental agent** shall:

(a) Rent or lease any motorized watercraft to any other person without having a rental agent safety certificate. This subparagraph shall not apply to the use of any motorized watercraft which is included in the rental or lease of real property.

(b) Rent or lease any motorized watercraft to any other person without complying with the requirements of RSA 270-D:2-c.

(c) ***Rent or lease any motorized watercraft to any person who has not provided proof to the rental agent of having met the requirements of RSA 270-D:10.***

(d) Rent or lease any motorized watercraft that is unsafe to any other person.

II. Any person violating subparagraph I(a) shall be guilty of a violation for a first or second offense committed within the same calendar year and guilty of a misdemeanor for any subsequent offense committed within the same calendar year.

III. The commissioner may revoke the rental agent safety certificate upon finding that the certificate holder has violated subparagraph I(b), ~~or~~ I(c), **or I(d)**.

AMENDED ANALYSIS

This bill repeals a provision exempting swimming rafts from certain rulemaking authority of the commissioner of safety. This bill also prohibits the rental of a motorized watercraft to a person who does not have a certificate of boating safety education and limits the application of certain watercraft rental prohibitions to rental agents, as defined in the bill.

2009-0844h

Amendment to HB 187-FN
Proposed by the Committee on Commerce and Consumer Affairs - R

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

AN ACT relative to the state building code and establishing a committee to study the sale and installation of manufactured and modular homes and related consumer protections.

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

3 Study Committee Established. There is established a committee to study the sale and installation of manufactured and modular homes and related consumer protections.

4 Membership and Compensation.

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

(a) Three members of the house of representatives, 2 from the commerce and consumer affairs committee and one from the executive departments and administration committee, appointed by the speaker of the house of representatives.

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

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

5 Duties. The committee shall study the regulation of the sale and installation of manufactured housing and modular housing in New Hampshire. The committee shall review the Maine laws which regulate retail dealers, installers, and manufacturers of manufactured and modular housing.

6 Chairperson; First Meeting. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section.

7 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, 2009.

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

AMENDED ANALYSIS

This bill:

I. Permits the state fire marshal to establish, by rule, fees associated with administration and enforcement of the state building code.

II. Provides that appeals of the state fire marshal's decisions regarding the fire code shall be to the superior court.

III. Establishes a committee to study the sale and installation of manufactured and modular homes and related consumer protections.

2009-0823h

Amendment to HB 193-FN

Proposed by the Committee on Ways and Means - R

Amend RSA 339-F:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV. If a manufacturer has certified a cigarette pursuant to paragraph II, and thereafter makes any change to the cigarette that is likely to alter its compliance with the reduced cigarette propensity standard under RSA 339-F:3, such cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards in RSA 339-F:3 and maintains records of the retesting as required by RSA 339-F:5. Any altered cigarette that does not meet the performance standard in RSA 339-F:4 shall not be sold in this state.

2009-0708h

Amendment to HB 197

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation.

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Liability of Third Person. Amend RSA 281-A:13, I(b) to read as follows:

(b) The employer, or the employer's insurance carrier, shall have a lien on the amount of damages or benefits recovered by the employee, less the expenses and costs of action, to the extent of the compensation, medical, hospital, or other remedial care already paid or agreed or awarded to be paid by the employer, or the employer's insurance carrier, under this chapter, less the employer's or the employer's insurance carrier's pro rata share of expenses and costs of action as determined in paragraph IV *and the amount of damages attributed to the employer pursuant to RSA 507:7-e.*

AMENDED ANALYSIS

This bill excepts the amount of damages attributed to the employer pursuant to the apportionment of damages provisions under RSA 507:7-e from the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation.

2009-0648h

Amendment to HB 199

Proposed by the Committee on Commerce and Consumer Affairs - R

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

AN ACT relative to the warning accompanying a document tendered to settle bodily injury claims subject to certain automobile insurance coverage.

Amend the bill by replacing section 1 with the following:

1 Motor Vehicle Insurance; Settlement Documents; Warning. RSA 264:15, V is repealed and reenacted to read as follows:

V. Every document tendered to settle a claim for bodily injury which may be the subject of coverage under this section shall prominently contain the following language, which shall be read and signed by the releasing party or parties:

WARNING

"IF YOU SIGN THIS RELEASE YOU MAY FORFEIT YOUR RIGHT TO UNINSURED MOTORIST INSURANCE BENEFITS FROM YOUR OWN AUTOMOBILE INSURANCE POLICY. CONSULT WITH YOUR INSURANCE AGENT, YOUR AUTOMOBILE INSURANCE COMPANY, OR YOUR ATTORNEY BEFORE SIGNING."

I certify that I have read the above warning and fully understand it.

Signature

AMENDED ANALYSIS

This bill requires parties to read and sign a warning accompanying documents tendered to settle bodily injury claims which may be subject to uninsured motorist insurance coverage.

2009-0299h

Amendment to HB 214

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 establishing a committee to study health care services in correctional facilities and the issue of access to inmates by medical care, mental health care, and substance abuse treatment providers.

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

1 Committee Established. There is established a committee to study health care services in correctional facilities and the issue of access to inmates by medical care, mental health care, and substance abuse treatment providers.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives as follows:

(1) One member from the children and family law committee.

(2) One member from the finance committee.

(3) One member from the health, human services and elderly affairs committee.

(4) Two members from the criminal justice and public safety committee.

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

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

3 Duties. The committee shall:

I. Review the standards of health care provided to inmates in state and county correctional facilities and municipal jails, and to children in juvenile detention facilities, including the issue of

access to inmates or children by health care, mental health care, or substance abuse treatment services providers.

II. Study the provision of health care, mental health care, and substance abuse treatment services provided to inmates in state and county correctional facilities and municipal jails, and to children in juvenile detention facilities.

III. Consult, as needed, with experts and other professionals with relevant knowledge or expertise to assist in carrying out the committee's objective.

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

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, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study health care services in all state and county correctional facilities and municipal jails, and to children in juvenile detention facilities, including the issue of access to inmates by health care, mental health care, and substance abuse treatment services providers.

2009-0509h

Amendment to HB 224

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 2 with the following:

2 New Section; Identification of the Presence of Swimmers. Amend RSA 270 by inserting after section 31 the following new section:

270:31-a Identification of the Presence of Swimmers. Any person who swims in an area of Newfound Lake, Ossipee Lake, Squam Lake, Lake Sunapee, Lake Winnepesaukee, or Lake Winnisquam which is not within the boundaries of a swim line or is more than 150 feet from the shore shall be accompanied by a watercraft displaying a swimmers' flag which clearly identifies the presence of the person swimming or shall wear apparel, such as a head cap, that is easily visible above the waterline to indicate the presence of the person swimming. The commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to the design and color of swimmers' flags and the requirements for display of such flags and colors for swimmers' apparel.

2009-0721h

Amendment to HB 237

Proposed by the Committee on Commerce and Consumer Affairs: - C

Amend the bill by replacing section 1 with the following:

1 Accident and Health Insurance; Short-Term Policies. Amend RSA 415:5, III to read as follows:

III. Nonrenewable, individual health insurance policies which provide medical, hospital, or major medical expense benefits for a specified term may be delivered or issued for delivery to any person in this state~~[- however,]~~ **for purposes of providing short term, interim coverage only and** no such policy shall provide coverage for a specified term in excess of 6 months, nor shall any such policy be issued in this state to a person who was previously covered ~~[by more than 2 such policies]~~ **under short term medical policies providing in total more than 540 days of coverage** within the preceding 24-month period.

2009-0653h

Amendment to HB 238

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend the bill by deleting section 1 and renumbering the original sections 2-7 to read as 1-6, respectively.

2009-0258h

Amendment to HB 247

Proposed by the Committee on Environment and Agriculture - C

Amend RSA 436:8 as inserted by section 1 of the bill by replacing it with the following:

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter, and shall devote his **or her** entire time and attention to the duties of his **or her** office. ~~[The state veterinarian shall have the power to enforce the provisions of and investigate]~~ Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, **shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept. At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of and investigating said complaints.** In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him **or her** in an official capacity whenever he **or she** may be absent from his **or her** duties.

2009-0431h

Amendment to HB 248-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend the bill by replacing section 4 with the following:

4 Investigations. Amend RSA 176:9, III to read as follows:

III. ~~[Any member of the commission]~~ **The commissioner**, assistant, or liquor investigator may enter any place where liquor~~[-]~~ **or** beverages~~[-, or tobacco products]~~ are sold or manufactured, at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

Amend the bill by replacing all after section 8 with the following:

9 Transition. The 3-member liquor commission is abolished. The powers, functions, duties, and responsibilities of the members of the liquor commission are transferred to the liquor commissioner appointed pursuant to this act. The governor shall appoint the liquor commissioner within 30 days of the effective date of section 1 of this act.

10 Effective Date. This act shall take effect July 1, 2009.

2009-0799h

Amendment to HB 250

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

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

1 Child Protection Act; Central Registry. Amend RSA 169-C:35, I and II to read as follows:

I. There shall be established a state **child abuse and neglect** registry for the purpose of maintaining a record of founded reports of abuse and neglect **under this chapter**. The registry shall be confidential and subject to rules on access established by the commissioner of the department under RSA 541-A.

II. Upon receipt by the department of a written request and verified proof of identity, an individual shall be informed by the department whether that individual's name is listed in the founded reports maintained in the central registry. It shall be unlawful for any employer other than those specified in **RSA 161-F:49, VII**, RSA 170-E, and RSA 170-G:8-c to require as a condition of employment that the employee submit his or her name for review against the central

registry of founded reports of abuse and neglect. Any violation of this provision shall be punishable as a violation.

2 Child Day Care Licensing; State Registry and Criminal Records Check. Amend RSA 170-E:7, II(a) to read as follows:

(a) The department shall, for every name submitted on an application, in the registration process, and for each individual for whom information is required to be submitted pursuant to paragraph I, review the names, birth names, birth dates, and current and previous addresses of such persons against the state ***child abuse and neglect*** registry ~~[of founded abuse and neglect reports]~~ ***under RSA 169-C:35 and the state adult abuse, neglect, and exploitation registry under RSA 161-F:49.***

3 Child Day Care Licensing; State Registry and Criminal Records Check. Amend RSA 170-E:7, IV to read as follows:

IV. If any individual whose name has been submitted for this check has been convicted of a felony offense deemed directly or indirectly harmful to children in child day care, crimes against minors or adults, except crimes as provided in paragraph III, or is the subject of a founded complaint of child abuse or neglect ***or a founded report of incapacitated adult abuse, neglect, or exploitation under RSA 161-F:49,*** the department may deny, revoke, or suspend a license, permit, or registration pending the development and implementation of a corrective action plan approved by the department. In addition, the department may, upon a finding of criminal activity or a founded complaint of child abuse or neglect ***or incapacitated adult abuse, neglect, or exploitation*** as described in this paragraph, withhold state funding to registered child day care providers that are exempt from the licensing requirements of RSA 170-E:4 pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this subdivision to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence on his behalf to show that the individual does not pose a threat to the safety of children.

4 Foster Parent Licensing; State Registry and Criminal Records Check. Amend RSA 170-E:29, II-a(b) to read as follows:

(b) The central registry check shall include a check of the ~~[department's central registry of founded reports of]~~ child abuse and neglect ***registry*** under RSA 169-C:35, ***the adult abuse, neglect, and exploitation registry under RSA 161-F:49,*** and ~~[shall include a check of]~~ the child abuse and neglect registries in any other state in which the prospective foster parents or other adult living in the home has resided in the preceding 5 years. Information obtained from another state pursuant to this subparagraph shall be used only for the purposes of conducting the background checks.

5 Foster Parent Licensing; State Registry and Criminal Records Check. Amend RSA 170-E:29, IV to read as follows:

IV. If any individual whose name has been submitted for this check has been convicted of crimes against minors or adults, except crimes as provided in paragraph III, or is the subject of a founded complaint of child abuse or neglect ***or a founded report of incapacitated adult abuse, neglect, or exploitation under RSA 161-F:49,*** the department may deny the license or permit, revoke a license, or suspend a license pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this subdivision to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence on his behalf to show that he does not pose a threat to the safety of children.

6 Services for Children, Youth and Families; State Registry and Criminal Records Check. Amend RSA 170-G:8-c to read as follows:

170-G:8-c State Registry and Criminal Records Check.

I. The department shall, prior to adding new or transferred staff members whose job descriptions would cause them to come into direct contact with children, submit the names, birth

names, birth dates, and addresses of such individuals for review against the state ***child abuse and neglect*** registry ~~[of founded abuse and neglect reports]~~ ***under RSA 169-C:35 and the state adult abuse, neglect, and exploitation registry under RSA 161-F:49*** and the division of state police for information about criminal convictions.

II. Prior to the renewal of any current employment contract of existing employees whose job description would cause them to come into direct contact with children, the department shall submit the names, birth names, birth dates, and addresses of such individuals for review against the state ***child abuse and neglect*** registry ~~[of founded abuse and neglect reports]~~ ***under RSA 169-C:35 and the state adult abuse, neglect, and exploitation registry under RSA 161-F:49***, and for review by the division of state police for information about criminal convictions.

III. The department shall, for every name submitted on the application and for each new or transferred staff member, or for existing staff members in accordance with paragraph II of this section, review the names, birth names, birth dates, and current and previous addresses of such persons against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates, and addresses to the division of state police to obtain information about criminal convictions.

IV. If any individual whose name has been submitted for a check under this section has been convicted of crimes against minors or adults, or is the subject of a founded report of child abuse or neglect, ***or a founded report of incapacitated adult abuse, neglect, or exploitation***, the department may deny employment to such person pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

V. For any current employee convicted of a crime against a minor or adult, or who is or becomes the subject of a founded report of child abuse or neglect, ***or a founded report of incapacitated adult abuse, neglect, or exploitation***, the department may terminate, suspend, demote, or transfer that employee, and may require the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with the rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

VI. Any employee transferred to the department from another state department or agency, whose job description within the department of health and human services would cause such employee to come into direct contact with children, shall be subject to provisions of this section.

VII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the confidentiality of information collected under this section and to the release, if any, of such information.

7 Incapacitated Adult Abuse, Neglect, and Exploitation Registry. Amend RSA 161-F:49, III to read as follows:

III. Except as provided in paragraph IV, for a founded report, the commissioner, or designee, shall notify the employer:

(a) Relative to a prospective employee who is not on the ***adult*** registry ***under this section or the child abuse and neglect registry under RSA 169-C:35***, of that fact within 5 days of receipt of a request from the employer.

(b) Relative to a prospective employee who is on the ***adult*** registry ***under this section or the child abuse and neglect registry under RSA 169-C:35***, of that fact within 5 business days of receipt of the request from the employer, and the employer shall include in the notice the date the person was placed on the registry.

8 Incapacitated Adult Abuse, Neglect, and Exploitation Registry. Amend RSA 161-F:49, VII to read as follows:

VII. All employers of programs which are licensed, certified, or funded by the department to provide services to individuals ***as defined in RSA 161-F:49, I(a) against the child abuse and neglect registry established under RSA 169-C:35*** shall be required before hiring a prospective employee who may have client contact to submit his or her name, for review against the ***adult*** registry ~~[of founded reports of abuse, neglect, and exploitation]~~ ***under this section or the child abuse and neglect registry under RSA 169-C:35*** to determine whether the person is on ~~[the]~~ ***either*** registry, ***provided that in the case of employers of programs which are licensed, certified, or funded by the department to provide services to individuals as defined in RSA 161-F:49, I(a), such employers shall not have access to the identity or any information concerning a perpetrator who is on the child abuse and neglect registry for a founded report of abuse and neglect against his or her own biological, adoptive, or stepchild unless the perpetrator consents to such access.*** The employer shall not hire the prospective employee if the person is listed on ~~[the]~~ ***either*** registry with a founded case of abuse, neglect, or exploitation, unless the employer requests and obtains a waiver from the department to hire such person. The employer, upon receiving of notice that a prospective employee is on ~~[the]~~ ***either*** registry and in order to determine whether he or she should request a waiver from the department, may request permission from the prospective employee for the authority to obtain further information about a founded case of abuse, neglect, or exploitation. Any individual hiring a caregiver directly, or through an authorized representative or fiscal intermediary, to provide personal care services, as defined in RSA 161-E or RSA 161-I, may, with the consent of the prospective employee, submit the prospective employee's name for review against the ***adult*** registry ***under this section or the child abuse and neglect registry under RSA 169-C:35*** and, if the prospective employee is on the registry, and with the further permission of the prospective employee, obtain information about any founded case. The individual shall not be required in such situations to obtain a waiver prior to hiring a person on the registry. It shall be unlawful for any employer other than those specified under this paragraph to require as a condition of employment that the employee submit his or her name for review against the registry of founded reports of abuse, neglect, department's case records as the department deems necessary for the requesting state to be able to evaluate the results.

XIII. Any state, county, or local government operated, licensed, or funded agency, board, commission, or other entity that is authorized or required to check any person against the child abuse and neglect registry established under RSA 169-C:35 shall also check the person against the registry established under this section.

9 Procedure for Court Appointment of a Guardian of an Incapacitated Person. Amend RSA 464-A:4, V(c) to read as follows:

(c) The court may, in its discretion, request a search of the ***child*** abuse and neglect registry ***under RSA 169-C:35 and the adult abuse, neglect, and exploitation registry under RSA 161-F:49*** maintained by the department of health and human services.

10 Effective Date. This act shall take effect July 1, 2010.

AMENDED ANALYSIS

This bill:

I. Expands the background check requirements for certain child care providers to include a search of both the child abuse and neglect registry under RSA 169-C:35 and state adult abuse, neglect, and exploitation registry under RSA 161-F:49.

II. Permits the probate court to order a check of both registries prior to appointing a guardian for an incapacitated adult.

2009-0765h

Amendment to HB 260

Proposed by the Majority of the Committee on Judiciary - R

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

1 New Section; Conveyances of Real Property to or From Trust. Amend RSA 477 by inserting after section 25 the following new section:

477:25-a Conveyances To or From Trusts Without Naming Trustees.

I. In any conveyance of real property or any interest in real property in this state, if the grantee or one or more of the grantees is named as a trust, whether the trust is created under the laws of this state or of any other jurisdiction, and no trustee of that trust is named as a grantee in his or her or its capacity as trustee, then the conveyance is deemed to have been made to all of the trustees of the trust who have accepted the office of trustee in their capacity as trustees of the trust, as though they had been named as grantees. Notwithstanding the foregoing, a trustee who would be deemed by this paragraph to have accepted title to real property but who has not either expressly accepted title or participated in any transaction involving the property other than as allowed by RSA 564-B:7-701(c) may, to the extent not prohibited by the terms of the trust or otherwise, decline to accept such real property by recording an affidavit reciting such nonacceptance and nonparticipation and lack of prohibition and declining to accept title, in the registry in which the conveyance subject to this paragraph was recorded; and upon the recording of such an affidavit, such trustee shall be deemed never to have accepted or held title to the real property that is the subject of such conveyance; but such declination of title by one or more but not all of the trustees shall not prevent the vesting of title to the entire interest conveyed in the remaining trustees. Notwithstanding this right of trustees to decline title, the title of any bona fide purchaser whose title is derived by instrument recorded subsequent to the date of recording of the conveyance subject to this section shall not be adversely affected by the recording of a trustee's affidavit declining title.

II. In any conveyance of real property or any interest in real property in this state, the conveyance is deemed to have been made by all of the persons who signed the instrument of conveyance in the expressly denoted capacity of trustees of the trust, as though they had been named as such in the granting clause as grantors instead of the trust, if:

(a) The granting clause designates or includes as grantor a trust, whether the trust is created under the laws of this state or of any other jurisdiction, and the granting clause does not include as grantors one or more persons expressly described as trustees of the trust;

(b) The signature block designates the trust as a signatory entity, followed by the signatures of one or more persons expressly described as trustees; or

(c) Both subparagraphs (a) and (b) apply.

III. Any person who claims title to any real property or any interest in real property in this state by virtue of the failure of an instrument of conveyance delivered before the effective date of this section to name as grantor or as grantee any trustee of a trust may preserve that claim by recording a notice, within 2 years from the effective date of this section, in the registry of deeds where the instrument of conveyance is recorded. In order for the notice to be effective, it shall contain the name and mailing address of the claimant, the names of the parties to the instrument of conveyance that is claimed to be defective, the names of the current owners of record, the book and page numbers where the instrument of conveyance is recorded, and a statement of the purported defect on which the claim is based. The notice described in this paragraph may be presented for recording by the claimant or by any other person acting on behalf of a claimant who is under a disability or is unable to assert a claim on the claimant's own behalf, but a disability or lack of knowledge of any kind shall not suspend or extend the period for the recording of the notice.

