

State of
New Hampshire
HOUSE RECORD

Second Year of the 158th General Court
Calendar and Journal of the 2004 Session

Vol. 26 Concord N.H. Friday, February 13, 2004 No. 14
Contains: Reports and Amendments for February 19, Hearings and Notices

HOUSE CALENDAR

A MESSAGE FROM THE SPEAKER

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, **February 19**, at 10:00 a.m.

I am sure you all join me in extending our deepest sympathies to the family of Representative Robert Milligan of Merrimack who passed away on Sunday. Bob will be greatly missed by his friends and colleagues in the House, his constituents for whom he advocated and his family.

Please note that all legislative offices will be closed Monday, February 16, in observance of President's Day. There will be no legislative business conducted on Tuesday, March 9, New Hampshire Town Meeting Day.

Chairmen and Vice Chairmen will meet on Tuesday, **February 17** at 9:00 a.m. in Room 201, LOB.

Speaker Gene G. Chandler

NOTICE

There will be a Republican Caucus on Thursday, February 19 at 9:00 a.m. in Representatives Hall.
Rep. David W. Hess, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, February 19 at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.
Rep. Peter H. Burling, Democratic Leader

Parliamentary Tip

A member, in referring to another member, should avoid using the member's name, rather identifying that member by district, by seat, as the member who last spoke or by describing the member in some other manner.

Mason's Manual Sec. 124, Par. 2
Gene G. Chandler, Speaker

Shuttle Service

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

The shuttle will operate **Tuesdays, Wednesdays, and Thursdays from 8:00 to 10:00 a.m. and again from 2:00 to 4:00 p.m. or until session is over.** The van will drop off and pick up on **North State Street between the**

State House and LOB. If you have any questions or need any assistance please feel free to call my office or Protective Services at 271-3321.

Gene G. Chandler, Speaker

NOTICE OF RECONSIDERATION

This day, Thursday, the 5th day of February, 2004, at 4:40 p.m., Representative W. Packy Campbell, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby, on a roll call vote of 258 to 85, it found **HB 1353-FN**, mandating open enrollment schools statewide, Inexpedient to Legislate.

Karen O. Wadsworth, Clerk of the House

No Child Left Behind Informational Forum

Education Secretary's Regional Representative, Michael Sentance

Tuesday, March 2, 2004 3:00 p.m. Rooms 205-207, LOB

All members are invited to attend. Mr. Sentance will share information about the program and take questions.

Representatives Peter Batula and Stephen L'Heureux

THURSDAY, FEBRUARY 19

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1410, relative to terminating parental rights. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Children and Family Law: The amendment clarifies the extent to which the Department of Health & Human Services may share personal background information about a child with the foster parent or adoptive parent. The amendment replaces the bill. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1165, relative to extending domestic violence protection orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was brought forward primarily on the case of one respondent who was not present at a hearing for an extension of a (T.R.O.) Temporary Restraining Order. He advised the committee he was not notified of this hearing. To add to the dilemma, he was not presented with a "reason" for the extension of this T.R.O. The only answer to his questioning of why was the copy of the order and in it was the statement to the extent that "the plaintiff had met the burden of proof." The bill went on to change the evidence needed for meeting a burden of proof from good cause to preponderance of evidence. It was determined the difference, though ever so slight, would be a negligible difference in the mind of a prevailing jurist. It therefore was not changed. The amendment, which was added by the committee, upon advice of both the administrator of N.H. District Courts and the Attorney General's office, which simply states ".....if after a hearing for an extension, the court grants such an extension the court shall state in writing, it's reason for the extension." This was succinctly brought to the fore when members reviewed the N.H. Supreme Court case of: Gillmore vs Fillmore, Jr. (Dec. 11, 2001). **Vote 15-1.**

HB 1173, establishing a committee to study the discontinuation of the use of social security numbers in the criminal justice system.

INEXPEDIENT TO LEGISLATE

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: Because the subject matter of this bill is currently being reviewed by the committee studying the Integrated Criminal Justice System (J-ONE), it was felt to be unnecessary. **Vote 16-0.**

HB 1239, relative to records access by private investigators. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill drew a considerable amount of testimony in support and opposition. A number of valid concerns were raised as to what effect, if any, this bill might have in cases involving domestic violence. A chapter study committee on the integrated criminal justice reporting system is also reviewing access of criminal justice records by other agencies. We believe that this bill needs more time for review. **Vote 16-0.**

HB 1279, establishing a committee to study the adoption and implementation of the multistate forensic DNA compact in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is unnecessary as New Hampshire already is a member of the multistate forensic DNA compact. **Vote 13-0.**

HB 1366, relative to penalties for violation of protective orders. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill would ask New Hampshire police officers and indeed the whole of the judicial system to take a step back in time rather than to go forward in the prevention of domestic violence cases by putting a limit on the requirements for a police officer to detain a defendant who is clearly in violation of a temporary restraining order (TRO) issued by a court. These orders are written in plain, clear and very concise language, not legalese. They are not hard to read or to understand. If a defendant chooses to violate one, he/she does so with the full knowledge that the law has been violated and it is

nothing less than a threat to the safety of the victim to do so. The orders are issued by judges who have the experience and knowledge not only of the law but also of the domestic abuse cycle that brings the applicant forward to apply for a TRO in the first instance. If the officer does not arrest and detain, as is presently called for under NH RSA 173:B, what message does this now send to the defendant about a court order? The committee by its vote agreed that we should not again go back in time and give discretion to a police officer to detain or not, but rather leave it as it presently is in the hands of a qualified, knowledgeable judge. Even the police officers on the beat, by testimony of various police organizations to the committee, do not wish to take this step back in time. Finally, this bill would have the penalty dropped from its present class A misdemeanor status which allows a judge a very large discretion as to the sentencing of a defendant by either to jail term as well as a fine, probation, a suspended sentence or some other punitive measure. This bill would bring the penalty down to a class B misdemeanor. This only calls for a fine in such cases. **Vote 17-0.**

HB 1368, establishing a committee to study means of interdicting and preventing the distribution of controlled substances in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill establishes a committee of three representatives and three senators to study means of interdicting and preventing the distribution of controlled substances in New Hampshire. It is the feeling of the committee that this is not the proper makeup of participants to reach a solution for this serious problem. We feel that the current makeup of local, state, regional and federal drug enforcement forces are more capable of continuing efforts to attain this objective. Some of these forces as an example include the Attorney General's Drug Task Force, N.H. State Police Drug Task Force, Municipal Police Drug Units (Streetswep), Interstate Drug Units, New England Narcotics Intelligence Unit, D.E.A., F.B.I., State Police Narcotics Investigative Unit, and many more. They share information with each other that is highly sensitive and not available to others outside the coalition. **Vote 16-0.**

HB 1385, establishing the protection of liberty act. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill has unintended consequences that are in direct conflict with the rights and liberties of all the citizens of our state. The U.S. Constitution, in particular, the 4th Amendment and under our own N.H. Constitution, Part I, Article 19, as well as the various RSA's and case law, from over 240 years (both federal and state) that brings to bear as much weight on the protection of our liberties and what government can or cannot do as it pertains to arrests of, and searches and seizures of persons and his property. At the public hearing, the committee heard a lot of good testimony for and against this bill. It should be added, however, that even the speakers for it, almost to a person, admitted that something should be taken out here, something added here. The bill despite noble and good intentions, would, in the long run, do more to protect the criminal, and the terrorist, then it would to protect the citizens of our great state. The committee further believed, no one, is against the liberties or the protection of those liberties but, if one were to take just the issue of search and seizures, which there are ample exceptions to a warrantless search. Some being; plain view, consent, exigent circumstance or in the case of a person who commits a felony, the police can arrest then and there, if they have (PC) Probable Cause. None of the aforementioned are taken into account in this bill and therefore could be construed as non-existing. This, then would severely hamper the law enforcement community to respond quickly to stop criminal conduct. The bill is vague, and likely would not stand up to constitutional scrutiny. Some acts, as defined in its present form actually would criminalize a police officer for doing that which is now legal, in the eyes of the law and courts. Finally, this bill would subject the citizens to punishment that is not proportional to the crime and would, in some instances, deny a citizen of the writ of habeas corpus. **Vote 15-0.**