IV. This section shall not apply to any trust that, as determined by the laws of its situs, is an entity capable of holding and conveying title in its own name.

V. Nothing contained in this section shall be construed to recognize trusts created under the laws of this state as entities capable of holding or conveying title to real property in their own names. This section applies to conveyances made before, on, or after the effective date of this section, but nothing contained in this section shall be construed to suggest or require that any instrument delivered before the effective date of this section is invalid. Nothing contained in this section shall be construed to extend the period for the commencement of an action or for the performance of any other required act under any statute of limitations.

VI. Other than as expressly stated, this section shall not be read to mean that a conveyance falling within the terms of paragraph I or II is any more or less valid or has any

different effect with regard to the trustees or the trust than if the trustees had been expressly named as such in the granting clause.

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

AMENDED ANALYSIS

This bill allows the trustees of a trust to accept or decline title in certain conveyances of real property.

2009-0837h

Amendment to HB 272

Proposed by the Committee on Transportation - C

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

AN ACT relative to operation of OHRVs on paved shoulders of state highways.

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

1 New Subparagraph; Operation of Certain Vehicles Within Highway Rights-of-Way. Amend RSA 236:56, II by inserting after subparagraph (e) the following new subparagraph:

(f) Paved Shoulders. The operation of OHRVs shall be allowed within the rights-of-way or upon the paved shoulders of class I, II, III, and III-a highways upon the request of a town or city or OHRV club, as defined in RSA 215-A:1, V-a, after consultation with the bureau of trails and with the approval of the department of transportation.

2 OHRV Trails; Evaluation Process; Department of Transportation Property. Amend RSA 215-A:43, VIII to read as follows:

VIII. This section shall not apply to department of transportation property required for trail crossing or connector permits ~~[at, or which directly connect to, Jericho Mountain state park]~~.

3 OHRV Operation; Certain Highways. Amend RSA 215-A:10, I to read as follows:

I. A person shall not operate an OHRV on the traveled portions or the plowed snowbanks adjacent to class I, class II, class III, or class III-a highways, ***except as provided in RSA 236:56.***

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

AMENDED ANALYSIS

This bill establishes a process for allowing OHRV use on the paved shoulders of certain highways upon request of a municipality or OHRV club.

2009-0255h

Amendment to HB 279-FN

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

Amend RSA 106-J:4, II as inserted by section 3 of the bill by replacing it with the following:

II.(a) When a local law enforcement agency receives notice that a senior citizen is missing, the agency shall require the senior citizen's family or legal guardian to provide information relative to the senior citizen's impaired mental condition. The local law enforcement agency shall follow a procedure to verify that the senior citizen is missing and has an impaired mental condition. Once the local law enforcement agency verifies that the senior citizen is missing and has a verified impaired mental condition, the local law enforcement agency shall notify the department.

(b) When a local law enforcement agency receives notice that a person with developmental disabilities is missing, the agency shall require the family, legal guardian, or service provider of the missing person with developmental disabilities to provide information relative to the person's developmental disability. The local law enforcement agency shall follow a procedure to verify the person is missing and has a developmental disability. Once the local law enforcement agency verifies the person with developmental disabilities is missing, the local law enforcement agency shall notify the department.

2009-0726h

Amendment to HB 282-FN-A

Proposed by the Committee on Finance - C

Amend the title of the bill by replacing it with the following:
AN ACT relative to meetings of the medical/vision advisory board.
Amend the bill by replacing section 1 with the following:

1 Medical/Vision Advisory Board; Meetings. Amend RSA 263:6-b, I to read as follows:

I. In order to advise the director on medical criteria for the reporting and examination of drivers with medical impairments, a medical/vision advisory board is hereby established within the division. The board shall be composed of 3 members appointed by the director. Two of the members of the board shall be licensed physicians and residents of this state, and one member of the board shall be a licensed optometrist and a resident of this state. Of the original appointees, one shall serve for a term of 2 years and 2 shall serve for terms of 4 years. Subsequent appointees shall each serve for a term of 4 years or until their successors are appointed and approved. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term. The members of the board shall receive no compensation for their services and shall not hire any staff personnel but shall be paid mileage when attending to the duties of the committee at the maximum rate established in the Internal Revenue Code and regulations. After the first full year of operation of the advisory board, the board shall meet ~~[no more than 4 times per year]~~ **as needed.**

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

AMENDED ANALYSIS

This bill eliminates the limit on the number of meetings that the medical/vision advisory board may hold in a year.

2009-0850h

Amendment to HB 290

Proposed by the Committee on Municipal and County Government - C

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

AN ACT authorizing fluvial erosion hazard ordinances.

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

1 Flood Hazards. Amend the subdivision heading preceding RSA 674:56 to read as follows:

~~[Floodplains]~~ **Flood Hazards**

2 Flood Hazards. Amend RSA 674:56 to read as follows:

674:56 ~~[Floodplain Ordinances]~~ **Flood Hazards.**

I. Municipalities may adopt floodplain ordinances as part of their enrollment in the National Flood Insurance Program. Such ordinances shall be adopted pursuant to the authority granted under RSA 674:16 and 17, and shall be adopted and amended pursuant to the procedures in RSA 675 for the adoption and amendment of zoning ordinances. Municipalities may adopt floodplain ordinances either as an amendment to an existing zoning ordinance or as a separate ordinance. A municipality which adopts a floodplain ordinance which is separate from its zoning ordinance or without otherwise having adopted a zoning ordinance, shall observe all legal and procedural requirements for the floodplain ordinance that would be required for a zoning ordinance, including the creation of a board of adjustment. If a municipality has adopted a zoning ordinance either before or after the adoption of a floodplain ordinance, the board of adjustment shall be the same for both ordinances.

II.(a) Municipalities may adopt fluvial erosion hazard ordinances. Such ordinances shall be adopted pursuant to the authority granted under RSA 674:16 and 17, and shall be adopted and amended pursuant to the procedures in RSA 675 for the adoption and amendment of zoning ordinances. Municipalities may adopt fluvial erosion hazard ordinances either as an amendment to an existing zoning ordinance or as a separate ordinance. A municipality which adopts a fluvial erosion hazard ordinance which is separate from its zoning ordinance or without otherwise having adopted a zoning ordinance, shall observe all legal and procedural requirements for the fluvial erosion hazard ordinance that would be required for a zoning ordinance, including the creation of a board of adjustment. If a municipality has adopted a zoning ordinance

either before or after the adoption of a floodplain ordinance, the board of adjustment shall be the same for both ordinances.

(b) Any fluvial erosion hazard zoning shall be based on delineation of zones consistent with any protocols established by the department of environmental services in effect on the date of its adoption. If the planning board of a municipality proposes to adopt, by ordinance or amendment, a fluvial erosion hazard ordinance, the board shall, prior to determining the final form of the ordinance or amendment under RSA 675:2 or RSA 675:3, submit to the department of environmental services a map of all fluvial erosion hazard zones. The department shall review the map and advise the board within 30 days whether the map and zones are consistent with department protocols. The department's comments, if any, shall be advisory only.

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

AMENDED ANALYSIS

This bill establishes procedures enabling a municipality to adopt a fluvial erosion hazard ordinance.

2009-0553h

Amendment to HB 291-FN

Proposed by the Committee on Judiciary - R

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

1 One Day/One Trial Jury Duty Pilot Program; Belknap County Superior Court. The chief justices of the supreme court and the superior court shall establish, by court rule, a one-day/one trial jury duty pilot program to be implemented in the Belknap county superior court. The pilot program shall be based on the one-day/one trial jury duty system currently operating in Massachusetts to the extent it is applicable to New Hampshire and in conformance with New Hampshire laws. Best current practices to reduce the costs of the pilot program shall be investigated by the chief justices of the supreme court and the superior court and the pilot program shall begin operation in January, 2010. The chief justices of the supreme court and the superior court shall make a report on the pilot program, with recommendations for its continuance and expansion to other superior courts, on or before November 1, 2011 to the speaker of the house of representatives, the president of the senate, the governor, the house clerk, the senate clerk, the chairman of the house judiciary committee, the chairman of the senate judiciary committee, and the state library.

2 Repeal. Section 1 of this act, relative to a one day/one trial jury pilot program in Belknap county superior court, is repealed.

AMENDED ANALYSIS

This bill requires the chief justices of the supreme court and superior court to establish and institute a one day/one trial jury duty pilot program in Belknap county superior court.

2009-0772h

Amendment to HB 293

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

Amend RSA 216-J:2, I as inserted by section 1 of the bill by replacing it with the following:

- I. The [9] members of the commission shall be as follows:
 - (a) Two members representing the town of Hampton, appointed by the selectmen.
 - (b) Two members representing the Hampton Beach village district, appointed by the precinct commissioners.
 - (c) One member representing the Hampton Area Chamber of Commerce, appointed by its board of directors.
 - (d) One member representing the Rockingham regional planning commission, appointed by its board of directors.
 - (e) The commissioner of the department of resources and economic development, or designee.

(f) The commissioner of the department of transportation, or designee.

~~[(g) The director of the office of energy and planning, or designee.]~~

Amend RSA 216-J:2, II (b) as inserted by section 1 of the bill by replacing it with the following:

(b) Following the staggering of terms, subsequent terms of commission members appointed under subparagraphs I(a)-(d) shall be for 3 years. The term of members designated to serve under subparagraphs I(e)-(f) shall be coterminous with his or her term in office. Vacancies shall be filled for an unexpired term in the same manner and by the same body as the original appointment was made.

2009-0901h

Amendment to HB 296-FN-A

Proposed by the Committee on Ways and Means - C

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

AN ACT transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit.

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

1 Oil Fund Performance Audit. The legislative budget assistant shall conduct by December 2009 a performance audit of the oil funds administered by the oil fund disbursement board and the related programs of the department of environmental services for clean up of petroleum contamination.

2 Funds Transferred from the Oil Pollution Control Fund to the Fuel Oil Discharge Cleanup Fund. Within 15 days after the effective date of this section, the department of environmental services shall transfer \$400,000 from the New Hampshire oil pollution control fund established by RSA 146-A:11-a to the fuel oil discharge cleanup fund established by RSA 146-E:3, I.

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

AMENDED ANALYSIS

This bill transfers funds from the oil pollution control fund to the fuel oil discharge cleanup fund and authorizes a performance audit of oil funds administered by the oil fund disbursement board and the related programs of the department of environmental services for clean up of petroleum contamination.

2009-0848h

Amendment to HB 301

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

Amend the bill by replacing sections 1 - 4 with the following:

1 Statement of Purpose. The general court finds that access to dental care for preventive and primary dental services is an increasing problem in New Hampshire, particularly for low-income and uninsured individuals, and residents of the north country. Heightened awareness of the importance of regular dental care, more people with dental insurance coverage, and an aging population with extended dental care issues adds to the need for more services. The general court recognizes the need to examine alternatives to the current delivery system, including mid-level care, dental health counseling programs, and collaborative professional arrangements for dentists, hygienists, and other health care providers.

2 Task Force Established. There is established a task force to study access to dental care.

3 Membership and Compensation.

I. The members of the task force shall be as follows:

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

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

(c) The commissioner of the department of health and human services, or designee.

(d) One member appointed by the New Hampshire Dental Hygienists' Association.

(e) One member appointed by the New Hampshire Dental Society.

(f) One member appointed by the postsecondary education commission.

(g) One member appointed by the chancellor of the New Hampshire Community College System.

(h) One member appointed by Delta Dental Plan of New Hampshire, Inc.

(i) One member appointed by the New Hampshire Health Care Association.

(j) One member appointed by the New Hampshire School Nurses Association.

(k) One member appointed by the Bi-State Primary Care Association.

(l) One member appointed by the New Hampshire Minority Health Coalition.

(m) One member appointed by the New Hampshire Public Health Association.

(n) One member appointed by the New Hampshire Medical Society.

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

4 Duties. The task force shall study the problem of access to dental care for low-income, uninsured, and underinsured persons and shall make recommendations for improving the delivery of services to this population. Areas of focus shall include, but not be limited to, education; Medicaid and other reimbursement for children and adults; promoting a “dental home” to lessen the reliance on emergency rooms for dental care; geographical disparities in available dental services; barriers to care such as transportation, language, and other health problems; and provider models from other states. In addition, the task force shall create a detailed action plan for improving access to dental care. The action plan shall include goals, specific tactics, responsibilities, time frame suggestions, and resource requirements needed to improve access. The access plan shall also identify barriers, and suggested solutions to those barriers, that limit access to care.

2009-0805h

Amendment to HB 302

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the New Hampshire real estate practice act.

Amend the bill by replacing all after section 4 with the following:

5 Powers of the Commission; Notice of Rulemaking. Amend RSA 331-A:7, VII to read as follows:

VII. Provide notice ~~[in a publication of the commission sent by U.S. mail]~~ to all persons licensed under this chapter of any proposed rulemaking undertaken by the commission, any changes to administrative rules adopted by the commission, and any pertinent changes in New Hampshire law. The funds necessary for the printing, postage, and mailing of such notice shall be expended from funds of the commission not otherwise appropriated.

6 Lapse of Licenses. Amend RSA 331-A:18, II to read as follows:

II. If an expired license is not renewed within 6 months under paragraph I, then the license is deemed to have lapsed and such person may obtain a license only by qualifying anew as an original applicant. However, the commission may renew a lapsed license ~~[for good cause shown]~~ within a reasonable time ~~[not to exceed one year]~~ from the date of ~~[expiration]~~ ***lapse for good cause shown.***

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

AMENDED ANALYSIS

This bill clarifies certain terms in the New Hampshire real estate practice act, and removes the U.S. mail requirement for notice of rulemaking by the real estate commission.

2009-0843h

Amendment to HB 303-FN

Proposed by the Minority of the Committee on Science, Technology and Energy - R

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

AN ACT relative to motor vehicle idling.

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

1 New Section; Limitations on Idling. Amend RSA 265 by inserting after section 94 the following new section:

265:94-a Limitations on Idling.

I. For purposes of this section “motor vehicle” means all vehicles, engines, machines, or mechanical contrivances of 14,000 pounds or more, other than law enforcement vehicles or construction equipment, which are propelled on the public highways by internal combustion engines, steam engines, or other alternate sources of energy except human or animal power.

II. This section applies to operation of motor vehicles on both public and private property.

III. No person shall cause a commercial motor vehicle to idle for a period greater than 30 minutes while waiting to load or unload at a location under the person’s control.

IV. No owner or operator of a motor vehicle shall cause or permit the motor vehicle to idle for more than 5 minutes in any 60-minute period when the temperature is 32 degrees Fahrenheit or above, or for more than 15 minutes in any 60-minute period when the temperature is between minus 10 degrees Fahrenheit and 32 degrees Fahrenheit, except as provided in paragraph III and paragraph V.

V. Paragraph IV shall not apply for the period or periods where:

(a) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

(b) A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.

(c) A fire, ambulance, public safety, military, or other emergency vehicle, including a wrecker or emergency service vehicle, being used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator.

(d) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.

(e) A vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

(f) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion, such as mixing or processing cargo or straight truck refrigeration. This subparagraph shall not apply when idling for cabin comfort or to operate non-essential on-board equipment.

(g) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

(h) A vehicle idles due to mechanical difficulties over which the driver has no control; provided that the vehicle owner or operator submits verification of repair or replacement within 60 days to the appropriate authority.

(i) A passenger bus idles a maximum of 15 minutes in any 60-minute period to maintain passenger comfort while nondriver passengers are on board.

(j) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period.

(k) An occupied commercial vehicle idles for purposes of air conditioning or heating while waiting to load or unload.

VI. Operating an auxiliary power unit, generator, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine is not an idling of a motor vehicle.

VII. The fine for a violation of this section shall be \$100.

2 Repeal. RSA 265:94-a, V(i), (j), and (k), relative to exemptions to idling limitations for passenger buses, vehicles with sleeper berths, and vehicles waiting to load or unload, are repealed.

3 Contingency. Section 2 of this act shall take effect January 1, 2013, except that, if the commissioner of the department of environmental services certifies by January 1, 2012 to the secretary of state and the director of the office of legislative services that technology necessary to alleviate the need for idling the listed equipment is not readily available, then section 2 of this act shall take effect January 1, 2015.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill establishes time limitations on motor vehicle idling.

2009-0750h

Amendment to HB 314-LOCAL

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

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

AN ACT relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells.

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

1 New Paragraph; Approval for Large Groundwater Withdrawals. Amend RSA 485-C:21 by inserting after paragraph IX the following new paragraph:

X. Each municipality in which a well associated with a proposed withdrawal is or will be located may assess the applicant all reasonable costs associated with obtaining the services of a New Hampshire licensed engineer or geologist to review and comment on documents submitted by the applicant to the department that are associated with requirements of this section and RSA 485-C:4, XII. Community water systems, as defined in RSA 485:1-a, I, are exempt from the provisions of this paragraph.

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

AMENDED ANALYSIS

This bill permits a municipality in which a well associated with a proposed large groundwater withdrawal is located to assess the applicant certain costs.

2009-0824h

Amendment to HB 319

Proposed by the Committee on Municipal and County Government - C

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

AN ACT authorizing the Concord school district to amend its charter without prior legislative approval.

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

1 New Section; Concord Union School District Charter; Amendments to Charter. Amend 1961, 355, as amended by 1967, 560; 1971, 262; 1977, 47; and 1983, 123 by inserting after section 20 the following new section:

355:21 Revisions, Amendments, or New Charter. Any revisions or amendments to this charter or the adoption of a new charter shall comply with the provisions of RSA 49-B.

2 Referendum; Concord School District Charter; Amendments to Charter. Section 1 of this act shall not take effect unless it is adopted by a majority vote of those present and voting at the regular school board election in November 2009 as hereinafter provided. The clerk of the Concord school district shall cause to be printed at the bottom of the ballot prepared for the election of members of the board of education the following question "Shall the provisions of an act entitled 'An act authorizing the Concord school district to amend its charter without prior legislative approval' passed at the 2009 session of the legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his or her choice. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted and section 1 of this act shall become effective January 1, 2010. The school district clerk shall within 10 days of said election certify to the secretary of state the result of the vote on the above question.

2 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

Subject to approval by the Concord school district voters, this bill provides that any revisions or amendments to the Concord school district charter, or the adoption of a new school district charter, shall be made without prior legislative approval and shall comply with the procedures in RSA 49-B for revising, amending, or adopting a municipal charter.

2009-0856h

Amendment to HB 320-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

1 Purpose Statement. Amend RSA 31:120 to read as follows:

31:120 Purpose. The declared purpose of this subdivision is to enable municipalities to establish central business service districts in high density areas of predominantly commercial uses to provide property services at a more intensive level than is provided in the balance of the municipality; ***to provide funds for capital expenditures of not more than \$20,000 per project***; and to authorize the establishment of charges to owners of property within such central business service districts in an amount not to exceed the costs to the municipality of providing such services at levels over and above those provided in the balance of the municipality.

2 Services Advisory Committee; Cost. Amend RSA 31:122, I to read as follows:

I. ***(a)*** The services which may be provided by a municipality in a central business service district under the provisions of this subdivision may include property-related services performed in the public right-of-way, including sidewalk snow removal, landscaping, street and sidewalk cleaning, refuse collection, and other business development services and activities related to the maintenance of an attractive, useful, and economically viable business environment. These services and activities may be either those of a routine nature provided for all properties, or may be particular to those in the central business service district.

(b) After a duly noticed public hearing, capital expenditures of not more than \$20,000 per project that have been approved by a 2/3 vote of the advisory board shall be subject to approval by a 2/3 vote of the governing body.

3 Services Advisory Committee; Cost. Amend RSA 31:122, III to read as follows:

III. The costs of providing special services in the central business service district shall be those accruing to the municipality which result exclusively from the provision of services in the district which exceed those being provided in the balance of the municipality. The costs of services provided throughout the municipality or available to all properties and the costs of services or levels of services regularly and routinely provided within the central business service district prior to July 23, 1983, may not be included as costs for the purpose of this subdivision. ~~[Further, capital expenditures, with the exception of tools and equipment utilized in the normal business practice of and incidental to, the provision of services set forth in paragraph I may not be included as costs for the purpose of this subdivision.]~~

4 Method of Appropriation. Amend RSA 31:123 to read as follows:

31:123 Method of Appropriation. Each municipality shall adopt a budget for ***capital expenditures or*** services to be performed in a central business service district as part of its budget process. At the end of the fiscal year, a full accounting of expenditures shall be made. Balances or deficits of the central business service district account shall be reflected in the subsequent year's account budget to offset appropriation requirements.

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

AMENDED ANALYSIS

This bill permits central business service districts to make capital expenditures of not more than \$20,000 per project.

2009-0574h

Amendment to HB 322

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 minimum age required to purchase fireworks.

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

1 Sale of Fireworks. Amend RSA 160-C:2, II(a) to read as follows:

(a) To any person less than ~~[21]~~ 18 years of age; or

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

AMENDED ANALYSIS

This bill lowers the minimum age required to purchase of fireworks from 21 years of age to 18 years of age.

2009-0247h

Amendment to HB 332

Proposed by the Majority of the Committee on Education - R

Amend section 2 of the bill by replacing paragraph I with the following:

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) Two members of the senate, appointed by the president of the senate.

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

(d) A representative from the New Hampshire School Boards Association, appointed by the association.

(e) Three representatives from the New Hampshire School Administrators Association, representing different areas of expertise, appointed by the association.

(f) Three representatives from the New Hampshire Association of School Principals, one of whom shall represent a high school, one of whom shall represent a middle school, and one of whom shall represent an elementary school, appointed by the association.

(g) Three current public school teachers, one representing a high school, one representing a middle school, and one representing an elementary school, appointed by the governor.

(h) A representative of New Hampshire Legal Assistance, appointed by that organization.

(i) Two parent representatives, one of whom has had experience with having a child disciplined by being kept out of school, appointed by the governor.

(j) A current high school student, appointed by the governor.

(k) A representative from Child and Family Services, appointed by that organization.

Amend the bill by replacing sections 3-4 with the following:

3 Duties. The commission shall:

I. Examine the use of out of school suspensions and the effect on suspended students who miss instructional time.

II. Examine student behaviors or infractions requiring disciplinary action and the types of violations for which students are suspended.

III. Study the frequency of using out of school suspensions for non-violent behavior and infractions which are not drug or alcohol related.

IV. Investigate alternative forms of discipline that do not involve removing students from school, such as alternative dispute resolution and positive behavior reinforcement techniques.

V. Study methods for increasing opportunities for suspended student to make up class work missed for disciplinary reasons.

VI. Study any other issue deemed relevant to its objective.

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. Eleven members of the commission shall constitute a quorum.

2009-0308h

Amendment to HB 334-FN

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the bill by replacing sections 14-15 with the following:

14 Records and Filings; Payment; Automotive Retail Sellers. Amend RSA 361-A:13, I to read as follows:

I. A document is filed when it is received by the commissioner. ***Examination expenses, fines, penalties, and other moneys obliged to be paid to the department shall be paid within 14 days of receipt of notice by the licensee or other person or at such later time determined by the commissioner.*** If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

15 Records and Filings; Payment; Mortgage Loan Services. Amend RSA 397-B:11, I to read as follows:

I. A document is filed when it is received by the commissioner. ***Examination expenses, fines, penalties, and other moneys obliged to be paid to the department shall be paid within 14 days of receipt of notice by the licensee or other person or at such later time determined by the commissioner.*** If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

Amend the bill by replacing section 17 with the following:

17 Debt Adjustment Services; Records and Filings. Amend RSA 399-D:27, I to read as follows:

I. A document is filed when it is received by the commissioner. ***Examination expenses, fines, penalties, and other moneys obliged to be paid to the department shall be paid within 14 days of receipt of notice by the licensee or other person or at such later time determined by the commissioner.*** If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

Amend the bill by replacing section 19 with the following:

19 Money Transmitters; Records and Filings. Amend RSA 399-G:22, I to read as follows:

I. A document is filed when it is received by the commissioner. ***Examination expenses, fines, penalties, and other moneys obliged to be paid to the department shall be paid within 14 days of receipt of notice by the licensee or other person or at such later time determined by the commissioner.*** If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

2009-0549h

Amendment to HB 349

Proposed by the Committee on Legislative Administration - R

Amend RSA 14:11-a as inserted by section 2 of the bill by replacing it with the following:

14:11-a Legislators; Electronic Mail; Email; Privilege. The record of electronic communication, or email, of a current or former member of the house of representatives or senate, related to his or her function as a legislator, which is not a governmental record under RSA 91-A shall be confidential and shall not be made accessible to any other person without the consent of the current or former member. All such electronic records shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding.

2009-0218h

Amendment to HB 350

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2010.

2009-0795h

Amendment to HB 351

Proposed by the Minority of the Committee on Local and Regulated Revenues - R

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

1 Property Taxes; Interest on Late Payment. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at ~~[12]~~ 8 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

2 Collection of Taxes; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his **or her** absence, at his **or her** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at ~~[18]~~ 12 percent per annum upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

3 Collection of Taxes; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his **or her** purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his **or her** purchase at the tax sale to be included in his **or her** costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of ~~[18]~~ 12 percent per annum from the

date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

4 Collection of Taxes; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at ~~[48]~~ **12** percent per annum upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

5 Collection of Taxes; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his *or her* service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of ~~[48]~~ **12** percent per annum from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

6 Effective Date. This act shall take effect April 1, 2010.

AMENDED ANALYSIS

This bill lowers the interest rates chargeable by towns and cities for late tax payments and for redemptions and subsequent tax payments.

2009-0647h

Amendment to HB 357

Proposed by the Majority of the Committee on Transportation - R

Amend the bill by replacing section 1 with the following:

1 Special Number Plates for Veterans; Surviving Spouse. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of the regular motor vehicle registration fee and the \$4 per plate fees under RSA 261:75. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, except that the surviving spouse may use the plates ~~[for one year after the death of the veteran and shall be eligible to replace the plates during that year at no charge under RSA 261:75]~~ **until he or she remarries.**

AMENDED ANALYSIS

This bill allows the surviving spouse to retain the special number plates for veterans until the spouse remarries.

2009-0803h

Amendment to HB 376

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT relative to condominium association meetings.

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

- 1 Condominium Act; Minutes. Amend RSA 356-B:37 to read as follows:
356-B:37 Meetings.

I. Meetings of the unit owners' association shall be held in accordance with the provisions of the condominium instruments at least once each year after the formation of said association. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting, and at least 7 days in advance of any other meeting, send to each unit owner notice of the time, place, and purpose or purposes of such meeting. Such notice shall be sent by first class United States mail to all unit owners of record at the address of their respective units and to such other addresses as any of them may have designated to such officer. The secretary or other duly authorized officer of the unit owners' association, who shall also be a member of the board of directors of the unit owners' association, shall prepare an affidavit which shall be accompanied by a list of the addresses of all unit owners currently on file with the association and shall attest that notice of the association meeting was mailed to all unit owners on that list by first class mail. A copy of the affidavit and mailing list shall be available at the noticed meeting for inspection by all owners then in attendance and shall be retained with the minutes of that meeting. The affidavit required in this section shall be available for inspection by unit owners for at least 3 years after the date of the subject meeting.

II. *The unit owner's association shall make copies of the minutes of board meetings available to the unit owners within 60 days of the board meeting or 15 days of the date such minutes are approved by the board, whichever occurs first. The unit owner shall be responsible for any copying costs, except that, if the association chooses to make the minutes available electronically, there shall be no charge to the unit owner.*

- 2 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill requires that minutes of meetings of the condominium board of directors be made available to the owners.

2009-0900h

Amendment to HB 378-FN-A

Proposed by the Committee on Ways and Means - C

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

AN ACT relative to fees for methadone detoxification and maintenance programs.

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

- 1 Controlled Drugs; Professional Use; State Methadone Authority; Fees for Providers. Amend RSA 318-B:10, VII(b) to read as follows:

(b) The commissioner of the department of health and human services shall ~~on or before June 30, 2001,~~ adopt and have in effect rules, pursuant to RSA 541-A, relative to **methadone** detoxification and ~~[methadone]~~ maintenance programs as follows:

- (1) Application procedure and standards for approval for certification and re-certification of providers to operate **methadone** detoxification and ~~[methadone]~~ maintenance programs, including certification period, for each type of certification.
- (2) Eligibility of individuals for admission to such programs.
- (3) Qualifications of program personnel.
- (4) Program content, including, but not limited to, services to be offered by the program.
- (5) Mandatory records and reports to the department.
- (6) Security measures to prevent diversion of methadone to illegal use.

(7) Confidentiality and disclosure of identifying information, records and reports.

(8) Financial responsibility.

(9) ***Fees to be paid by providers for the licensing and administration of such programs by the department. All moneys collected by the department from fees authorized under this subparagraph shall be deposited into a revolving account which shall not lapse and which shall be used to offset administrative costs incurred by the department, and such fees shall not exceed .3 percent of gross revenues of for-profit methadone detoxification and maintenance programs. These fees shall not apply to non-profit methadone detoxification and maintenance programs.***

(10) Any other provisions necessary to implement the purposes of this paragraph.

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

AMENDED ANALYSIS

This bill allows the department of health and human services to adopt and collect fees for for-profit providers of methadone detoxification and maintenance programs.

2009-0840h

Amendment to HB 384

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

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

AN ACT relative to forest management permitting in and near prime wetlands, waivers for work near prime wetlands, and utility maintenance work in any wetland.

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

1 New Paragraph; Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3 by inserting after paragraph XIV the following new paragraph:

XV.(a) Utility providers who maintain and repair existing utility services within existing rights of way under the Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire published by the department of resources and economic development, and who have complied with subparagraphs (b)-(e) shall satisfy the permitting requirements of this section, including any portion located in or adjacent to a prime wetland, for minimum impact activities as defined by rules adopted by the commissioner.

(b) Appropriate notice to the department shall include the following information:

(1) The name and address of the person, employed by the utility provider responsible for overseeing the maintenance.

(2) A brief written description of the nature of the work to be conducted.

(3) A copy of the appropriate United States Geological Survey topographic map with the locations of the projects indicated.

(c) Appropriate notice to the town clerk of each municipality in which work will occur shall include the name of a utility provider contact and a brief description of the work to be conducted.

(d) A one-time annual filing fee of \$200 per town, not to exceed a maximum of \$10,000, shall accompany the notice to the department. Such fees shall be held in accordance with paragraph III.

(e) No additional fee shall be required for amendments to the notification as long as additional towns are not included in the amendment. Additional towns included in the amendment shall be subject to an additional fee of \$200 per town, not to exceed the annual maximum under subparagraph (d).

2 Wetlands; Administrative Provisions. Amend RSA 482-A:11, IV to read as follows:

IV.(a) The department shall not grant a permit with respect to any ~~[activity proposed]~~ **project** to be undertaken in or within 100 feet of an area mapped, designated, and filed as a prime wetland pursuant to RSA 482-A:15 unless the department first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the department is able, specifically, to find clear and convincing evidence on the

basis of all information considered by the department, and after a public hearing, ***if a public hearing is deemed necessary under RSA 482-A:8*** that the proposed [activity] ***project***, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the department of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

(b) This paragraph shall not apply to forest management projects permitted under RSA 482-A:15-c, III.

3 New Sections; Waivers; Rulemaking. Amend RSA 482 by inserting after section 15-a the following new sections:

482-A:15-b Waivers. The property owner may request a waiver from the department from the provisions of this chapter to perform work within a portion of the 100-foot buffer of a prime wetland on his or her property. At the time of the waiver request, the property owner shall notify the local governing body, the planning board, if any, and the conservation commission, if any, of the municipality in which the waiver is being sought as well as all abutters, as defined by the rules of the department, that a waiver is being sought from the department.

482-A:15-c Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. A waiver process for projects proposed within the 100-foot buffer of a prime wetland under RSA 482-A:15-b;

II. Methods for determining prime wetland jurisdictional boundaries in the field, and for amending existing prime wetland maps.

III. A minimum impact permit process for forest management projects within the 100-foot buffer of a prime wetland and only the forested wetland area of a prime wetland, which shall include a management plan. Such management plan shall be prepared by, and the project shall be supervised by, qualified individuals as defined by the department. The plan will, at a minimum, evaluate the functions and values of the forested wetland and 100-foot buffer and explain how these functions and values will not be significantly diminished by activities related to a proposed project. The application filing fee under RSA 482-A:3 shall be \$200.

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

AMENDED ANALYSIS

This bill:

I. Establishes an exemption from the permit process for utility providers for minimum impact activities in or near wetlands.

II. Establishes waivers for work near prime wetlands.

III. Permits the commissioner of the department of environmental services to establish rules relative to the permit process for forest management in and near prime wetlands.

2009-0873h

Amendment to HB 395

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

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

AN ACT requiring electric utilities to offer renewable energy source options.

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

1 Electric Utilities; Renewable Energy Source Option. RSA 374-F:3, V(f) is repealed and reenacted to read as follows:

(f)(1) For purposes of subparagraph (f), “renewable energy source” (RES) means a source of electricity, as defined in RSA 362-F:2, XV, that would qualify to receive renewable energy certificates under RSA 362-F, whether or not it has been designated as eligible under RSA 362-F:6, III.

(2) A utility shall provide to its customers one or more RES options, as approved by the commission, which may include RES default service provided by the utility or the provision of retail access to competitive sellers of RES attributes. Costs associated with selecting an RES option should be paid for by those customers choosing to take such option. A utility may recover

all prudently incurred administrative costs of RES options from all customers, as approved by the commission.

(3) RES default service should have either all or a portion of its service attributable to a renewable energy source component procured by the utility, with any remainder filled by standard default service. The price of any RES default service shall be approved by the commission.

(4) Under any option offered, the customer shall be purchasing electricity generated by renewable energy sources or the attributes of such generation, either in connection with or separately from the electricity produced. The regional generation information system of energy certificates administered by the ISO-New England and the New England Power Pool (NEPOOL) should be considered at least one form of certification that is acceptable under this program.

(5) A utility that is required by statute to provide default service from its generation assets should use any of its owned generation assets that are powered by renewable energy for the provision of standard default service, rather than for the provision of a renewable energy source component.

(6) Utilities should include educational materials in their normal communications to their customers that explain the RES options being offered and the health and environmental benefits associated with them. Such educational materials should be compatible with any environmental disclosure requirements established by the commission.

(7) For purposes of consumer protection and the maintenance of program integrity, reasonable efforts should be made to assure that the renewable energy source component of an RES option is not separately advertised, claimed, or sold as part of any other electricity service or transaction, including compliance with the renewable portfolio standards under RSA 362-F.

(8) If RES default service is not available for purchase at a reasonable cost on behalf of consumers choosing an RES default service option, a utility may, as approved by the commission, make payments to the renewable energy fund created pursuant to RSA 362-F:10 on behalf of customers to comply with subparagraph (f).

(9) The commission shall implement subparagraph (f) through utility-specific filings. Approved RES options shall be included in individual tariff filings by utilities.

(10) A utility, with commission approval, may require that a minimum number of customers, or a minimum amount of load, choose to participate in the program in order to offer an RES option.

2 Effective Date. This act shall take effect 120 days after its passage.

AMENDED ANALYSIS

This bill requires electric utilities to offer one or more renewable energy source options.

2009-0663h

Amendment to HB 403

Proposed by the Committee on Finance - C

Amend the bill by replacing section 1 with the following:

1 General Fund; Transfer to Highway Fund. In accordance with footnote 26 in the FY 2008-2009 operating budget, 2007, 262:26, as amended by 2009, 1:4, the commissioner of administrative services shall have cause to have transferred \$6,750,000 from the general fund to the highway fund on January 1, 2008, and shall cause to have transferred \$1,750,000 from the general fund to the highway fund on January 1, 2009. The intent of the transfers is, in part, to provide the entire state match of \$2,008,000 for federal funds received for the purchase of buses and 3 years of operating costs of bus service in the Interstate 93 corridor as submitted by the department of transportation and approved by the Federal Highway Administration in its record of decision dated April 28, 2004, for construction of the Interstate 93 widening project.

2009-0825h

Amendment to HB 408-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 329:3, II as inserted by section 2 of the bill by replacing it with the following:

II. The board shall:

(a) ~~[Examine and investigate]~~ **Evaluate** persons who apply for the authority to practice medicine in New Hampshire and license to those who are found qualified under the standards of this chapter.

(b) Investigate and ~~[examine]~~ **evaluate** existing licensees **through the medical review subcommittee** and commence disciplinary action concerning licensees in accordance with the standards of this chapter.

(c) Investigate and prepare reports on any matter within the scope of this chapter.

(d) Assess, compromise, and collect civil penalties against persons engaged in the unauthorized practice of medicine or other violations of this chapter.

(e) Establish fees for licenses and for renewal of licenses to practice medicine, including late fees, and fees for transcribing and transferring records and other services.

Amend RSA 329:7, III as inserted by section 5 of the bill by replacing it with the following:

III. The president of the board may call an emergency meeting when required by an imminent peril to the public health or safety~~[-and]~~ **or when there is a compelling reason for immediate board action, such as an issue related to medical services in rural or underserved communities. Emergency meetings** may ~~[conduct such meeting]~~ **be conducted** telephonically, with a quorum of board members eligible to vote with respect to the subject matter of the emergency. Any vote resulting from such meetings shall have the same effect as votes resulting from other meetings of the board, if such vote is ratified at the next regularly scheduled board meeting. **The reason for conducting an emergency meeting shall be a matter of public record.**

Amend RSA 329:17, XIII as inserted by section 14 of the bill by replacing it with the following:

XIII. *When an investigation of a complaint against a licensee is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant its reason for dismissing the complaint. The board may destroy all information collected during the course of the investigation within 30 days. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the licensee, or is determined by the board to be frivolous.*

Amend RSA 329:18, I-a as inserted by section 15 of the bill by replacing it with the following:

I-a. *Any board member who has, or whose spouse or dependents have, a private interest or professional relationship which may directly or indirectly affect or influence the board member's ability to investigate or consider a complaint, shall recuse himself or herself from any investigation or disciplinary action against such licensee. If the chairperson of the board is recused the remaining board members shall elect an acting chairperson from among the board. The chairperson or acting chairperson may appoint a former board member to replace the recused board member during the investigation and proceedings against the licensee.*

Amend RSA 329:18, IV and V as inserted by section 15 of the bill by replacing them with the following:

IV.(a) The board, **the medical review subcommittee, the board investigator, or the medical review subcommittee investigator**, may administer oaths or affirmations, preserve testimony and issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records and pharmacy records, as provided in paragraph V, may be issued at any time.

(b) The board, **the medical review subcommittee, the board investigator, or the medical review subcommittee investigator**, may serve a subpoena on any licensee of the board

by certified mail, but shall serve a subpoena on any other person in accordance with the procedures and fee schedules used in superior court.

(c) Persons licensed by the board shall not be entitled to a witness fee or mileage expenses for travel within the state, which are necessary to respond to a subpoena ~~[issued by the board]~~.

(d) Any board-issued subpoena related to a board hearing or investigation shall be valid if annotated "Fees Guaranteed by the New Hampshire Board of Medicine."

(e) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The board, ***the medical review subcommittee, the board investigator, or the medical review subcommittee investigator***, may at any time subpoena medical, pharmacy, or billing records related to medical diagnosis or treatment from its licensees, or other health care providers, health care facilities, health insurance companies, health maintenance organizations, and medical and hospital service corporations licensed or certified in this state to the extent that the records sought are relevant to matters within the board's regulatory authority. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

Amend the bill by replacing section 18 with the following:

18 Proceedings of the Medical Review Subcommittee. Amend RSA 329:29 to read as follows:
329:29 Proceedings of ***the*** Medical Review ~~[Committee]~~ ***Subcommittee***. All proceedings, records, findings and deliberations of ***the*** medical review ~~[committees of a duly established county or state medical society or of any such committees of the board of medicine are confidential and privileged and shall not be used or available for use or subject to process in any other proceeding]~~ ***subcommittee related to the investigations of individual licensees are confidential and privileged and shall not be used or available for use or subject to process in any other proceeding***. The manner in which ~~[a]~~ ***the*** medical review ~~[committee]~~ ***subcommittee*** and each member thereof deliberates, decides or votes on any matter submitted to it is likewise confidential and privileged and shall not be the subject of inquiry in any other proceeding. ~~[A]~~ ***The*** medical review ~~[committee]~~ ***subcommittee*** may provide information to a hospital committee organized to evaluate matters relating to the care and treatment of patients or to reduce morbidity and mortality, in accordance with RSA 151:13-a, and subject to the privileges and immunities set forth in that section. ***All medical review subcommittee proceedings that are unrelated to individual licensees or individual patient care shall be conducted in public session and shall be subject to RSA 91-A.***

Amend the bill by inserting after section 18 the following and renumbering the original sections 19 and 20 to read as 20 and 21, respectively:

19 Continuing Medical Education Requirement. Amend RSA 329:16-g to read as follows:

329:16-g Continuing Medical Education Requirement. As a condition of renewal of license, the board shall require each licensee to show proof at least at every biennial license renewal that the licensee has completed 100 hours of approved continuing medical education program within the preceding 2 years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state, or county medical society or college or university ~~[approved by the board]~~. There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society. Each licensee shall submit a continuing medical education report with copies of continuing medical education course certificates earned by the licensee and other documents which establish that continuing medical education course requirements have been met, using a form approved by the board. The complete audit shall include the collection, review, verification, and preservation of the continuing medical education documentation of each licensed physician and a report which records the credits awarded to each licensee during the 2-year period applicable to

each licensee. The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.