HB 1391-FN, relative to motor vehicle violations. **REFER FOR INTERIM STUDY**

Rep. E. Albert Weare for Criminal Justice and Public Safety: The intent of this bill is to establish an administrative procedure for contested minor traffic violations that are currently heard in district court to be handled by the Dept. of Safety Administrative License Hearing Officer. The bill, as written, posed more problems than it would solve; however, the agency and the courts offered testimony that this would be a good opportunity to review the whole administrative license hearing process. **Vote 16-0.**

HB 1407, granting limited law enforcement authority to certain federal officers stationed in New Hampshire. **REFER FOR INTERIM STUDY**

Rep. James H. Oliver for Criminal Justice and Public Safety: After hearing testimony by federal and local law enforcement authorities, and conferring with the sponsor, this bill is referred to interim study to enable federal, state and local law enforcement agencies to determine ways to ensure inter-agency cooperation under authority of state and federal statutes. **Vote 16-0.**

EDUCATION

HB 1155, establishing a committee to study the feasibility of implementing a training program for school board members. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R.M. Alger for Education: The bill, as submitted, called for a study committee on the need to require school board members to take courses needed for school board work. The committee heard testimony that such courses were readily available and often taken, so found the study was not needed nor was an amendment requiring such courses to be taken or a majority of a school board vote against it. Therefore, the bill was amended to offer technical corrections to existing law under RSA C-9-a,b, the alternative budget procedure for citizen voting of the school administrative unit budget as supported as needed by the Department of Revenue Administration. **Vote 11-0.**

ELECTION LAW

CACR 26, relating to the apportionment of representatives. Providing that representation in the house of representatives shall be as equal as one person, one vote, as defined by certain federal courts will permit. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: The committee believed that although the resolution would qualify "one person one vote" by referring to certain federal courts, testimony before the committee indicated that only one decision regarding floterials, Boyer vs. Gardner, 1982 was cited. A copy of the full decision was not provided to the committee. The committee is being guided by HR 6, 2003