2009-0855h

Amendment to HB 414

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

Amend subparagraph I(g) as inserted by section 3 of the bill by replacing it with the following:

(g) Two representatives of the New Hampshire Medical Society, one of whom shall be a pediatrician and one of whom shall be a family physician, appointed by the society.

Amend the bill by replacing section 4 with the following:

4 Duties.

I. The commission shall study means of preventing dental disease among New Hampshire's children by implementing prevention strategies in the primary care setting. The commission shall seek input from individuals or entities that the commission deems relevant to its study.

II. The commission's study shall include, but not be limited to:

- (a) The examination of evidence-based prevention practices from other states.
- (b) The social, economic, and environmental factors affecting the oral health of

children.

- (c) The health consequences and economic impact of early childhood dental disease.

(d) The cost and benefits of implementing state-wide prevention strategies and policies.

III. The commission shall create an action plan for preventing dental disease, delivered in the medical primary care setting, to improve and promote oral health for children between 0 and 3 years of age who are enrolled in the New Hampshire Medicaid program. The action plan shall:

(a) Include clinical and non-clinical goals, objectives, and strategies, as well as specific tactics, responsibilities, time-frame suggestions, and resource requirements within each strategy.

(b) Identify barriers, and suggested solutions to those barriers, for each strategy.

(c) Identify existing training and communication programs that may be used to meet the goals of the commission and determine the need to establish any additional training and communication programs.

(d) Include a Medicaid reimbursement methodology.

(e) Establish metrics to measure the performance and success of the plan.

2009-0794h

Amendment to HB 416

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 400-A:37, IV-a(a) as inserted by section 5 of the bill by replacing it with the following:

(a) Except as provided in subparagraph IV[(e)(2)](d) and in this subparagraph, *all* documents, materials, or other information, including, but not limited to, ~~all~~ ***models or products provided by an entity separate from and not under direct or indirect corporate control of the company using the model or product***, working papers, ***complaint logs***, and copies thereof created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination made under this title, or in the course of analysis by the commissioner of the financial condition or market conduct of a company shall ***not be made public by the commissioner or any other person and shall*** be confidential by law and privileged, shall not be subject to RSA 91-A, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties.

Amend the bill by replacing all after section 7 with the following:

8 Insurance; Regulation of Investments; Diversification. Amend RSA 411-A:6 to read as follows:

411-A:6 Diversification.

I. An insurer shall not at any one time have any combination of investments in or loans upon the security of obligations, property or securities of any one municipal corporation, institution, person or corporation (other than its lawful subsidiary) aggregating over 10 percent of the insurer's assets. This shall not apply as to general obligations of, **or obligations guaranteed by**, the United States, **its agencies or government sponsored enterprises**, or of any state, or of Canada or any province thereof, or include policy loans made under RSA 411-A:27.

II. An insurer shall not invest in or hold at any one time more than 10 percent of the outstanding voting stock of any corporation, except as to voting rights of preferred stock during default of dividends. This does not apply as to stock of a subsidiary of the insurer acquired under RSA 411-A:13 or to controlling stock of an insurer acquired under RSA 411-A:12, II.

III. An insurer shall invest and have invested at any one time in aggregate amount not more than 10 percent of admitted assets in all stocks, investment in which is permitted under RSA 411-A:11, 411-A:12 and 411-A:14, and not more than 20 percent of its assets in stocks referred to in RSA 411-A:10. For the purposes of this paragraph stocks shall be valued at cost. This provision shall not apply to stock of controlled or subsidiary corporations **or money market mutual funds**.

IV. An insurer shall not at any one time have more than 50 percent of its assets invested in obligations secured by mortgages of real property, exclusive of that portion of such obligations guaranteed or insured by an agency **or government sponsored enterprise** of the United States government. For the purposes of this paragraph, mortgages shall be valued at book value.

9 Insurance; Regulation of Investments. Amend RSA 411-A:8, XII to read as follows:

XII. Federal Home Loan Mortgage Corporation.

XIII. Any other similar agency of, or participated in by, the government of the United States and of similar financial quality.

10 Insurance; Regulation of Investments; Corporate Obligations. Amend RSA 411-A:9 to read as follows:

411-A:9 Corporate Obligations. An insurer may invest in bonds, debentures, notes, **mortgage-backed securities, asset-backed securities**, and other evidences of indebtedness issued, assumed or guaranteed by any solvent institution created or existing under the laws of the United States or Canada or of any state, district, province or territory thereof, which are not in default as to principal or interest.

11 Insurance; Regulation of Investments; Collateral Loans. Amend RSA 411-A:28 to read as follows:

411-A:28 Collateral Loans. An insurer may lend its funds upon the pledge of securities eligible for investment under this chapter. No such loan shall exceed ~~[in amount 80 percent of]~~ the market value of such collateral pledged~~[such market value to be determined as at the time of the loan]~~.

12 Insurance; regulation of Investments; Investments in Foreign Countries. Amend RSA 411-A:29 to read as follows:

411-A:29 Investments in Foreign Countries. An insurer transacting business in a foreign country may invest funds, in an aggregate amount not exceeding its deposit and reserve obligations incurred in such country, in conformity with the laws thereof in the same kinds of securities and investments of or in such country as the insurer is authorized to invest in or acquire under other provisions of this chapter. ~~[Other]~~ **In addition to foreign investments permitted by the preceding sentence**, insurers may have not over ~~[1/2 of one]~~ **10** percent of assets invested in such securities and investments of **or in** foreign countries, other than Canada.

13 Insurance; Regulation of Investments; Miscellaneous Investments. Amend RSA 411-A:30 to read as follows:

411-A:30 Miscellaneous Investments.

I. ~~[Subject to the approval of the commissioner,]~~ An insurer may make loans or investments not otherwise expressly permitted under this chapter and may make loans or

investments in amounts in excess of limits set forth in this chapter, in an aggregate amount not over 10 percent of the insurer's assets, if such loan or investment ~~[fulfills the requirements of RSA 411-A:4 and otherwise]~~ qualifies as a sound investment. No such loan or investment shall be represented by loans or investments expressly prohibited by statute or by ~~[rule,]~~ regulation ~~[or order of the commissioner]~~.

II. The insurer shall keep a ~~[separate]~~ record of all loans and investments made under this section.

14 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill clarifies the law relative to conducting insurance examinations, including how reports are to be filed with the department of insurance. This bill also clarifies the law relating to the regulation of investments by insurers.

This bill is a request of the insurance department.

2009-0883h

Amendment to HB 424-FN-A

Proposed by the Committee on Environment and Agriculture - C

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

1 Land Use Change Tax. Amend RSA 79-A:7, V (a) to read as follows:

(a) When a road is constructed or other utilities installed pursuant to a development plan which has received all necessary local, state or federal approvals, all lots or building sites, including roads and utilities, shown on the plan and served by such road or utilities shall be considered changed in use, with the exception of any lot or site, or combination of adjacent lots or sites ***shown thereon which are*** under the same ownership, ***and*** large enough to remain qualified for current use assessment ~~[under the completed development plan]~~; provided, however, that if any physical changes are made to the land prior to the issuance of any required local, state or federal permit or approval, or if such changes otherwise violate any local, state or federal law, ordinance or rule, the local assessing officials may delay the assessment of the land use change tax until any and all required permits or approvals have been secured, or illegal actions remedied, and may base the land use change tax assessed under RSA 79-A:7 upon the land's full and true value at that later time.

2 Land Use Change. RSA 79-A:7, V(b) is repealed and reenacted to read as follows:

(b) When land is required to remain undeveloped to satisfy density, setback, or other local, state, or federal requirements as part of the approval of a plan of a contiguous development area, such land shall be considered changed to a use which does not qualify for current use assessment at the time any portion of such development area is physically changed to a non-qualifying use. However, application of the land use change tax to such development area shall continue to be in accordance with subparagraph (a).

3 Effective Date. This act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill clarifies that land which is used in the satisfaction of density, setback, or other local, state, or federal requirements as part of a contiguous development area shall be considered changed to a use that does not qualify for current use assessment at the time each lot is developed, or such development area is physically changed to a non-qualifying use.

2009-0792h

Amendment to HB 433-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to funding the law requiring reporting of hospital infections.

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

1 New Section; Hospital Fee. Amend RSA 151 by inserting after section 35 the following new section:

151:36 Hospital Fee. Any hospital required to report infections pursuant to this subdivision shall include, in its reports to the department, its inpatient census. The department shall assess a fee upon each hospital required to report under this subdivision based upon the percentage of the hospital's inpatient census, which fee shall be used to fund the requirements of this subdivision. The department shall adopt rules, pursuant to RSA 541-A, relative to a payment schedule and a rate adequate to fund the requirements of this subdivision for each fiscal year. For the purposes of this section, "inpatient census" means the average number of inpatients per year for each hospital.

2 Effective Date. This act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill requires the department of health and human services to assess a fee on each hospital required to report hospital infections based upon the percentage of the hospital's inpatient census to fund the requirements of the hospital infection reporting law.

2009-0435h

Amendment to HB 437

Proposed by the Committee on Public Works and Highways - C

Amend 2007, 264:2, II, D as inserted by section 1 of the bill by replacing it with the following:

D. Chesterfield Welcome Center* 3,000,000

*I. Rental or lease payments received from the liquor commission for use of the Chesterfield welcome center property shall be applied first to debt service incurred for construction on the property, and then to the costs of staffing, maintaining, and operating the building at the Chesterfield welcome center. The revenue generated from retail enterprises for the sale of New Hampshire made products, literature, brochure display fees, and advertising, shall be deposited in the travel and tourism revolving fund established in RSA 12-A:15-a and used to operate and maintain other welcome centers on New Hampshire highways.

*II. The commissioner of the department of transportation may negotiate and enter into contracts with other state agencies or private sector entities or both, to insure continued operation and maintenance of the Chesterfield welcome center, and may set dates for contractual obligations with the other contracting party or agency.

AMENDED ANALYSIS

This bill:

I. Modifies the way revenue from rental and lease payments from the liquor commission for use of the Chesterfield welcome center may be used.

II. Requires other revenues from the Chesterfield welcome center to be deposited in the travel and tourism revolving fund.

This bill is a request of the department of transportation and the department of resources and economic development.

2009-0728h

Amendment to HB 443

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Voters and Checklists; Eligibility; Domicile; Students. Amend RSA 654:1 by inserting after paragraph I the following new paragraph:

I-a. A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.

AMENDED ANALYSIS

This bill authorizes a student at an institution of learning to claim domicile for voting purposes in the town or city in which he or she lives while attending the institution of learning.

2009-0635h

Amendment to HB 459

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

Amend the bill by replacing section 5 with the following:

5 New Subparagraph; Office of Victim/Witness Assistance; Victim-Offender Dialogue Program. Amend RSA 21-M:8-b, II by inserting after subparagraph (d) the following new subparagraph:

(e) The office of victim/witness assistance shall provide victims or their representatives with information about the availability of and access to restorative justice programs including victim-initiated victim-offender dialogue programs offered through the department of corrections. Amend the bill by deleting section 7 and renumbering the original section 8 to read as 7.

AMENDED ANALYSIS

This bill:

I. Adds the right to access to restorative justice programs including victim-initiated victim-offender dialogue programs offered through the department of corrections to the victim bill of rights and requires the office of victim/witness assistance to provide information on such programs.

II. Adds the victim-offender dialogue program to the department of corrections under the supervision of the victim services coordinator.

III. Defines "victim" for the purposes of victim's assistance and the victim's bill of rights to include the surviving partner in a civil union.

2009-0516h

Amendment to HB 464-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 2 with the following:

2 New Chapter; State Credit Card Contracts. Amend RSA by inserting after chapter 9-C the following new chapter:

CHAPTER 9-D

STATE CREDIT CARD CONTRACTS

9-D:1 Fees and Assessments in State Credit Card Contracts. Notwithstanding any law to the contrary, fees, charges, assessments, penalties, and other costs incurred by the state in accordance with contracts entered into by the department of administrative services for credit card services under RSA 21-I:11, I(f) may be paid by the state from revenue to be received under these contracts.

AMENDED ANALYSIS

This bill:

I. Expands the authority of the governor and council to repair or replace state buildings and state property, including equipment and infrastructure, damaged or destroyed in an emergency.

II. Permits the state to pay fees incurred under credit card contracts entered into by the department of administrative services from revenue received under the contract.

III. Replaces the commissioner of transportation with the administrator of the bureau of public works design and construction, division of plant and property management on the governor's advisory committee on the capital budget.

IV. Clarifies that agencies should use service contracts entered into by the department of administrative services on their behalf unless the department grants the agency a waiver in a particular instance.

This bill is a request of the department of administrative services.

2009-0800h

Amendment to HB 471-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 willful concealment and fraudulent retail transactions.

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

1 New Section; Theft; Willful Concealment. Amend RSA 637 by inserting after section 3 the following new section:

637:3-a Willful Concealment.

I. A person is guilty of willful concealment if, without authority, he or she willfully conceals the goods or merchandise of any store while still upon the premises of such store. Goods or merchandise found concealed upon the person shall be prima facie evidence of willful concealment. Notwithstanding RSA 637:11, willful concealment shall be a misdemeanor.

II. A person commits theft if, with the purpose to deprive a merchant of goods or merchandise, he or she knowingly:

- (a) Removes goods or merchandise from the premises of a merchant; or
- (b) Alters, transfers, or removes any price marking affixed to goods or merchandise; or
- (c) Causes the cash register or other sales recording device to reflect less than the merchant's stated or advertised price for the goods or merchandise; or
- (d) Transfers goods or merchandise from the container in which such goods or merchandise were intended to be sold to another container.

2 Theft; Definitions. Amend RSA 637:2, III to read as follows:

III. "Purpose to deprive" means to have the conscious object:

- (a) To withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or
- (b) To restore the property only upon payment of a reward or other compensation; or
- (c) To dispose of the property under circumstances that make it unlikely that the owner will recover it; **or**

(d) To appropriate the goods or merchandise of a merchant without paying the merchant's stated or advertised price.

3 New Paragraph; Theft; Definitions. Amend RSA 637:2 by inserting after paragraph V the following new paragraph:

VI. "Merchant" means the owner or operator of any place of business where merchandise is displayed, held, or stored, for sale to the public, or any agent or employee of such owner or operator.

4 New Section; Theft; Fraudulent Retail Transactions. Amend RSA 637 by inserting after section 10-a the following new section:

637:10-b Fraudulent Retail Transactions.

I. A person shall be guilty of a misdemeanor if such person possesses, uses, transfers, manufactures, alters, counterfeits, or reproduces a retail sales receipt or universal product code label with the purpose to deprive a merchant of goods or merchandise.

II. A person shall be guilty of a class B felony if such person possesses, uses, transfers, manufactures, alters, counterfeits, or reproduces 5 or more retail sales receipts or universal product code labels, or any combination of 5 or more sales receipts or universal product code labels, or possesses a device designed or adapted to manufacture counterfeit retail sales receipts or universal product code labels with the purpose to deprive a merchant of goods or merchandise.

5 New Subparagraph; Willful Concealment; Use of Emergency Exit. Amend RSA 651:6, I by inserting after subparagraph (q) the following new subparagraph:

(r) Has committed an offense under RSA 637 where such person knowingly activated an audible alarm system to avoid detection or apprehension, or cause a distraction during the commission of the offense.

6 Civil Action for Theft. Amend RSA 507:8-f to read as follows:

507:8-f Civil Actions for Theft. When the conduct of a person would constitute willful concealment ~~[or shoplifting]~~ as provided in RSA ~~[644:17]~~ **637:3-a**, the person shall be liable to the merchant for damages as provided in RSA 544-C:1. An action for recovery of damages, pursuant to this section, may be brought in small claims court if the total damages do not exceed the jurisdictional limit of such court, or in any other appropriate court. The provisions of this section

are in addition to other civil remedies and shall not limit the rights of merchants or other persons to elect to pursue other civil remedies.

7 Civil Damages for Shoplifting. Amend the chapter heading in RSA 544-C, RSA 544-C:1, I-III, and the introductory paragraph in RSA 544-C:1, IV to read as follows:

CHAPTER 544-C

CIVIL DAMAGES FOR ~~[SHOPLIFTING]~~ **WILLFUL CONCEALMENT**

544-C:1 Recovery of Civil Damages for ~~[Shoplifting]~~ **Willful Concealment.**

I. For purposes of this chapter, ~~["shoplifting" shall mean shoplifting or]~~ **"willful concealment" shall mean** willful concealment as defined in RSA ~~[644:17]~~ **637:3-a.**

II. A person who ~~[shoplifts]~~ **willfully conceals** shall be liable for civil damages to the merchant up to \$400 plus the merchandise or the value of the merchandise if it has been damaged or rendered unrecoverable.

III. A merchant may recover civil damages for ~~[shoplifting]~~ **willful concealment** by bringing suit in a district court or by executing a settlement agreement in the form set out in paragraph IV of this section.

IV. A merchant and a person accused of ~~[shoplifting]~~ **willful concealment** by such merchant may agree to execute a civil settlement agreement for up to \$400 in civil damages, plus the return of the merchandise or the replacement value of the merchandise within 60 days of the date the agreement is signed. The form of the settlement agreement shall be as follows:

8 Use of Force by Merchants. Amend RSA 627:8-a, I to read as follows:

I. A merchant, or his or her agent, is justified in detaining any person who he or she has reasonable grounds to believe has committed the offense of willful concealment ~~[or shoplifting]~~, as defined by RSA ~~[644:17]~~ **637:3-a**, on his or her premises as long as necessary to surrender the person to a peace officer, provided such detention is conducted in a reasonable manner.

9 Repeal. RSA 644:17, relative to willful concealment and shoplifting, is repealed.

10 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill:

I. Makes changes to the theft statute including moving the offense of willful concealment into RSA 637, and deleting references to "shoplifting."

II. Imposes criminal penalties for fraudulent retail transactions.

III. Imposes an enhanced penalty for persons knowingly activating an audible alarm system to avoid detection or apprehension, or cause a distraction during the commission of the offense.

2009-0786h

Amendment to HB 474-FN

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

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

1 New Subdivision; Interference With Freedom; Trafficking in Persons. Amend RSA 633 by inserting after section 5 the following new subdivision:

Trafficking in Persons

633:6 Definitions. In this subdivision:

I. "Commercial sex act" means any sex act because of which anything of value is given, promised to, or received, directly or indirectly, by any person.

II. "Sex act" means any act of sexual contact as defined in RSA 632-A:1, IV, any act of sexual penetration as defined in RSA 632-A:1, V, or any other sexually explicit conduct as defined in RSA 649-A:2.

III. "Sexually-explicit performance" means an act or show involving one or more sex acts, intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, or videotaped.

IV. "Serious harm" includes physical and non-physical harm. It can be any improper threat of a consequence sufficient under the circumstances to compel or coerce a reasonable person

in the same situation to provide or continue to provide labor, services, or to engage in commercial sex acts or sexually explicit performances.

V. “Victim of trafficking in persons” or “trafficking victim” means any person, whether a United States citizen or foreign national, who has been subjected to the crime of trafficking in persons, sexual servitude of a minor, or involuntary servitude.

633:7 Trafficking in Persons.

I.(a) It is a class A felony to knowingly coerce or attempt to coerce another person to engage in a commercial sex act or a sexually explicit performance, or to perform of labor or services by any of the following means:

- (1) Causing or threatening to cause serious harm to any person.
- (2) Confining or threatening to confine the person unlawfully as defined in RSA

633:2, II.

- (3) Abusing legal process or threatening to bring legal action against the person.
- (4) Destroying, concealing, removing, confiscating, or otherwise making
- (5) Threatening to commit a crime against the person.
- (6) Deception or fraud.
- (7) Threatening to reveal any information sought to be kept concealed by the

person.

- (8) Causing or threatening to cause financial harm to any person.
- (9) Facilitating or controlling the person’s access to an addictive controlled

substance.

- (10) Engaging in any scheme, plan, or pattern, whether overt or subtle, intended to cause the person to believe that, if he or she did not perform such labor, services, commercial sex acts, or sexually explicit performances, that such person or any person would suffer serious harm or physical restraint.

(11) Withholding or threatening to withhold food, medication, or financial support that the actor has an obligation to provide to the person.

(12) Coercing a person to engage in any of the foregoing acts by requiring such in satisfaction of a debt owed to the actor.

(b) Notwithstanding RSA 651:2, a person convicted of an offense under subparagraph I(a) involving a commercial sex act or sexually explicit performance by a victim under the age of 18 shall be subject to a minimum term of not more than 10 years and a maximum term of not more than 30 years.

II. It is a class A felony to recruit, harbor, transport, provide, obtain, or otherwise make available a person, knowing or believing it likely that the person will be subjected to trafficking as defined in paragraph I. Notwithstanding RSA 651:2, a person convicted of an offense under this paragraph involving a victim under the age of 18 shall be subject to a minimum term of not more than 10 years and a maximum to be fixed by the court, if the offender knew or believed it likely that the victim would be coerced into engaging in a commercial sex act or sexually explicit performance.

III. Evidence of the following shall not be admissible at trial:

(a) A trafficking victim’s personal sexual history or history of commercial sexual activity.

(b) A trafficking victim’s connection by blood or marriage to a defendant in the case or to anyone involved with the defendant’s trafficking.

(c) Mistake as to the victim’s age, even if the mistake is reasonable.

IV. Consent shall not constitute a defense to any offense under this section.

633:8 Forfeiture of Items Used in Connection with Trafficking in Persons.

I. All offenses under this section shall qualify as offenses for forfeiture and thereby upon petition of the attorney general, shall be subject to forfeiture to the state and said property interest shall be vested in the state:

(a) All materials, products, and equipment of any kind used in violation of this section.
(b) Any property interest in any conveyance used in furtherance of an act which violates this section.

(c) Any moneys, coin, currency, negotiable instruments, securities, or other investments knowingly used or intended for use in violation of this section. The claimant of the property shall bear the burden of rebutting this presumption.

(d) Any books, records, ledgers, and research material, including formulae, microfilm, tapes, and any other data which are used or intended for use in felonious violation of this section.

(e) Any real property, including any right, title, leasehold interest, and other interest in the whole of any lot or tract of land and any appurtenances or improvements, which real property is knowingly used or intended for use, in any manner or part, in felonious violation of this section.

II. The state shall have a lien on any property subject to forfeiture under this section upon seizure thereof. Upon forfeiture, the state's title to the property relates back to the date of seizure.

III. Property may be seized for forfeiture by any law enforcement agency designated by the department of justice, as follows:

(a) Upon process issued by any justice, associate justice, or special justice of the district or superior court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for its forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The application for process and the issuance, execution and return of process shall be subject to applicable state law. The court may order that the property be seized and secured on such terms and conditions as are reasonable in the discretion of the court. Such order may include an order to a financial institution or to any fiduciary or bailee to require the entity to impound any property in its possession or control and not to release it except upon further order of the court. The order may be made on or in connection with a search warrant;

(b) Physically, without process or probable cause to believe that the property is subject to forfeiture under this section; or

(c) Constructively, without process or probable cause to believe that the property is subject to forfeiture under this section, by recording a notice of pending forfeiture in the registry of deeds in the county where the real property is located or at the town clerk's office where the personal property is located stating that the state intends to seek forfeiture of the identified property pursuant to this section.

(d) A seizure for forfeiture without process under subparagraphs (b) or (c) shall be reasonable if made under circumstances in which a warrantless seizure or arrest would be valid in accordance with state law.

IV. Upon seizure of any items or property interests the property shall not be subject to alienation, sequestration, or attachment but is deemed to be in the custody of the department of justice subject only to the order of the court.

V. Upon the seizure of any personal property, the person making or directing such seizure shall inventory the items or property interests and issue a copy of the resulting report to any person or persons having a recorded interest, or claiming an equitable interest in the item within 7 days of the seizure.

VI. Upon seizure of any real property, the person making or directing such seizure shall notify any person having a recorded interest or claiming an equitable interest in the property within 7 days of the seizure.

VII. The seizing agency shall cause an appraisal to be made of the property as soon as possible and shall promptly send to the department of justice a written request for forfeiture. This request shall include a statement of all facts and circumstances supporting forfeiture of the property, including the names of all witnesses then known, and the appraised value of the property.

VIII. The department of justice shall examine the facts and applicable law of the cases referred pursuant to paragraph VII, and if it is probable that the property is subject to forfeiture,

shall cause the initiation of administrative or judicial proceedings against the property. If upon inquiry and examination, the department of justice determines that such proceedings probably cannot be sustained or that the ends of justice do not require the institution of such proceedings, the department shall make a written report of such findings and send a copy to the seizing agency, and, if appropriate, shall also authorize and direct the release of the property.

IX. The department of justice shall, within 60 days of the seizure, file a petition in the superior court having jurisdiction under this section. If no such petition is filed within 60 days, the items or property interest seized shall be released or returned to the owners.

X. Pending forfeiture and final disposition, the law enforcement agency making the seizure shall:

- (a) Place the property under seal;
- (b) Remove the property to a storage area for safekeeping;
- (c) Remove the property to a place designated by the court;
- (d) Request another agency to take custody of the property and remove it to an

appropriate location within the state, or in the case of moneys, file a motion for transfer of evidence under RSA 595-A:6. Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-bearing seized asset escrow account to be administered by the attorney general.

XI. The court may order forfeiture of all items or property interests under this section, except as follows:

(a) No item or property interest shall be subject to forfeiture unless the owner or owners thereof were consenting parties to a felonious violation of this section and had knowledge thereof.

(b) No items or property interests shall be subject to forfeiture unless involved in an offense which may be charged as a felony.

XII. The department of justice may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this section. Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to RSA 633:8, XI shall have the burden of proving such exception.

XIII. The court shall issue orders of notice to all persons who have a recorded interest or claim an equitable interest in said items or property interests seized under this section and shall schedule a hearing on the petition to be held within 90 days of the return date on said petition.

XIV. At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this section and which arose from the transaction which gave rise to the forfeiture proceeding. No person's interest in property shall be forfeited unless the person has been found guilty of the underlying felonious charge.

XV. At the hearing, the court shall hear evidence and make findings of fact and rulings of law as to whether the property is subject to forfeiture under this section. Except in the case of proceeds, upon a finding that the property is subject to forfeiture the court shall determine whether the forfeiture of the property is not excessive in relation to the underlying criminal offense. In making this determination the court shall consider whether in addition to any other pertinent considerations:

(a) There is a substantial connection between the property to be forfeited and the underlying offense;

(b) Criminal activities conducted by or through the use of the property were extensive; and

(c) The value of the property to be forfeited greatly outweighs the cost of prosecution and the harm caused by the criminal conduct.

XVI. The court shall, thereupon, make a final order, from which all parties shall have a right of appeal. Final orders for forfeiture of property under this section shall be implemented by the department of justice and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including payment of restitution to a victim of trafficking or sale at public auction. The department of justice shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any sale or public auction of forfeited items. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings from the proceeds of any sale or public auction of forfeited items.

XVII. Overseas assets of persons convicted of trafficking in persons shall also be subject to forfeiture to the extent they can be retrieved by the government.

XVIII. After payment of costs outlined in paragraph XVI, any forfeited money and the proceeds of any sale or public auction of forfeited items shall first be used to satisfy any order of restitution imposed by the court and subsequently to pay any damages awarded to victims in a civil action. Any remaining funds shall go to the victims' assistance fund as defined in RSA 21-M:8-i.

633:9 Administrative Forfeiture of Items Used in Connection With Trafficking in Persons.

I. Interests in property subject to forfeiture under the provisions of RSA 633:8 I(a), I(b), I(c) excepting proceeds, and I(d), but not real property, shall be subject to administrative forfeiture by the department of justice provided that the total amount or value of such property does not exceed \$75,000. The provisions of RSA 633:8 shall apply in any case of administrative forfeiture except as otherwise provided in this section.

II. The department of justice may administratively forfeit property seized under paragraph I of this section as follows:

(a) The department of justice shall provide a notice of intent to forfeit property administratively by publication for 3 consecutive weeks in a local newspaper of general circulation where the property was seized.

(b) In addition, to the extent practicable, the department of justice shall provide notice by certified mail return receipt addressee only requested, of intent to forfeit the property administratively to all persons having a recorded interest or claiming an equitable interest in the property seized.

(c) Notice by publication and by mail shall include:

- (1) A description of the property;
- (2) Its appraised value;
- (3) The date and place of seizure;
- (4) The violation of law alleged against the subject property;
- (5) Instructions for filing a claim and posting bond or filing a petition for remission

or mitigation; and

(6) Notice that the property will be forfeited to the state if a petition for remission or mitigation has not been filed in a timely manner or a claim has not been filed and bond has not been posted in a timely manner.

(d) Persons claiming an interest in the property may file petitions for remission or mitigation of forfeiture or file a claim and post bond with the department of justice within 30 days of the first notice by publication or 30 days from the receipt of written notice, whichever is later.

(e) It shall be the duty of the department of justice to inquire into the facts and circumstances surrounding petitions for remission or mitigation of forfeiture.

(f) The department of justice shall provide the seizing agency and the petitioner a written decision on each petition for remission or mitigation within 60 days of receipt of such petition unless the circumstances of the case require additional time in which case the department of justice shall notify the petitioner in writing and with specificity within the 60-day period that the circumstances of the case require additional time, and further notify the petitioner of the expected decision date.

(g) Any person claiming an interest in seized property may institute judicial review of the seizure and proposed forfeiture by timely filing with the department of justice a claim and bond to the state in the amount of 10 percent of the appraised value or in the penal sum of \$2,500, whichever is less, with sureties to be approved by the department of justice, upon condition that in the case of forfeiture the claimant shall pay all costs and expenses of the proceedings at the discretion of the court. A sworn affidavit of indigency may be filed in lieu of a cost bond. Upon receipt of the claim and bond, or, if department of justice otherwise so elects, the department shall file with the court a petition in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. All judicial proceedings thereafter shall be conducted in accordance with the provisions of RSA 633:8. Any bonds received by the department of justice shall be held by him pending final disposition of the case.

(h) If no petitions or claims with bonds are timely filed, the department of justice shall prepare a written declaration of forfeiture of the subject property to the state and dispose of the property in accordance with this section and the department of justice rules, if any, relative to this section.

(i) If the petition is denied, the department of justice shall prepare a written declaration of forfeiture to the state and dispose of the property in accordance with this section and the department of justice rules, if any, relative to this section.

(j) A written declaration of forfeiture signed by the attorney general or designee pursuant to this chapter shall be deemed good and sufficient title to the forfeited property.

633:10 Restitution.

I. A person convicted under this section shall be ordered by the court to pay restitution and other costs to the victim. Such costs may include but not be limited to:

(a) Costs of medical and psychological treatment, including physical and occupational therapy and rehabilitation, at the court's discretion;

(b) Costs of necessary transportation, temporary housing, and child care, at the court's discretion;

(c) Return of property, cost of damage to property, or full value of property if destroyed or damaged beyond repair;

(d) Expenses incurred by a victim and any household members or other family members in relocating away from the defendant or his associates, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items; and

(e) Any and all other losses suffered by the victim as a result of an offense under this section.

II. The return of the victim to her or his home country or other absence of the victim from the jurisdiction shall not relieve the defendant of his or her restitution obligation.

III. Except as otherwise provided in this section, the provisions of RSA 651:61-a through RSA 651:67 shall govern all restitution orders.

2 New Paragraph; Prostitution and Related Offenses. Amend RSA 645:2 by inserting after paragraph III the following new paragraph:

IV. It shall be an affirmative defense to a charge under paragraph I(a) that the defendant engaged in the conduct because he or she was the victim of trafficking in persons, as defined in RSA 633:7.

3 Effective Date. This act shall take effect January 1, 2010.

2009-0920h

Amendment to HB 504

Proposed by the Committee on Children and Family Law - C

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

1 Guardianship of Minors; Conduct of Hearing; Criteria for Termination of Guardianship.

Amend the introductory paragraph of RSA 463:8, IX to read as follows:

IX. If a parent consents to the appointment of a guardianship, such consent shall be executed by an instrument in writing, signed by the parent, in the presence and with the approval of the court of the county in which the case is pending. ***The instrument providing such consent may include the circumstances under which guardianship shall no longer be necessary, at which time the parent may petition the court to terminate the guardianship upon a showing that the criteria for termination have been met.*** The court may designate a person or another court to take the parent's consent on the court's behalf for good cause shown. The court, or its designee, shall also question the consenting parent regarding his or her understanding and knowledge of the nature and consequences if the petition is granted; and to insure that the parent understands he or she has the right to contest the petition. If the court, based on its own determination or its duly certified designee, finds:

2 Termination of Guardianship. Amend RSA 463:15, V to read as follows:

V. The guardianship of the person shall be terminated upon a showing, by a preponderance of the evidence, that substitution or supplementation of parental care and supervision is no longer necessary to provide for the essential physical and safety needs of the minor ~~[and termination of the guardianship will not adversely affect the minor's psychological well-being]~~. ***Guardianship shall be terminated if the moving party demonstrates by a preponderance of the evidence that the circumstances creating the need for the guardianship are no longer present or that the criteria for termination of guardianship as stated in the original order have been met. Nothing in this section shall preclude the court from awarding supplemental guardianship based on a relationship that has been maintained for an extended period of time if the court determines that the supplemental guardianship is in the best interest of the minor pursuant to RSA 463:8, III.***

AMENDED ANALYSIS

This bill clarifies the standard for termination of guardianship of the minor, permits the parent to specify circumstances under which a voluntary guardianship may be terminated, and requires the parties to consent to waive the annual review of the guardianship.

The bill also provides that nothing regarding the process of terminating guardianship shall preclude the court from awarding supplemental guardianship in appropriate cases.

2009-0632h

Amendment to HB 509

Proposed by the Committee on Education - C

Amend RSA 200:34-a as inserted by section 1 of the bill by replacing it with the following:

200:34-a Psychological Evaluations. No school personnel shall conduct a psychological evaluation of any child unless the school first receives written consent from the child's parent or legal guardian on a form to be provided by the school.

AMENDED ANALYSIS

This bill requires school personnel to obtain written consent of a parent or legal guardian prior to conducting any psychological evaluation on a child.

2009-0569h

Amendment to HB 515

Proposed by the Committee on Transportation - C

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

AN ACT establishing a commission to study alternate fuel vehicles.

Amend the bill by replacing sections 1-3 with the following:

1 Commission Established. There is established a commission to study alternate fuel vehicles.

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 transportation, or designee.

(d) The commissioner of safety, or designee.

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 rules of the road and taxation associated with alternate fuel vehicles, to include, but not be limited to, electric vehicles, hybrid vehicles, and any future vehicles that are not powered totally by gasoline engines. The commission shall evaluate the desirability of establishing operating restrictions for alternate fuel vehicles and methods of providing funds for their use of highways.

AMENDED ANALYSIS

This bill establishes a commission to study alternate fuel vehicles.

2009-0771h

Amendment to HB 520

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

Amend paragraph IV of section 2 of the bill by replacing it with the following:

IV. A representative of the New Hampshire Bar Association, appointed by that association.

Amend section 2 of the bill by inserting after paragraph VIII the following new paragraphs:

IX. The attorney general, or designee.

X. A representative of the New Hampshire Mental Health Council, appointed by the council.

XI. A representative of the New Hampshire Police Association, appointed by the association.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study:

I. Whether the death penalty in New Hampshire rationally serves a legitimate public interest such as general deterrence, specific deterrence, punishment, or instilling confidence in the criminal justice system.

II. Whether the death penalty in New Hampshire is consistent with evolving societal standards of decency.

III. Whether the decision to seek the death penalty through the penalty phase of trial for defendants who are eligible to receive the death penalty in New Hampshire is arbitrary, unfair, or discriminatory.

IV. Whether the current capital murder statute in New Hampshire properly encompasses the types of murder which should be eligible for the death penalty or whether the scope of the current capital murder statute should be expanded, narrowed, or otherwise altered, including an analysis of the types of murder covered by the current capital murder statute and any aggravating and mitigating circumstances listed in the statute.

V. Whether alternatives to the death penalty exist that would sufficiently ensure public safety and address other legitimate social and penal interests, and the interests of families of victims of crime.

VI. Whether, in New Hampshire, there is a significant difference in the cost of prosecution and incarceration of a first degree murder case where the penalty is life without parole as compared with the cost of a death penalty case from prosecution to execution.

VII. Any other issues relevant to the death penalty in New Hampshire.

2009-0669h

Amendment to HB 525

Proposed by the Minority of the Committee on Transportation - R

Amend the bill by replacing section 1 with the following:

1 New Section; Special Rules of the Road; Smoking Prohibited. Amend RSA 265 by inserting after section 107-a the following new section:

265:107-b Smoking Prohibited. No person shall smoke in a motor vehicle at any time when the operation of the motor vehicle is subject to the child passenger restraint requirements of RSA 265:107-a. The driver of the motor vehicle in which a person is smoking in violation of this section shall be subject to the same penalties as a driver violating the provisions of RSA 265:107-a. Enforcement of this section by law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense.

AMENDED ANALYSIS

This bill prohibits smoking in vehicles when child passenger restraints are required. This prohibition would be enforceable only as a secondary offense.

2009-0405h

Amendment to HB 530-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 State Building Code; Access Standards for Public Buildings. RSA 155-A:5 is repealed and reenacted to read as follows:

155-A:5 Access Standards for Public Buildings.

I. All public buildings governed by RSA 155-A:2, I shall comply with the access standards in the state building code. For purposes of this section, public buildings are those covered by the “public access” definition in RSA 155:65, X.

II. Upon the completion of new construction, additions, or alterations of a public building, the owner of the building shall be responsible for acquiring a certification from an inspector certified under RSA 155-A:5-a that the building meets the access standards required by this section.

III. In addition to other enforcement authority granted in this chapter, the protection and advocacy system for New Hampshire, as designated by the governor pursuant to 42 U.S.C. section 15043, shall have enforcement authority with respect to the access and certification standards required by this section. If the protection and advocacy system determines in good faith that cause exists that a public building violates the access or certification requirements of paragraph I or II, it shall issue a letter to the owner of the noncompliant building requesting that the owner bring the building into compliance. The owner shall have 30 days to respond to the letter and 180 days to bring the building into compliance. If the owner does not respond or does not agree to bring the building into compliance within the specified time periods, or a dispute remains as to compliance, the protection and advocacy system may file an action in the superior court in which the building is located against the owner to determine compliance with this section. If it is determined that the building is not in compliance, the court shall order that the owner bring the building into compliance. If the protection and advocacy system prevails in such action, it shall be awarded court costs and reasonable attorney’s fees from the owner. For purposes of this section, “prevailing” is defined to include a judgment by the court, a consent decree, or instances where the owner agrees to make or makes some or all of the requested changes after the filing date of the action.

IV. Any individual with a physical impairment who is adversely affected by the failure to adhere to the requirements of paragraph I shall have a private right of action against the owner pursuant to the procedure established in paragraph III, including the right to court costs and reasonable attorney’s fees as the prevailing party.

V. Any owner of a public building who is found by a preponderance of the evidence in a proceeding under paragraph III or IV to have knowingly violated the access standards of the state building code shall be subject to a civil penalty. The penalties shall be the same as those established by RSA 155-A:8. All civil penalties shall be paid into the general fund. The party bringing the action shall be entitled to reasonable attorney’s fees and costs if it prevails as defined in paragraph III.

2 New Section; Certification of Building Inspectors and Penalty. Amend RSA 155-A by inserting after section 5 the following new section:

155-A:5-a Certification of Building Inspectors and Penalty.

I. Any individual engaged in the business of inspecting public buildings for compliance with access standards required by RSA 155-A:5 shall successfully pass an International Code Council examination that covers the access standards contained in the state building code prior to certifying that a building complies with RSA 155-A:5, I. All inspectors shall complete 2 hours of continuing education related to accessibility codes every 5 years and be able to produce proof of continuing education upon demand. New Hampshire licensed architects, professional engineers, certified building officials, and master code officials are exempt from this section and may issue certifications without further examination.

II. Whoever falsely claims to be certified under this section through advertising, signage, or verbal representation shall be guilty of a violation if a natural person, or guilty of a class B misdemeanor if any other person.

3 Applicability. Nothing in RSA 155-A:5 as inserted by section 1 of this act shall require the owner of a public building to obtain a certification for the new construction, additions, or alterations of a public building completed before the effective date of this act.