which requires as small representative districts as possible within the Supreme Court guidelines of “one person one vote.” **Vote 17-0.**
HB 1217, relative to apportioning state representative districts for Hillsborough county. **INEXPEDIENT TO LEGISLATE**
Rep. Jane Clemons for Election Law: This bill was not needed as the city’s and towns’ issues were resolved in HB 1292. **Vote 16-0.**
HB 1362, relative to state representative districts in Grafton county. **INEXPEDIENT TO LEGISLATE**
Rep. Andrew Dorsett for Election Law: The intent of this bill has been previously incorporated in HB 264, and is therefore no longer required. **Vote 17-0.**
HB 1369, relative to state representative district 67. **INEXPEDIENT TO LEGISLATE**
Rep. Steve Vaillancourt for Election Law: This redistricting proposal breaks up the fourteen-member megadistricts established by the court in Strafford County. The committee has been committed to the idea of creating smaller districts when consistent with the percentage parameters allotted under the one-man, one-vote principle. This plan separates Rochester into a nine-member district, and leaves Somersworth and Rollinsford in a five-member district. It makes sense. However, since the move was already accomplished with the passage of HB 264 in January, the committee feels this bill is unnecessary. **Vote 15-0.**
HB 1373, relative to Grafton county representative districts. **INEXPEDIENT TO LEGISLATE**
Rep. Sandra Reeves for Election Law: The intent of this bill was taken care of in HB 264 which the House already adopted. The sponsor asked the committee to find HB 1373 inexpedient to legislate for that reason. **Vote 17-0.**
HJR 23, relative to the process for choosing United States Senators. **INEXPEDIENT TO LEGISLATE**
Rep. Steve Vaillancourt for Election Law: The United States Constitution was amended in 1913 to call for the direct election of United States Senators by the people-at-large in all 50 states. Proponents of this legislation would take us back to the days when state legislatures selected United States senators. Obviously, such a change can only occur through the apparatus set out in the federal Constitution. The New Hampshire House is hardly the place to begin that process, but even if it were, this committee would be opposed to the idea. In an age of 24-hour news coverage, it seems cynical at best to suggest that people are incapable of choosing their own senators. Proponents argue that we are a republic rather than a democracy, but there is nothing inherently wrong with a Republican promoting Democratic ideas such as direct elections. On a practical level, election of senators by state legislatures would prove difficult since the two houses of state legislatures are often controlled by different parties (in 11 of the 50 states, currently). Such a proposal would most certainly lead to highly partisan choices. For example, is it likely that the Republican controlled North and South Dakota Legislatures would select Democratic senators? No, yet all four Dakota senators are currently Democrats. Similarly, although the Maine Legislature is Democratically controlled, the people of that state have chosen two Republican senators. There was no support in the committee for this anti-democratic proposal, and the committee rejects a sponsor’s contention that democracy amounts to “mob rule”. **Vote 13-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1231-FN, relative to the state flag. **INEXPEDIENT TO LEGISLATE**
Rep. Paul G. LaFlamme for Executive Departments and Administration: The committee heard testimony on a flag design as well as considered the design outline in the bill. After considering both and realizing that there are other designs being considered in the senate, we felt a house committee was not trained or qualified to design flags. This issue may be better suited with a statewide commission who could take public input and consult with architect and historians. **Vote 16-1.**
HB 1355, changing the name of the sweepstakes commission to the lottery commission. **OUGHT TO PASS**
Rep. Anne Marie Irwin for Executive Departments and Administration: This bill came at the request of the commission. As a result of a natural evolution, the name change would more accurately reflect the work of the commission. It would also unify the New England states by all using the term “lottery.” **Vote 14-3.**
HB 1404, prohibiting the release of information by university of New Hampshire officials in cases where students have contact with university of New Hampshire police. **INEXPEDIENT TO LEGISLATE**
Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill would provide special protection from public disclosure for a specific group of people: adult (18 years of age or older) students attending the University of New Hampshire. Passage of this bill at this time could be perceived as undermining the current efforts of the trustees and administration of the University System of New Hampshire to bring about responsible reactions by members and non-members of the student body to on-campus and off-campus events of a sporting or other nature. **Vote 16-1.**

FINANCE

HB 812, relative to state acquisition of privately-owned airports. **OUGHT TO PASS**
Rep. Elizabeth S. Hager for Finance: This bill narrows the current law relative to potential acquisition of airports and would thus narrow the potential fiscal impact. **Vote 21-0.**
HB 1223, establishing a committee to study state reimbursement to municipalities for emergency responses along interstate highways. **INEXPEDIENT TO LEGISLATE**
Rep. Elizabeth S. Hager for Finance: The appropriate state departments, Safety and Transportation, already work with communities about response to interstate highways. A legislative study committee would be redundant. **Vote 20-1.**

FISH AND GAME

HB 1126, relative to obstructing or hindering hunting, fishing, or trapping of fish and game. **INEXPEDIENT TO LEGISLATE**
Rep. Randy J. Perkins for Fish and Game: The committee was opposed to the language of this bill. The bill attempts to make improvements to the current law but falls short of eliminating any perceived flaws and creates problems for landowners. While the current law has some questionable reference to “designated hunting areas” this bill would not solve the problem. **Vote 13-0.**
HB 1237, allowing deer hunting with a primitive flintlock muzzleloader. **INEXPEDIENT TO LEGISLATE**

Rep. Randy J. Perkins for Fish and Game: This bill would have added a special hunting season in January for antlered deer and tom turkeys to be taken with a primitive flintlock muzzleloader. This type of muzzleloader is already allowed during the regular hunting season as well as the muzzleloader hunting season. The committee felt it was inappropriate to extend the hunting seasons for deer and turkeys. The Fish and Game Department currently sets the hunting seasons to be better able to manage the wildlife populations and to protect these resources in the best manor possible. **Vote 10-3.**

HB 1249-FN, relative to the recreational taking of lobster by scuba diving. **REFER FOR INTERIM STUDY**

Rep. Gary S. Hopper for Fish and Game: The committee on Fish and Game believes allowing the residents of New Hampshire to share in this treasured resource has great merit, however, because of possible unintended consequences believes the issue needs further study. **Vote 12-1.**