4 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill requires public buildings to meet access standards contained in the state building code and establishes a procedure for the inspection and enforcement of the access standards in new construction.

2009-0787h

Amendment to HB 532-FN

Proposed by the Majority of the Committee on Executive Departments and Administration - R

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

AN ACT relative to employer payment for extra or special duty pay of group II members in the retirement system.

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

1 New Paragraph; Retirement System; Definitions. Amend RSA 100-A:1 by inserting after paragraph XXXI the following new paragraph:

XXXII. "Extra or special duty" means member work activities or details for which the employer bills or charges another entity, in whole or in part, for the work activities or details provided.

2 Employer Contributions; State Payment; Group II Extra or Special Duty. Amend RSA 100-A:16, II(b) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution", and an additional amount to be known as the "accrued liability contribution"; provided that any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state ***except that in the case of compensation attributable to extra or special duty, the employer shall pay the full amount of such total contributions***; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

3 New Paragraph; Employer Report; Extra or Special Duty. Amend RSA 100-A:16 by inserting after paragraph V the following new paragraph:

VI. Every employer shall report monthly to the retirement system all compensation of group II members that is attributable to extra or special duty. When an employer provides extra or special duty services, the employer shall include in its billing or charge to the entity for whom the extra or special duty is being provided the full amount of contributions required under RSA 100-A16, II(b) attributable to the extra or special duty. Notwithstanding any provision to the contrary, the employer shall be responsible for the full amount of employer contributions required under RSA 100-A16, II(b) attributable to extra or special duty.

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

AMENDED ANALYSIS

This bill removes the provision that the state pay a share of the employer contribution for extra or special duty work of group II members in the retirement system.

2009-0697h

Amendment to HB 542

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

Amend RSA 332-I:3, IV-VI as inserted by section 4 of the bill by replacing them with the following:

IV. A health information exchange shall be certified, when federal certification standards are established, to be in compliance with nationally accepted interoperability standards and practices.

V. No person shall require a health care provider to participate in a health information exchange as a condition of payment or participation.

VI. An individual shall be given an opportunity to opt out of sharing his or her name and address and his or her protected health care information through a health information exchange. Amend the bill by replacing all after section 4 with the following:

5 Applicability; Certification. RSA 332-I:3, IV as inserted by section 4 of this act shall take effect upon the date when federal certification standards are established for a health information exchange and the commissioner of the department of health and human services so notifies the secretary of state and the director of legislative services.

6 Effective Date.

I. RSA 332-I:3, IV as inserted by section 4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill establishes procedures for access to health care information that is in the possession of health care providers and business associates of the health care providers by a health information exchange. Under this bill, an individual shall be given an opportunity to opt out of sharing his or her protected health information through a health information exchange.

2009-0281h

Amendment to HB 570-FN-A

Proposed by the Committee on Public Works and Highways - R

Amend the bill by replacing section 1 with the following:

1 Skyhaven Airport; Transfer of Ownership. Contingent upon Federal Aviation Administration recognition of Pease development authority as sponsor of Skyhaven airport under the Airport and Airway Improvement Act of 1982, the department of transportation shall transfer ownership in fee simple to the Pease development authority for the consideration of \$1. A document suitable for recording shall memorialize this transfer and be recorded in the Strafford county registry of deeds. The transfer of ownership shall include land and buildings, and any existing contractual benefits and obligations, including the bond obligation to the New Hampshire treasury and obligations under grant assurances made in connection with receipt of federal and state grant proceeds by the state of New Hampshire. Following the transfer, the Pease development authority shall maintain and operate Skyhaven airport in a satisfactory manner in accordance with federal and state statutes and regulations and shall seek through its management

and development of Skyhaven airport to enhance the capacity of the regional airport network system to meet current and projected demand.

Amend RSA 422:37, II-III as inserted by section 4 of the bill by replacing it with the following:

II. The term of office for the voting members of the advisory council shall be 3 years and until a successor is appointed and qualified. A vacancy shall be filled in the same manner as the original, but only for the unexpired term.

III. The advisory council shall elect one of its members as chairman, one as a vice-chairman, and one as a secretary/treasurer. The members of the advisory council shall receive no compensation for their services, but their reasonable expenses incurred in the performance of their duties shall be paid from the Skyhaven airport maintenance and operations fund. The advisory council shall have the right to establish bylaws for the management of its affairs within the meaning of this section and the laws of the state. The Pease development authority shall provide the advisory council with administrative support necessary to carry out its responsibilities under this section.

Amend section 10 of the bill by replacing the section heading and amending language with the following:

10 Reference Corrected. Amend RSA 450:4, I to read as follows:

Amend the bill by replacing all after section 12 with the following:

13 Prior Environmental Impacts. Notwithstanding any other provision of law, Pease development authority shall not assume any liability or responsibility for environmental impacts and damage caused by the use of hazardous substances on any portion of Skyhaven airport prior to November 1, 2008. The authority shall have no obligation to undertake the defense, remediation, and cleanup, including the liability and responsibility for the costs of damage, penalties, legal, and investigative services, arising out of any claim or action in existence on the effective date of this act, or which may be brought following the effective date of this act by any person, because of any use of, or release from any portion of Skyhaven airport of any hazardous substances prior to November 1, 2008.

14 Skyhaven Airport Advisory Council; Initial Membership. The members of the Skyhaven airport operation commission on the effective date of this section shall serve as the initial members of the Skyhaven airport advisory council. Each such member shall serve for the period remaining in his or her term of appointment to the Skyhaven airport operation commission on the effective date of this section and until a successor is appointed and qualified. The appointment of successors and additional members required by RSA 422:37 as inserted by section 4 of this act shall be made by the appointing authority designated in such section.

15 Effect of Contingency. The commissioner of transportation shall certify the date of the transfer of Skyhaven airport pursuant to section 1 of this act to the secretary of state, the state treasurer, and the director of the office of legislative services. Sections 2-9 and 11-14 of this act shall take effect on the date of the transfer as certified pursuant to this section.

16 Effective Date.

I. Sections 2-9 and 11-14 of this act shall take effect as provided in section 15 of this act.

II. The remainder of this act shall take effect upon its passage.

2009-0684h

Amendment to HB 572-FN

Proposed by the Committee on Judiciary - C

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

AN ACT relative to proceedings of medical injury claims screening panels.

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

1 Screening Panel Procedures. Amend RSA 519-B:4, II to read as follows:

II. Within 20 days of the return date, the person or persons accused shall contact the claimant's counsel and by agreement shall designate a timetable for filing all the relevant medical and provider records necessary to a determination by the panel. If the parties are unable to agree on a timetable within 60 days of the return date, the claimant shall notify the chairperson of the

panel. The chairperson shall then establish a timetable for the filing of all relevant records and reasonable discovery, which shall be filed at least 30 days before any hearing date. The hearing shall be ***expedited and shall be held*** no later than 6 months from the return date, except when the time period has been extended by ~~[the panel chairperson in accordance with this chapter]~~ ***agreement of the parties.***

2 Screening Panel Procedures. Amend RSA 519-B:4, VI to read as follows:

VI. All requests for extensions of time under this section shall be made to the panel chairperson. The chairperson may extend any time period for good cause, ~~[except that the chairperson may not extend any time period that would result in the hearing being held more than 11 months following the return date unless good cause is shown]~~ ***subject to the provisions of paragraph II.***

3 Hearings. Amend RSA 519-B:5, I(a) to read as follows:

I.(a) The claimant or a representative of the claimant shall present the case before the panel ***by an offer of proof.*** The person accused of professional negligence or that person's representative shall make a responding presentation ***by an offer of proof.*** ~~[The panel shall afford the parties wide latitude in the conduct of the hearing including, but not limited to, the right of examination and cross examination by attorneys. Depositions are admissible whether or not the person deposed is available at the hearing.]~~ The chairperson shall make all procedural rulings, which shall be final. The New Hampshire rules of evidence shall not apply. Evidence shall be admitted if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The panel shall make findings upon such evidence as is presented at the hearing, the records, and any expert opinions provided by or sought by the panel or the parties. ***The evidence presented shall be limited to offers of proof and submission of documentary evidence, including but not limited to medical records, expert reports, and interrogatory answers. Live witness testimony shall not be presented. For purposes of this chapter, "offers of proof" shall mean frank, objective, and factual descriptions of the facts made in good faith and without exaggeration.***

4 Confidentiality and Admissibility. Amend RSA 519-B:8, I(a)(1) to read as follows:

(1) Any ~~[testimony or]~~ writings made under oath may be used in subsequent proceedings for purposes of impeachment.

5 Confidentiality and Admissibility. Amend RSA 519-B:8, III to read as follows:

III. The deliberations and discussion of the panel ~~[and the testimony of any expert, whether called by a party or the panel,]~~ shall be privileged and confidential, and no such person may be asked or compelled to testify at a later court proceeding concerning the deliberations, discussions, or findings, ~~[or expert testimony or opinions expressed during the panel hearing, unless by the party who called and presented the nonparty expert,]~~ except such deliberation~~[s]~~ ***and*** discussion~~[, and testimony]~~ as may be required to prove an allegation of fraud.

6 Mandatory Instructions. Amend RSA 519-B:9, I(c) and (d) to read as follows:

(c) The panel conducts a summary hearing ~~[and]~~, is not bound by the rules of evidence, ***and does not hear live witness testimony.***

(d) The hearing is not a substitute for a full trial ~~[and may or may not have included all of the evidence that is presented at the trial].~~

7 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill changes procedures for screening panels for medical injury claims.

2009-0746h

Amendment to HB 578-FN-LOCAL

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Bureau of Hearings; Testimony by Video Teleconference. Amend RSA 21-P:13 by inserting after paragraph II the following new paragraph:

III. The bureau of hearings shall hold an administrative hearing or take testimony by video teleconference if requested by a party to the hearing who gives adequate notice to the bureau and the other parties to the hearing, provided that testimony is limited to the matters relating to hearings that are open to the public in accordance with RSA 541-A and provided that no party files a timely written objection to the introduction of testimony by video teleconference.

2009-0867h

Amendment to HB 580-FN

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - R

Amend RSA 332-I:1, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Individuals are entitled to control access to their protected health information and to obtain a report of access to their protected health information based on an audit trail.

Amend RSA 332-I:2, II as inserted by section 2 of the bill by replacing it with the following:

II. "Audit trail" means a chronological record identifying specific persons who have accessed an electronic medical record, the date and time the record was accessed, and, if such information is available, the area of the record that was accessed. An audit trail shall not be considered a part of a person's medical care.

Amend RSA 332-I:3, III-V as inserted by section 2 of the bill by replacing them with the following:

III. When an individual's medical record is maintained in electronic form, the individual has the right to a report, based on whatever audit trail of that record is then maintained, of access to the record by a health care provider named by the individual within an identified period in the prior 3 years. The report shall indicate whether the named provider had access, or did not have access, or whether access could not be determined with the available data. If the named provider had access, the report shall summarize, as the available data permit, the extent of access to the record. This paragraph shall not apply to individuals being held in correctional facilities within the state.

IV. The individual has the right to prohibit disclosure of protected health information in accordance with section 332-I:4.

Amend RSA 332-I:4-332-I:8 as inserted by section 2 of the bill by replacing them with the following:

332-I:4 Protected Health Information; Disclosure for Treatment.

I. As necessary, a health care provider may disclose an individual's protected health information for treatment of the individual, unless the individual elects otherwise in writing in accordance with paragraph III.

II.(a) For the purposes of this section, one or more health care providers who as of January 1, 2010 are affiliated or business associates for the purpose of sharing an electronic medical record system or comprise an organized health care arrangement, shall be considered one health care provider, if the following criteria are met:

(1) The electronic medical record system is not structured to restrict disclosure as required by this section; and

(2) After January 1, 2010, only active medical staff or other health care providers in the local community or service area who were offered the opportunity to share in the electronic medical record system prior to such date may be added to the foregoing arrangement.

(b) Active medical staff or other health care providers who have not received an offer to share in an electronic medical records system prior to January 1, 2010 may share in such an electronic medical record arrangement only when the electronic medical record system restricts disclosure between the separate providers in accordance with this section.

III. At the initial encounter with an individual, a health care provider shall inform the individual of the right to elect to prohibit disclosure for treatment of the individual's protected health information pursuant to paragraph I. The following procedures shall apply to such election:

(a) If the individual elects to prohibit disclosure for treatment, at the initial encounter or any time thereafter, the health care provider shall inform the individual of the possible

consequences associated with such an election. The health care provider shall also supply a form, as described in paragraph VII, on which the individual shall make the election to prohibit disclosure for treatment in writing, including by electronic signature. The election is effective on the date the written election is made and the health care provider is not liable for disclosures made prior to receipt of such election.

(b) An individual may at any time revoke an election to prohibit disclosure for treatment. Such revocation is effective on the date an oral or written election to revoke is made, received, and documented by the health care provider. The health care provider shall not be liable for an access denial made prior to such election.

IV. Notwithstanding an election by an individual to prohibit disclosure, a health care provider may disclose protected health information to:

(a) An insurance issuer or other person when a written request for protected health information from the insurance issuer or other person includes the individual's signature authorizing disclosure;

(b) A pharmacist when the health care provider arranges with the individual to submit a prescription directly to the pharmacy, by phone, electronic format, or other direct submission method, and the individual does not object or request a paper prescription; or

(c) The state, when required by state law.

V. An election to prohibit disclosure under this section shall not prohibit the disclosure of protected health information during a medical emergency when the treating health care provider is unable to obtain the individual's authorization due to the individual's condition or the nature of the medical emergency. The treating health care provider shall make the clinical determination as to whether or not a medical emergency exists.

VI. A health care provider shall not be required to provide treatment to an individual who elects not to disclose protected health information that the health care provider deems clinically necessary, unless such treatment is required by law. No health care provider who, in good faith, renders reasonable care shall be held liable for any adverse health outcome to an individual that results from that individual's election to limit access to his or her protected health information permitted by this section.

VII. The form on which an individual elects to prohibit disclosure of protected health information shall be developed, and revised as necessary by the commissioner, and that process shall be exempt from the requirements of RSA 541-A. At a minimum, the form shall:

(a) Be written in clear, plain language, in large-type font;

(b) Contain the name of the health care provider;

(c) Meet any applicable requirements of the regulations under sections 262 and 264 of HIPAA; and

(d) Contain the following in a clear and conspicuous manner:

(1) A statement of the election;

(2) A statement that the election may be revoked at any future time, orally or in writing;

(3) A statement that the authorization will be effective until revoked;

(4) A statement that the individual has been informed of the risks and benefits associated with such an election; and

(5) Contact information for the department of justice for submission of a complaint.

332-I:5 Unauthorized Disclosure. In the event of a disclosure for treatment, not permitted by this chapter, of protected health information by a health care provider, the health care provider shall promptly notify in writing the individual or individuals whose protected health information was disclosed.

332-I:6 Complaints; Right of Action.

I. An individual may make a written complaint relative to a violation of 332-I:1 through 332-I:5 by a health care provider to the board or agency that licenses or certifies the health care provider. Upon receipt of such complaint, the board or agency shall review the complaint and, where sufficient evidence of a violation is presented, conduct investigations to determine whether a

violation of this subdivision has occurred and take appropriate action against the health care provider.

II. An aggrieved individual may bring a civil action under this subdivision and, if successful, shall be awarded special or general damages of not less than \$1,000 for each violation, and costs and reasonable legal fees.

Health Care Rights

332-I:7 Health Care Rights of the Individual.

I.(a) The individual has the right to courtesy, respect, dignity, responsiveness, and timely attention to his or her needs.

(b) The individual has the right to receive information from the health care provider and to discuss the benefits, risks, and costs of appropriate treatment alternatives.

(c) The individual shall be fully informed by the health care provider of his or her medical condition, health care needs, and diagnostic test results, including the manner by which such results will be provided and the expected time interval between testing and receiving results, unless medically inadvisable and so documented in the medical record.

(d) The individual has the right to make decisions regarding the health care that is recommended by the health care provider. Accordingly, unless required by state law, individuals may accept or refuse any recommended medical treatment and be involved in experimental research upon the individual's written consent only.

(e) The health care provider shall not reveal confidential communications or information without the consent of the individual, unless provided for by law or by the need to protect the welfare of the individual or the public interest.

II. Facilities subject to RSA 151:21 and RSA 151:21-b shall be exempt from paragraph I.

2009-0895h

Amendment to HB 585-FN

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

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

1 New Chapter; Outdoor Lighting Efficiency. Amend RSA by inserting after chapter 9-C the following new chapter:

CHAPTER 9-D

OUTDOOR LIGHTING EFFICIENCY

9-D:1 Definitions. In this chapter:

I. "Fixture" means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

II. "Fully shielded luminaire" means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

III. "Glare" means direct light emitting from a luminaire that is significantly greater than luminance to which the eyes are adapted which causes reduced vision or momentary blindness.

IV. "Illuminance" means the unit measure of light at a surface.

V. "Light trespass" means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

VI. "Lumen" means a unit of measure of luminous flux.

VII. "Luminaire" means the complete lighting system, including the lamp and the fixture.

VIII. "Lamp" means the component of a luminaire that produces the specific form of radiant energy that is observed as light.

IX. "Permanent outdoor luminaire" means any luminaire or system of luminaires that is outdoors and intended to be used for 21 days or longer.

X. "State highway" means any of the highways of the state classified in RSA 229:5.

9-D:2 State Purchase of Permanent Outdoor Lighting Design.

I. No state funds shall be used to install or replace any permanent outdoor luminaire unless:

(a) The luminaire is a fully shielded luminaire when the rated output of the luminaire is greater than 1,800 lumens.

(b) The maximum illuminance at the designated surface does not exceed the minimum illuminance level recommended for that purpose by the Illuminating Engineering Society of North America or the Federal Highway Administration.

(c) The director of the agency responsible for the funding of such luminaire or having authority over the illuminated infrastructure ensures that consideration is given to minimizing glare and light trespass.

II. The requirements of paragraph I shall not apply if:

(a) Compliance would create a conflict with federal laws or regulations;

(b) The director of the agency responsible for funding the installation of such luminaire or having authority over the illuminated infrastructure determines that there is a compelling safety interest that cannot be addressed by any other method;

(c) With respect to roadway lighting on state highways, when in specific instances the commissioner of transportation determines that use of a fully shielded luminaire would compromise the safety of the public utilizing the highway, increase the cost of the lighting plan or lighting replacement for the highway, or violate any provision of federal law; or

(d) The luminaire shall be used to illuminate designated public and historic structures, monuments, and flags of the United States of America and the state of New Hampshire.

III. No public utility company may install or replace a permanent outdoor luminaire for roadway lighting if the cost of operating such luminaire is paid for by municipal funds, unless:

(a) The luminaire is a fully shielded luminaire when the rated output of the luminaire is greater than 1,800 lumens.

(b) The maximum illuminance at the designated surface does not exceed the minimum illuminance recommended for that purpose by the Illuminating Engineering Society of North America or the Federal Highway Administration.

(c) The governing body of a municipality may waive the provisions of subparagraph (a) when, after written notice from the public utility company 30 days prior to the installation or replacement of the luminaire, the governing body determines that a waiver is necessary for the lighting application. Such notice shall be in such form as the governing body shall prescribe and may include a description of the lighting plan and a description of the efforts that have been made to comply with the provisions of RSA 9-D:3. The governing body may consider design safety, costs, and other factors deemed appropriate by the governing body.

9-D:3 New Hampshire Dark Sky Policy. It shall be the policy of the state of New Hampshire to encourage municipalities to enact such local ordinances and regulations as they deem appropriate to conserve energy consumed by outdoor lighting; to minimize light pollution and glare; and to preserve dark skies as a feature of rural character wherever practicable.

9-D:4 Part-Night Rates for Roadway and Area Lighting. To encourage cost savings and energy conservation, the public utilities commission shall, subject to its ratemaking authority under RSA 378, develop rates for part-night or midnight service for unmetered street or area lighting. Such rates shall be revenue neutral with respect to utility distribution revenue.

9-D:5 Report by Department of Transportation. The department of transportation shall:

I. Review and update its criteria for roadway lighting to ensure that its current standards and procedures conform to commonly accepted best practices.

II. Explore how energy and maintenance costs can be reduced by replacing existing luminaries with lower-wattage, fully shielded luminaries or by eliminating roadway lighting altogether where appropriate.

III. Beginning November 1, 2009 and each November 1 thereafter, submit an annual report of its activities and findings to the office of energy and planning.

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

2009-0773h

Amendment to HB 587-FN

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

Amend RSA 651-F:2, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The center may allow the attendance, on detached duty with appropriate security clearances, of representatives of local police departments, county sheriffs' departments, the 911 mapping unit, and the department of health and human services. Until June 30, 2013, the center may allow attendance of employees of the Federal Bureau of Investigation and the Department of Homeland Security who shall be subject to the provisions of this chapter regarding access to information.

Amend RSA 651-F:4 as inserted by section 2 of the bill by deleting paragraphs I-III and renumbering the original paragraphs IV-VI to read as paragraphs I-III, respectively.

Amend RSA 651-F as inserted in section 2 of the bill by inserting after RSA 651-F:7 the following new RSA section:

651-F:8 Audit Requirement and Disclosure. The department of safety shall maintain and conduct periodic audits of data access performed by personnel assigned to the center at least annually. The audit shall consist of a review of authorized credentials of persons accessing the data, a random sampling of data input quality and the type and reason for data access, and a review of the policy and procedures that govern data entry, access, and purging. The department shall report its findings in an annual report to the intelligence subcommittee of the advisory council on emergency preparedness and security established under RSA 21-P:48, the attorney general, and the representative of the civil liberties organization designated under RSA 651-F:3, II.

2009-0687h

Amendment to HB 592-FN

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

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

AN ACT relative to "adverse events" in hospitals and ambulatory surgical centers.

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court finds that "adverse events" in hospitals and ambulatory surgical centers kill approximately 195,000 people, including children, nationally every year. The general court further finds that 4 in 10 physicians state that they have personally experienced adverse events. The general court recognizes that New Hampshire is the only New England state which does not have laws addressing adverse events. Therefore, the general court hereby establishes a reporting system to facilitate quality improvement in the health care system.

Amend the section heading and the introductory paragraph of RSA 151:37, I as inserted by section 2 of the bill by replacing them with the following:

151:37 Hospitals and Ambulatory Surgical Centers Required to Report Adverse Events.

I. Any hospital or ambulatory surgical center licensed pursuant to this chapter shall report to the commissioner the occurrence of any of the adverse health care events described in subparagraphs (a)-(f) as soon as is reasonably and practically possible, but no later than 15 working days after discovery of the event. The report shall be filed in a format specified by the commissioner and shall identify the facility but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. The commissioner may consult with experts and organizations familiar with patient safety when developing the format for reporting and in further defining events in order to be consistent with industry standards. Events to be reported under this subdivision include:

Amend RSA 151:37, III and IV as inserted by section 2 of the bill by replacing them with the following:

III. All information and data made available to the department and its designees under this section shall be confidential and shall be exempt from public access under RSA 91-A.

Amend RSA 151:38 as inserted by section 2 of the bill by inserting after paragraph V the following new paragraph:

VI. Nothing in this section shall be construed to limit the responsibilities and duties of the department under RSA 151.

Amend RSA 151:39 as inserted by section 2 of the bill by replacing it with the following:

151:39 Penalties; Fund Established.

I. Any facility which violates this subdivision for failure to file a timely adverse event report or failure to conduct a root cause analysis, to implement a corrective action plan, or to provide the findings of a root cause analysis or corrective action plan in a timely fashion shall be subject to disciplinary action under this chapter and any other appropriate sanctions under this chapter.

II. There is hereby established the “adverse events” fund to be used to carry out the provisions of this subdivision. The fund shall be composed of fines collected under this chapter, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to support adverse event data collection, analysis, reporting, and education. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this subdivision.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Special Fund; “Adverse Events” Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the “adverse events” fund established under RSA 151:39, II.

AMENDED ANALYSIS

This bill establishes a reporting system for hospitals and ambulatory surgical centers to report adverse events.

2009-0728h

Amendment to HB 614

Proposed by the Majority of the Committee on Election Law - R

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Voters and Checklists; Eligibility; Domicile; Students. Amend RSA 654:1 by inserting after paragraph I the following new paragraph:

I-a. A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student’s claim of domicile otherwise meets the requirements of RSA 654:1, I.

AMENDED ANALYSIS

This bill authorizes a student at an institution of learning to claim domicile for voting purposes in the town or city in which he or she lives while attending the institution of learning.

2009-0683h

Amendment to HB 619

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

Amend the bill by replacing section 4 with the following:

4 New Sections; Use and Disclosure of Protected Health Information; Marketing; Fundraising. Amend RSA 332-I by inserting after section 2 the following new sections:

332-I:3 Use and Disclosure of Protected Health Information; Marketing; Fundraising.

I. A health care provider, or a business associate of the health care provider, shall obtain an authorization for any use or disclosure of protected health information for marketing. Such authorization shall meet the authorization implementation specifications for marketing under the regulations adopted pursuant to sections 262 and 264 of HIPAA, as amended.

II.(a) For use or disclosure of protected health information for fundraising, a health care provider, or a business associate of the health care provider, shall, in a clear and conspicuous manner, provide an opportunity for any intended recipient of one or more fundraising

communications to elect not to receive such communications. A clear and conspicuous opportunity shall include, but not be limited to, simple election language and type of a sufficient size as to be easily readable by the average adult reader. Such opportunity shall be provided:

- (1) Sixty days prior to any fundraising communication; or
- (2) Upon presentation of the notice of privacy practices required by regulations adopted pursuant to sections 262 and 264 of HIPAA, as amended, if such notice is given to the intended recipient prior to any fundraising communication; or
- (3) To an individual who does not elect to not receive fundraising communications in the opportunities in subparagraphs (1) or (2), in any subsequent written fundraising communications.

(b) When an individual elects not to receive any fundraising communication, such election shall be treated as a revocation of authorization under 45 C.F.R. section 164.508.

III. Protected health information disclosed for marketing or fundraising shall not be disclosed by voice mail, an unattended facsimile, or through other methods of communication that are not secure.

332-I:4 Unauthorized Disclosure. In the event of a use or disclosure of protected health information by a health care provider or a business associate of a health care provider that is allowed under federal law but not permitted by RSA 332-I:3, the health care provider shall promptly notify in writing the individual or individuals whose protected health information was disclosed. A business associate shall be responsible for the cost of such notification if the use or disclosure was by the business associate.

332-I:5 Complaints; Right of Action. An aggrieved individual may bring a civil action under this subdivision and, if successful, shall be awarded special or general damages of not less than \$1,000 for each violation, and costs and reasonable legal fees.

2009-0846h

Amendment to HB 621

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 establishing procedures for identifying criminal defendants who may have a mental illness.

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

1 Commitment to Hospitals; Competency. Amend RSA 135:17, I to read as follows:

I. **(a)** When a person is charged or indicted for any offense, or is bound over by any district ~~[or municipal]~~ **or superior** court to await the action of the grand jury, the district or superior court before which he or she is to be tried, if a plea of insanity is made in court, or said court is notified by either party that there is a question as to the competency or sanity of the person, may make such order for a pre-trial ~~[psychiatric]~~ examination of such person by a psychiatrist on the staff of any public institution or by a private psychiatrist as the circumstances of the case may require, which order may include, though without limitation, examination at the secure psychiatric unit on an out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or the examination of such person, should he or she be incarcerated for any reason, at his or her place of detention by psychiatrists assigned to a state or local mental health facility. Such pre-trial examination shall be completed within 60 days after the date of the order for such examination, unless either party requests an extension of this period.

(b) In cases where the person is being held at a county correctional facility, the facility may request a pre-trial examination of such person for the purpose of determining if the person is competent to stand trial. Such request shall be reviewed, and a decision rendered by the district or superior court before which he or she is to be tried.

(c) In cases where the person is incarcerated and a pre-trial examination has not been performed within 30 days of the court's order, the court shall, upon request of the person, order an evaluation by a qualified psychiatrist or psychologist. The court

shall favorably consider a request that the psychiatrist or psychologist be treated as a defense expert who shall be compensated pursuant to RSA 604-A:6.

(d) In cases where the person is incarcerated and an examination has not been performed, the court before which he or she is to be tried shall review the person's bail status on a monthly basis.

2 Interbranch Criminal and Juvenile Justice Council; Development of Mental Health Screening Procedures.

I. The interbranch criminal and juvenile justice council (ICJJC) established in RSA 651-E shall develop procedures for the identification of a criminal defendant who may have a mental illness, estimate the cost of implementing the procedures, and make recommendations for the best method of implementing the procedures. The procedures shall:

(a) Establish a mechanism for determining which criminal defendants will be subjected to an assessment.

(b) Establish a mechanism to ensure that a defendant's participation in an assessment is voluntary.

(c) Provide for the assessment of psychological or behavioral conditions that may indicate a need for emergency intervention, treatment during incarceration, referral for community services, or an evaluation for competency to stand trial.

(d) Provide that such assessment may be conducted using simplified instruments.

(e) Ensure that the results of the screening shall be provided to defense counsel immediately upon availability.

(f) Provide that the results of the screening shall not be accessible by law enforcement agencies, the prosecuting attorney, or the public, and may not be used during the trial or sentencing of any criminal defendant.

II. The ICJJC shall prepare a written report detailing the procedures and other findings required under paragraph I, and shall submit such report to the speaker of the house of representatives, the president of the senate, the chief justice of the New Hampshire supreme court, the governor, the house clerk, and the senate clerk, no later than one year from the effective date of this section.

3 New Paragraph; Adequate Representation for Indigent Defendants; Appointment of Counsel. Amend RSA 604-A:2 by inserting after paragraph III the following new paragraph:

IV.(a) The court shall review any information available to it regarding the defendant's mental condition and shall require the state to disclose any information as to the defendant's mental condition. If the court has information indicating the defendant has a mental illness, the court shall act on any application for appointed counsel on the same day as the defendant's first court appearance. If the application is approved, the court shall, by phone, notify the attorney appointed to represent the defendant and immediately transmit all relevant court documents to the attorney by facsimile or other electronic transmission.

(b) The court shall appoint counsel without formal application if the defendant is without counsel and mental illness appears to be interfering with the defendant's ability to communicate, understand court proceedings, or to complete a formal application on a timely basis.

(c) If a public defender is appointed, the public defender, upon receiving notification that the defendant may have a mental illness, shall, on the day notice of the appointment is received, designate a specific attorney to represent the defendant.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect 180 days after its passage.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Allows a county correctional facility to request a pre-trial examination of a person being held at such facility.

II. Requires the interbranch criminal and juvenile justice council to establish mental illness screening procedures.

III. Creates new procedures for the appointment of counsel for a person with a mental illness.

2009-0123h

Amendment to HB 635

Proposed by the Committee on Environment and Agriculture - C

Amend RSA 184:30-a as inserted by section 1 of the bill by replacing it with the following:

184:30-a Pasteurization Required. No milk or milk products as defined in RSA 184:79 shall be sold, offered for sale or served unless pasteurized. This shall not serve to prohibit the direct sale of raw milk or cream from the producer, store or milk pasteurization plant to the final consumer, or milk or cream from a producer to stores, nor the serving of raw milk at bona fide boarding houses where the milk is produced on the premises, provided that in the dining room of such boarding houses a sign is prominently displayed stating that such raw milk is served therein, nor the sale, within the state, of cheese made from raw milk when such cheese has been aged a minimum of 60 days at a temperature above 35 degrees Fahrenheit, and is clearly labeled as unpasteurized.

This section shall not prohibit the direct sale of yogurt made with raw milk by the producer in this state, provided that such yogurt is clearly labeled as having been made with raw milk.

2009-0917h

Amendment to HB 641-FN-LOCAL

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 100-A:16, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. Upon the retirement of a member:

(a) The retirement system shall:

(1) Calculate average base pay of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years;

(2) Multiply the average base pay determined in subparagraph (1) above by 125 percent;

(3) Subtract the result from subparagraph (2) from the member's average final compensation.

(b) If the calculation in subparagraph (a)(3) is greater than zero, the employer shall be assessed the cost of the excess benefit provided by:

(1) Multiplying the present value of the member's retirement benefit by the amount determined in subparagraph (a)(3) divided by the ~~[amount in subparagraph (a)(2)]~~ ***member's average final compensation; and***

(2) Subtracting from that amount a credit to account for the portion of the present value of the member's retirement benefit attributable to the compensation above base pay, as determined by the retirement system, that has been funded through the normal employer contributions, including the state share of such contributions, and the employee contributions.

(c) The employer shall certify to the accuracy of each member's base pay.

(d)(1) The retirement system shall certify to the cost determined in subparagraph (b) to the employer and assess upon the employer such cost for payment to the retirement system at such times and in such manner as the board of trustees may prescribe.

(2) The assessments upon employers determined in subparagraph (b) shall be phased-in over a 4-year period as follows:

(A) Until the end of state fiscal year 2010, the retirement system shall assess and collect on a one-time basis for employees who retire during the fiscal year 25 percent of the amount determined in subparagraph (b).

(B) For state fiscal year 2011, the retirement system shall assess and collect on a one-time basis for employees who retire during the fiscal year 50 percent of the amount determined in subparagraph (b).

(C) For state fiscal year 2012, the retirement system shall assess and collect on a one-time basis for employees who retire during the fiscal year 75 percent of the amount determined in subparagraph (b).

(D) For all state fiscal years thereafter, the retirement system shall assess and collect the full amount determined in subparagraph (b).

(3) Each such employer is hereby authorized to appropriate the sums necessary for payment of such assessments.

Amend the bill by replacing section 3 with the following:

3 Excess Benefit Assessment; Application. Amend 2008, 300:34 to read as follows:

300:34 Application. The provisions of RSA 100-A:16, III-a as inserted by section 33 of this act shall not apply to a binding contract or a binding collective bargaining agreement in effect on the effective date of this section, to the extent required by the contract or agreement, before the termination of such contract or the date on which the collective bargaining agreement terminates, or while the terms of the existing contract remain in force as a result of ***either the operation of law or the status quo doctrine***, or a provision in the existing contract because the parties have failed to agree to a new contract or a contract extension, on or after the effective date of this section.

2009-0877h

Amendment to HB 648-FN

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - R

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

1 Findings.

I. Modern medical research has discovered beneficial uses for marijuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

II. Subsequent studies since the 1999 National Academy of Sciences' Institute of Medicine report continue to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions, including increasing the chances of patients finishing their treatments for HIV/AIDS and hepatitis C.

III. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

IV. Although federal law currently prohibits any use of marijuana except under very limited circumstances, Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island, and Washington have removed state-level criminal penalties from the medical use and cultivation of marijuana. New Hampshire joins in this effort for the health and welfare of its citizens.

V. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of New Hampshire in violation of federal law.

VI. State law should make a distinction between the medical and non-medical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and designated caregiver, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

VII. The people of the state of New Hampshire declare that they enact this act pursuant to the police power to protect the health of its citizens that is reserved to the state of New Hampshire and its people under the 10th Amendment to the United States Constitution.

2 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-R the following new chapter:

CHAPTER 126-S
USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-S:1 Definitions. In this chapter:

I. “Cardholder” means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card.

II. “Debilitating medical condition” means:

(a) A chronic or terminal disease, or medical condition whose symptoms or result of treatment may include cachexia or wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

(b) A chronic or terminal disease which may include cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn’s disease, agitation of Alzheimer’s disease, or multiple sclerosis.

III. “Department” means the department of health and human services.

IV. “Designated caregiver” means an individual who is at least 21 years of age, who is either a member of the qualifying patient’s household, a member of the qualifying patient’s family, or a licensed health care professional, who has agreed to assist with a patient’s medical use of marijuana, and who has never been convicted of a felony offense. A designated caregiver may assist no more than one qualifying patient with the medical use of marijuana.

V. “Felony offense” means:

(a) A violent crime defined in RSA 651:5, XIII, or an offense that was classified as a felony in the jurisdiction where the individual was convicted; or

(b) A violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the individual was convicted. It shall not include:

(1) An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed 10 or more years earlier; or

(2) An offense that consisted of conduct for which this chapter would likely have prevented a conviction, but the conduct either occurred prior to the effective date of this chapter or was prosecuted by an authority other than the state of New Hampshire.

VI. “Marijuana” means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plants, fiber produced from such stalks, oil or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

VII. “Medical use” means the acquisition, possession, cultivation, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms or results of treatment associated with the patient’s debilitating medical condition.

VIII. “Physician” means an individual licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances, except that in relation to a visiting qualifying patient, “physician” means an individual licensed to prescribe drugs to humans in the state of the patient’s residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

IX. “Qualifying patient” means an individual who has been diagnosed by a physician as having a debilitating medical condition.

X. “Registry identification card” means a document issued by the department that identifies an individual as a qualifying patient or designated caregiver.

XI. “Unusable marijuana” means marijuana seeds, stalks, seedlings, and unusable roots. “Seedling” means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter. A seedling shall meet all 3 criteria set forth in this paragraph.

XII. “Usable marijuana” means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XIII. “Visiting qualifying patient” means a patient with a debilitating medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for less than 30 days.

XIV. “Written certification” means a document signed by a physician, stating that in the physician’s professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient’s debilitating medical condition or symptoms or results of treatment associated with the debilitating medical condition. A written certification shall be made only in the course of a bona fide physician-patient relationship as defined in RSA 329:1-c after the physician has completed a full assessment of the qualifying patient’s medical history. The written certification shall specify the qualifying patient’s debilitating medical condition.

126-S:2 Protections for the Medical Use of Marijuana.

I. A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this chapter, provided that the qualifying patient possess an amount of marijuana that does not exceed 6 marijuana plants and 2 ounces of usable marijuana. The cultivation process shall occur on the qualifying patient’s property. A qualifying patient shall remain subject to the provisions of RSA 126-S:5.

II. A designated caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department’s registration process with the medical use of marijuana in accordance with this chapter, provided that the designated caregiver possess an amount of marijuana that does not exceed 6 marijuana plants and 2 ounces of usable marijuana for the qualifying patient to whom he or she is connected through the department’s registration process. A designated caregiver shall remain subject to the provisions of RSA 126-S:5.

III. Designated caregivers and qualifying patients shall be allowed to possess a reasonable amount of unusable marijuana, including up to 6 seedlings, which shall not be counted toward the limits in this section.

IV.(a) A qualifying patient is deemed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is deemed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a)-(b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the qualifying

patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this chapter.

V. A qualifying patient or designated caregiver shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for giving marijuana to another qualifying patient or another qualifying patient's designated caregiver for the other qualifying patient's medical use where nothing of value is transferred in return, or for offering to do the same, provided that the individual giving the marijuana does not knowingly cause the recipient to possess more marijuana than is permitted under paragraph II. The conduct permitted under this paragraph shall not constitute a sale.

VI.(a) No school or landlord may refuse to enroll or lease to, or otherwise penalize, an individual solely for his or her status as a qualifying patient or a designated caregiver, unless failing to do so would put the school or landlord in violation of federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(c) An employer shall not discriminate against an individual in hiring, termination, or any term or condition of employment, or otherwise penalize an individual, if the discrimination is based upon either of the following:

- (1) The individual's status as a qualifying patient or designated caregiver; or
- (2) A qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

VII. An individual shall not be denied custody of, or visitation or parenting time with, a minor and there shall be no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the individual's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

VIII. A designated caregiver who is a licensed health care professional may receive compensation for costs associated with assisting with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

IX. A physician shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

X. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited.

XI. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter, or for assisting a qualifying patient with using or administering marijuana.

XII. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a registry identification card issued by

the department, provided that the same debilitating medical condition as defined in RSA 126-S:1, II exists.

XIII. Any cardholder who sells or transfers marijuana to an individual who is not allowed to use marijuana for medical purposes under this chapter shall be guilty of a class B felony, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26. The department may revoke the registry identification card of any cardholder who violates any provision of this chapter, and the cardholder shall be subject to any other penalties established in law for the violation.

126-S:3 Departmental Administration.

I. The department shall issue registry identification cards to qualifying patients who submit all of the following information:

- (a) Written certification.
- (b) Application or renewal fee.
- (c) Name, residential and mailing address, and date of birth of the qualifying patient, except that if the applicant is homeless, no residential address is required.
- (d) Name, address, and telephone number of the qualifying patient's physician.
- (e) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.

(f) A statement signed by the qualifying patient, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

(g) A signed statement from the designated caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

II. The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:

(a) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

- (1) Allow the qualifying patient's medical use of marijuana; and
- (2) Serve as the qualifying patient's designated caregivers; and
- (3) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, the applicant previously had a registry identification card revoked for violating the provisions of this chapter, or if the department determines that the information provided was falsified. Rejection of an application or renewal is considered a final department action, subject to judicial review in the Merrimack county superior court.

IV. The department shall issue a registry identification card to the designated caregiver, if any, who is named in a qualifying patient's approved application. The department shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the individual.