HB 1313, relative to establishing a spring season for bear baiting. **INEXPEDIENT TO LEGISLATE**

Rep. David S. Woodward for Fish and Game: The committee heard overwhelming opposition to this bill as presented. The current methods of controlling the states black bear population are working according to the Fish and Game Department. The taking of bear in the spring when the overall physical condition of the bears is not as healthy as in the fall and when sows are trying to raise their cubs would be detrimental to the population. **Vote 12-0.**

HB 1314, relative to the taking of deer by crossbow. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Fish and Game: Originally the crossbow hunting bill passed with the understanding that crossbow would be limited to the firearms season, as compatible with the skills needed to operate a crossbow. This bill would allow crossbows in the bow and arrow (archery) season and was opposed by bow and arrow hunters and the Fish and Game Commission. **Vote 12-0.**

HB 1420, relative to requirements of the fish and game department before a coastal area may be closed to fishing of marine species. **REFER FOR INTERIM STUDY**

Rep. Betsy McKinney for Fish and Game: This bill as presented was intended to protect the New Hampshire fishing industry from Federal and State closure of fishing areas. Currently, New Hampshire Fish and Game holds public hearings on rules and regulations that affect the New Hampshire 3 mile limit but federal laws regulate the rest of the fishing area. The New Hampshire Commercial Fisherman's Association testified against the bill and cited that 90% of commercial fishing is done outside the 3 mile limit. The committee felt that this subject matter might be of further interest as the most recent Federal rulings are still being worked out. Certainly, if something can help the commercial or sport fishermen, the committee would be agreeable. **Vote 12-0.**

JUDICIARY

HB 1135, relative to appointment of the chief justice of the superior court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: Currently, the Chief of the Superior Court is appointed for the period of that person's judicial term; namely, life with retirement at 70 years of age. That could give that person a tenure as Chief for decades. The committee felt that it is in the best interests of the judiciary and citizens of the state to have a five year term which would bring new ideas, proceedings and practices forward. This is an important managerial, administrative and policy-setting position. The judge, appointed for a five year term could be appointed for an additional term. The bill would take effect at the conclusion of the current Chief Justice's term. **Vote 16-0.**

HB 1191-FN, relative to court proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill would have made changes to certain court proceedings. One of the sponsors appeared at the committee hearing and stated that he wished to withdraw the bill and that the other sponsors were in accord. **Vote 12-0.**

HB 1201, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: Under current law, RSA 508:2, the legal owner of land will lose ownership to a user who can prove twenty years of open, notorious, continuous and uninterrupted use of the land under a claim of right, hostile to the right of the legal owner. The primary purpose of this ancient rule is to enable ownership of land to be established in circumstances where an absentee owner has either abandoned it or cannot be determined or found, while a secondary benefit is to protect the investments of innocent trespassers against long negligent owners. Both are still important societal interests. Moreover, establishing the basis of and proving a claim of title by adverse possession and use is difficult, and is easily defeated during any given twenty year period by the exercise of reasonable diligence by the legal owner. **Vote 14-0.**

HB 1218, relative to criminal threatening by public servants. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill would create a civil cause of action for criminal threatening by public servants. "Public Servant" includes officers and employees of the state including judges, legislators, consultants, and jurors. New Hampshire law already provides for criminal penalties for such conduct as well as for civil actions for emotional distress. Additionally, the bill would allow a court to remove an offending official from public office and to set a time period that the official should be barred from holding public office or employment. The committee felt that this was a questionable proposition. Finally, the bill allowed for punitive damages which are not allowed for any other cause of action in New Hampshire. **Vote 13-0.**

HB 1242, establishing a committee to study protecting law enforcement officers and others from public disclosure of their personal information. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The goal of this bill is admirable, but the committee believes that the scope of the subject matter needs to be studied would be more than a mere study committee could handle. We thought the more appropriate method might possibly be to have a study commission where the expertise of a large and varied number of people could be utilized. The committee also believes the Right to Know study commission now existing could consider some of the purposes of the study proposed by this bill. **Vote 14-0.**