V. The department shall issue registry identification cards to qualifying patients and to the designated caregiver within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the physician states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier or later date, then the registry identification card shall expire on that date. Registry identification cards shall contain all of the following:

- (a) Name, mailing address, and date of birth of the qualifying patient.

(b) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.

(c) The date of issuance and expiration date of the registry identification card.

(d) A random 20-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(e) A photograph, if the department decides to require one.

(f) A statement that the qualifying patient is permitted under state law to possess marijuana pursuant to this chapter for his or her medical use.

VI. The following notifications and department responses are required:

(a) A qualifying patient shall notify the department of any change in his or her name, address, or designated caregiver, or if the qualifying patient ceases to have his or her debilitating medical condition, within 10 days of such change.

(b) A qualifying patient who fails to notify the department of any of these changes is subject to a civil infraction, punishable by a penalty of no more than \$150. If the qualifying patient's certifying physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the medical use of marijuana, the card is null and void upon notification by the department to the qualifying patient.

(c) A designated caregiver shall notify the department of any change in his or her name or address within 10 days of such change. A designated caregiver who fails to notify the department of any of these changes is subject to a civil infraction, punishable by a penalty of no more than \$150.

(d) When a qualifying patient or designated caregiver notifies the department of any changes listed in this paragraph, the department shall issue the qualifying patient and the designated caregiver a new registry identification card with new random 20-digit identification numbers within 10 days of receiving the updated information and a \$10 fee.

(e) When a qualifying patient ceases to be a qualifying patient or changes his or her designated caregiver, the department shall notify the designated caregiver within 10 days. The designated caregiver's protections under this chapter as to that qualifying patient shall expire 10 days after notification by the department.

(f) If a cardholder loses his or her registry identification card, he or she shall notify the department and submit a \$10 fee within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random identification number.

VII. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

VIII. The following confidentiality rules shall apply:

(a) Applications and supporting information submitted by qualifying patients and designated caregivers, including information regarding their designated caregivers and physicians, shall be confidential.

(b) The department shall maintain a confidential list of the individuals to whom the department has issued registry identification cards. Individual names and other identifying information on the list shall be confidential, and not subject to disclosure, except to authorized employees of the department as necessary to perform official duties of the department.

(c) The department shall verify to law enforcement personnel whether a registry identification card is valid, without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. The department shall establish a secure Internet-based system, or an unstaffed, automated 24-hour toll-free telephone number, or both, which law enforcement personnel can use to verify registry identification cards outside of business hours. The 24-hour number or Internet-based system shall allow law enforcement to enter in a

registry identification number to determine whether or not the number corresponds with a current, valid ID card. The system may disclose the name and photograph of the cardholder, but shall not disclose the address. Searches in the 24-hour system can only be conducted by registry identification number.

(d) An individual shall be guilty of a class A misdemeanor for breaching the confidentiality of information obtained pursuant to this chapter, except that department employees shall be exempt for notifying law enforcement officials about falsified or fraudulent information submitted to the department, provided the employee who suspects that falsified or fraudulent information has been submitted confers with his or her supervisor, and both agree that circumstances exist that warrant reporting.

IX. The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, designated caregivers, or physicians, but does contain, at a minimum, all of the following information:

- (a) The number of applications and renewals filed for registry identification cards.
- (b) The number of qualifying patients and designated caregivers approved in the state.
- (c) The nature of the debilitating medical conditions of the qualifying patients.
- (d) The number of registry identification cards revoked.
- (e) The number of physicians providing written certifications for qualifying patients.

X. Where a state or local law enforcement agency encounters an individual who, during the course of the investigation, credibly asserts that he or she is a qualifying patient or designated caregiver, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual to any law enforcement authority that does not recognize the protection of this chapter and any prosecution of the individual for a violation of this chapter shall be conducted pursuant to the laws of this state.

XI. The application for qualifying patients' registry identification cards shall include a question asking whether the patient would like the department to notify him or her of any clinical studies regarding marijuana's risk or efficacy that seek human subjects. The department shall inform those patients who answer in the affirmative of any such studies it is notified of that will be conducted in the United States.

126-S:4 Department Rules. Not later than 120 days after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider applications for and renewals of registry identification cards for qualifying patients and designated caregivers. The department's rules shall establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department may establish a sliding scale of application and renewal fees based upon a qualifying patient's family income. The department may accept donations from private sources in order to reduce the application and renewal fees.

126-S:5 Applicability.

I. Nothing in this chapter shall be construed to prohibit an individual from being prosecuted for any of the following:

(a) Undertaking any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice;

(b) Possessing marijuana, or otherwise engage in the medical use of marijuana in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.

(c) Smoking marijuana on any form of public transportation or in any public place.

(d) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana. However, a qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.

(e) Using marijuana if that individual does not have a serious or debilitating medical condition.

II. Nothing in this chapter shall be construed to require:

(a) A government medical assistance program or private health insurer to reimburse an individual for costs associated with the medical use of marijuana;

(b) Any individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property; or

(c) An employer to accommodate the ingestion of marijuana in any workplace, or any employee working while under the influence of marijuana, provided that a qualifying patient shall not be considered to be under influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana.

III. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

126-S:6 Medical Necessity Defense.

I. Except as provided in RSA 126-S:5, a qualifying patient may assert the medical necessity defense for using marijuana as a defense to any prosecution of an offense involving marijuana intended for the qualifying patient's medical use, and this defense shall be presumed valid where the evidence shows by clear and convincing evidence that:

(a) A physician has stated that, in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the qualifying patient's serious or debilitating medical condition or symptoms associated with the qualifying patient's serious or debilitating medical condition; and

(b) The qualifying patient and the patient's designated caregiver, if any, were collectively in possession of a quantity of marijuana that was not more than was reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose of treating or alleviating the qualifying patient's serious or debilitating medical condition or symptoms associated with the qualifying patient's serious or debilitating medical condition; and

(c) The qualifying patient or the qualifying patient's designated caregiver was engaged in the acquisition, possession, cultivation, preparation, use, or transportation of marijuana, paraphernalia, or both, relating to the administration of marijuana solely to treat or alleviate the qualifying patient's serious or debilitating medical condition or symptoms associated with the qualifying patient's serious or debilitating medical condition; and

II. If a qualifying patient demonstrates that he or she is using marijuana pursuant to this chapter, except as provided in RSA 126-S:5, the qualifying patient and the patient's designated caregiver shall not be subject to the following:

(a) Disciplinary action by an occupational or professional licensing board or bureau; or

(b) Forfeiture of any interest in or right to non-marijuana, licit property.

(c) Civil or criminal penalties, except as otherwise provide in this chapter.

126-S:7 Enforcement.

I. If the department fails to issue a valid registry identification card in response to a valid application or renewal submitted pursuant to this chapter within 20 days of its submission, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

II. If at any time after the 120 days following the effective date of this chapter the department is not accepting applications, including if it has not adopted rules allowing qualifying

patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application, pursuant to RSA 126-S:3, I together with a written certification shall be deemed a valid registry identification card.

126-S:8 Severability. If any provision of this chapter or the application thereof to any individual or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

3 Effective Date. This act shall take effect January 1, 2010.

2009-0768h

Amendment to HB 655-FN

Proposed by the Majority of the Committee on Judiciary - R

Amend the bill by replacing section 2 with the following:

2 Senior Active Status; Retired Status. Amend RSA 493-A:1, I and II to read as follows:

I. Any full-time justice of the supreme, superior, district, or probate court who retires or has retired from regular active service ~~[prior to age 70]~~ pursuant to RSA 100-C or any predecessor judicial retirement plan or system, may elect to take either senior active status or retired status ~~[for the period prior to the time when the justice reaches age 70]~~. A justice who desires to be designated on senior active status shall make such election by providing written notice to the chief justice or administrative justice of the court from which he or she retired. The first such election shall be made not later than 30 days prior to the date the justice's retirement becomes effective and shall be valid for one year from the date of the justice's retirement. Thereafter, a justice who desires to remain in senior active status shall provide a similar notice on an annual basis to the chief or administrative justice of the court from which the justice retired not later than 30 days prior to the anniversary date of the justice's retirement. Judges retired on the effective date of this section shall make the first such election not later than 30 days after the effective date of this section. Each election shall be valid for a period of one year~~[-except that an election made for the year in which the justice reaches age 70 shall terminate on the day before the justice turns 70]~~. A justice who desires to be designated on retired status may do so at any time following his or her retirement from regular active service by providing written notice of this election to the chief or administrative justice of the court from which the justice retired; provided, however, that once a justice elects to be designated on retired status such election shall be final and the justice shall not thereafter be allowed to return to senior active status.

I-a.(a) For senior active status justices who have reached age 70, appointment or reappointment to senior active status under paragraph I shall not be automatic upon election by the justice. The justice shall have an in-person interview with the chief justice or administrative justice of the court from which he or she retired. The decision to appoint or reappoint the justice to senior active status shall be based on an assessment of:

(1) The justice's current physical and mental abilities.

(2) The number of matters assigned to the justice that remained unresolved for more than 60 days after submission to the justice in the past 12 months.

(b) Information determined by the chief justice or administrative justice of the court from which the senior active status justice retired for purposes of the assessment under subparagraph (a)(2) shall be available to the public.

II. A senior active justice ***prior to reaching age 70*** shall have all the powers of a justice in regular active service ~~[and]~~. ***After reaching age 70, a senior active status justice may be appointed to limited temporary assignments, specifically including the power to render judgments and to preside over jury trials. A senior active justice*** may serve on the court from which he or she retired or on any other court in which he or she is authorized by law to serve.

2009-0845h

Amendment to HB 680

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 402:12, II as inserted by section 1 of the bill by replacing it with the following:

II. All written communication from an insurer to its policyholders or insureds, excluding any advertisements, shall identify the name of the insurer as it appears on the insurer's application filed with the NAIC for a company code number. If an insurer is part of a group of affiliated insurers, the group name may appear in addition to the name of the individual insuring company, but the group name shall not be used in lieu of the legal name of the individual company.

Amend RSA 405:12, II as inserted by section 2 of the bill by replacing it with the following:

II. All written communication from an insurer to its policyholders or insureds, excluding any advertisements, shall identify the name of the insurer as it appears on the insurer's application filed with the NAIC for a company code number. If an insurer is part of a group of affiliated insurers, the group name may appear in addition to the name of the individual insuring company, but the group name shall not be used in lieu of the legal name of the individual company.

Amend the bill by replacing section 7 with the following:

7 Unfair Insurance Practices; Changes in Coverage. Amend RSA 412:6-a to read as follows:
412:6-a ~~[Notice Requirement]~~ ***Changes in Coverage.***

I. In the event that a company or filing or advisory organization eliminates or reduces coverages, conditions, or definitions in its policies issued under this section other than at the request of a policyholder, the company shall attach to the policy a printed notice in each such policy explaining clearly what coverages, conditions, or definitions have been eliminated or reduced. If explanations of such reduced or eliminated coverages are not contained in the printed notice attached to its policies, then such coverages, conditions, or definitions shall remain in full force and effect without such reductions or eliminations.

II. Except as provided in paragraph III, no insurance policy renewal shall add any stand-alone, premium bearing coverage unless such coverage is added at the request of the policyholder or is due to a requirement imposed by law.

III. If the policyholder has not requested that new premium bearing coverage be added to a policy upon renewal, but such coverage is added because the company is replacing coverage or a policy that the company no longer offers, the company shall provide a printed notice explaining clearly what coverage has been added and how to obtain information concerning premium impact.

IV. The requirements of this section shall apply to such policies renewed or endorsed with the same company, or a group of companies affiliated by ownership or contractual relationship encompassing joint operations or processes as filed and approved by the commissioner.

Amend the bill by deleting section 11 and renumbering the original sections 12-16 to read as 11-15, respectively.

Amend the bill by replacing section 15 with the following:

15 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2010.

II. Section 6 of this act shall take effect upon its passage.

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

2009-0709h

Amendment to HB 690-FN

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

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a cold case homicide unit to work on unsolved murder cases in the state until July 1, 2013.

2009-0690h

Amendment to HB 694

Proposed by the Committee on Children and Family Law - C

Amend RSA 458-E:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Child-custody proceeding" means a proceeding in which legal custody, physical custody, parental rights and responsibilities, or visitation with respect to a child is at issue. The term includes a proceeding for divorce, dissolution of marriage, separation, dissolution of civil union as defined by RSA 457-A, determination of parental rights and responsibilities, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, or protection from domestic violence.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect December 1, 2010.

2009-0689h

Amendment to HB 695

Proposed by the Committee on Children and Family Law - C

Amend RSA 458-A:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, dissolution of civil union as defined by RSA 457-A, neglect, abuse, dependency, guardianship, paternity, determination of parental rights and responsibilities, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, children in need of services as defined by RSA 169-D, or contractual emancipation or enforcement under RSA 458-A:22 through RSA 458-A:38.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect December 1, 2010.

2009-0667h

Amendment to HCR 2

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION endorsing the National Health Care Act.

Amend the resolution by replacing the 8th paragraph after the title with the following:

Whereas, United States Representative John Conyers introduced H.R. 676, the United States National Health Care Act, in the United States House of Representatives for the 111th Congress; and

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the New Hampshire general court respectfully urges the United States Congress to enact the United States National Health Care Act sponsored by Representative Conyers; and

AMENDED ANALYSIS

This house concurrent resolution endorses the National Health Care Act.

2009-0641h

Amendment to HCR 7

Proposed by the Majority of the Committee on Education - R

Amend the resolution by deleting the third and fourth Whereas clauses after the title of the resolution.

2009-0864h

Amendment to HCR 10

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

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

A RESOLUTION urging modification of the North American Free Trade Agreement.

Amend the bill by replacing all after the title with the following:

Whereas, millions of jobs have been lost by Americans due to the North American Free Trade Agreement (NAFTA) since it was approved by Congress and signed by President Bill Clinton in 1993; and

Whereas, the life of freedom enjoyed by Americans is made possible by our multi-layered federal system of local, state, and national governments based on the Declaration of Independence and the United States Constitution; and

Whereas, Chapter Twenty-Two, Article 2202 of the North American Free Trade Agreement explicitly authorizes the parties to modify or otherwise amend the agreement, now therefore be it Resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States, and particularly, the legislative delegation to Congress of the state of New Hampshire are hereby urged to use all of their efforts, energies, and diligence to initiate diplomatic negotiations with the governments of Mexico and Canada relative to modification of the North American Free Trade Agreement, in order to ensure adequate protection of worker rights, minimum wage and hour standards, and occupational safety and health standards and to increase enforcement of environmental laws and regulations in the United States, Canada, and Mexico; and

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

AMENDED ANALYSIS

This resolution urges the federal government to initiate diplomatic negotiations relative to modifying the North American Free Trade Agreement (NAFTA).

2009-0654h

Amendment to HJR 3

Proposed by the Committee on Legislative Administration - R

Amend the resolution by replacing all after the title with the following:

Whereas, on December 3, 2008 the newly elected state senators for New Hampshire assembled in the senate chambers and of the 24 senators who took office, 13 are female; and

Whereas, New Hampshire has a long history of pioneering and advancing respect for human rights and equality; and

Whereas the reality of a legislature led by women, and a senate with of a majority of women, is the fulfillment of the dreams of those before who struggled for gender equality and full participation in our government and society; and

Whereas, the legislature honors women who are pioneers in state and federal government, including Marilla Ricker, the first woman to try to run for office; Jesse Doe and Mary Louise Rolf Farnum, first women to serve in the state house of representatives; Maude Ferguson, the first woman to serve in the state senate; Dudley Dudley, the first woman on the executive council; Vesta Roy, the first woman to be senate president and acting governor; Jeanne Shaheen, the first woman to be elected governor and United States senator; Donna Sytek, the first woman to be speaker of the house; and Carol Shea Porter, the first woman to be elected to the United States House of Representatives; and

Whereas the composition of the New Hampshire legislature has the highest number of women of any legislature in the nation; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That this historic milestone in the advancement of human rights and gender equality be recognized by the general court and the people of the state; and

That the joint legislative facilities committee is encouraged to acquire a plaque or similar symbol of recognition for permanent installation in the historic New Hampshire state house, and that said plaque note the historic milestone in political parity; and

That this plaque or similar symbol of recognition be dedicated at a ceremony to be held on Thursday, September 10, 2009, the 90th anniversary of the date that New Hampshire formally ratified the 19th amendment to the United States Constitution extending to women the right to vote.

2009-0793h

Amendment to SB 39-FN-LOCAL

Proposed by the Committee on Municipal and County Government - R

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

AN ACT relative to municipal and state deposits, authorizing special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009, and relative to certain administrative rules.

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

2 American Recovery and Reinvestment Act of 2009; Special Meeting; Appropriation and Expenditure of Funds. Notwithstanding any other provision of law to the contrary, any town, village district, or school district, including those towns that have adopted RSA 40:13, may call a special meeting, without court approval, to consider an appropriate response to the American Recovery and Reinvestment Act of 2009 or any similar act adopted by Congress in 2009. The legislative body at such a meeting may authorize the appropriation and expenditure of any funds allocated to the political subdivision by the federal act, the appropriation and expenditure of any local matching share, the issuance of bonds for any local share, and the adoption of a warrant article under the provisions of RSA 31:95-b. Such meetings shall be subject to the following:

I. The governing body of such town, village district, or school district shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

II. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting.

III. The governing body of any town, village district, or school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15 day period between the deliberative session and the vote for the purposes of proceedings under this section.

3 Repeal. Section 2 of this act, relative to the American Recovery and Reinvestment Act of 2009, is repealed.

4 Payments to Treasurer. Amend RSA 6:11, I-II to read as follows:

I. The treasurer shall establish deposit procedures for all state departments and institutions receiving money for the state. Such procedures shall include, but shall not be limited to, deposits to a department's *or institution's* bank accounts, related transfers to treasury bank accounts, electronically collecting state moneys, and concurrence of the treasurer for the opening of department *and institution* bank accounts.

II. If more than ~~[\$100]~~ **\$500** is in the possession of any state department or institution such funds shall be on deposit in the related department's bank account or in a treasury bank account. The treasurer shall transfer moneys from state departments and institutions to the treasurer's account in the most expeditious manner possible, including, but not limited to, the use of electronic transfers. *If any facility of any state department or institution is in a location where there is no bank or other depository institution within 10 miles of that facility, that*

state department or institution shall make deposits at least on a weekly basis or when funds remitted total \$1,500 or more.

5 Administrative Rules.

I. Notwithstanding any other law to the contrary, the governor may approve an adoptive agency's request to temporarily suspend any administrative rule and to authorize the use of alternative rules for federal stimulus when the governor finds that doing so is necessary either to comply with the requirements of the American Recovery and Reinvestment Act of 2009 or to remove barriers that prevent the state's ability to utilize stimulus funds for jobs or economic recovery. After the finding by the governor, the adopting agency shall provide the director of the office of legislative services with a copy of the finding and a copy of the temporary rule suspension or alternative rule for federal stimulus. The adoptive agency shall also provide public notice of rules adopted or suspended pursuant to this section in the same manner as notice is provided for rules adopted pursuant to RSA 541-A:18. The joint legislative committee on administrative rules may hold an emergency meeting to consider the governor's finding and the temporary rule suspension or alternative rule adoption after posting public notice at least 24 hours in advance of the emergency meeting. The joint legislative committee on administrative rules shall have 5 business days following receipt of the material by the director of the office of legislative services to file a final objection. The rule suspension or alternative rule for federal stimulus shall become effective at the earlier of committee approval or, if the committee files a final objection or does not act on the matter, after the 5 business days have elapsed.

II. The joint legislative committee on administrative rules may petition the adopting agency to repeal the suspension of the rule or the adoption of an alternative rule for federal stimulus if it determines that the rule suspension or alternative rule for federal stimulus is not necessary either to comply with the federal requirements for the use of funds appropriated by the American Recovery and Reinvestment Act of 2009 or to remove barriers that prevent the state's ability to utilize stimulus funds for jobs or economic recovery.

6 Repeal. Section 5 of this act, relative to suspension or adoption of certain administrative rules, is repealed.

7 Effective Date.

I. Sections 1 and 4 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect January 1, 2010.

III. Section 6 of this act shall take effect December 31, 2010.

IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows town treasurers and state departments or institutions to make certain deposits weekly. The bill establishes special procedures to enable towns to respond appropriately to the American Recovery and Reinvestment Act of 2009. This bill also allows the suspension or adoption of certain administrative rules if necessary to comply with the American Recovery and Reinvestment Act of 2009.

2009-0783h

Amendment to SB 77

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing section 7 with the following:

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