HB 1286, relative to oaths of office. **INEXPEDIENT TO LEGISLATE**

Rep. Harry M. Haytayan for Judiciary: Current law requires oaths by public officials. This bill would unnecessarily require oaths from

employees involved in ministerial functions. Such a requirement is unnecessary. **Vote 13-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1263, establishing a committee to study the feasibility of creating a trust fund to support a family and disability leave program. **OUGHT TO PASS**

Rep. Lee G. Slocum for Labor, Industrial and Rehabilitative Services: While family and disability leave programs tend to be available with large employers, this committee will investigate how such a benefit might be made available for small businesses on a voluntary basis. **Vote 12-0.**

HB 1298, relative to dispute resolution within the context of public employee labor relations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Russell Bridle for Labor, Industrial and Rehabilitative Services: The prime sponsor requested the amendment to this bill which establishes a committee to study local dispute resolution for public employee labor relations. The committee felt that this had merit. **Vote 12-1.**

HB 1376, relative to agency fees assessed pursuant to collective bargaining agreements and representation of certain employees in grievances. **OUGHT TO PASS WITH AMENDMENT**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: An amendment was submitted by the sponsor that the committee felt was a good description of an agency fee for the public employer bargaining unit. **Vote 12-0.**

SB 431, prohibiting the waiver of workers' compensation subrogation rights and prohibiting certain indemnification provisions in construction-related contracts. **OUGHT TO PASS**

Rep. Lee Slocum for Labor, Industrial and Rehabilitative Services: Testimony was provided to the committee that some New Hampshire towns and some large corporations have recently been forcing subcontractors to assume liability for workers compensation for contractor employees. This bill prohibits this abuse. Other states, such as Texas and Louisiana, have already passed legislation similar to this. **Vote 12-1.**

LEGISLATIVE ADMINISTRATION

HB 1307-FN, relative to review of final proposed rules under the administrative procedures act. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Legislative Administration: This bill raises issues similar to those raised by the Ad Hoc Committee on Administrative Rules that were incorporated in HB 230 (dealing with JLCAR). HB 230 establishes a committee to study how to improve the processes of the joint legislative committee on administrative rules and to make certain revisions to RSA 541-A, the Administrative Procedure Act. The committee and sponsor agreed that rolling the issues in this bill into HB 230 was the best avenue to take. **Vote 13-0.**

HB 1308-FN, relative to lobbying activities by state employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul C. Smith for Legislative Administration: State employees often appear before legislative committees offering testimony on behalf of the departments they are employed by. This bill exempts state employees acting in official capacity from laws and fees regulating lobbyists. It also provides that when these employees are in this capacity, they must display their state identification. The prime sponsor does not object to the committee amendment. **Vote 14-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1127, relative to consideration of road improvements in property appraisals. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would require tax assessors to consider road improvements in the determination of property value for purposes of assessing property taxes. Testimony from the Department of Revenue Administration (DRA) indicated road conditions are already taken into consideration for determining property value. The value of a property is determined through sales of similar properties. A property value may be enhanced or diminished by the condition of the road passing by or leading to the property. One buyer might like the rugged isolation of a property for the purposes of privacy while another might want to offer less for the same property because the road conditions do not permit quick and comfortable travel. Market value with sales comparisons is the cornerstone of determining value. Also, the subject of road conditions is either a local issue or a state issue depending on the road. Highway funds and the improvement of state roads are a topic for other legislative committees. Local roads must be addressed by the governmental body. **Vote 15-0.**

HB 1137, relative to the use of impact fees. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: RSA 674:21,V specifically excludes the use of impact fees to acquire public open space. Attempting to use impact fees to purchase open space is not consistent with the original intent of those fees, which was to share the capital improvement costs necessitated by a proposed development in a measurable form. Impact fees were not intended to be a fundraising source. The acquisition of open space is the responsibility and privilege of the community as a whole and should not be place solely on the shoulders of new developments, since this could be perceived as a tax only on developers. The committee recognizes that there are other mechanisms now available to support the purchase of open space. **Vote 9-3.**

HB 1151, relative to membership on the zoning board of adjustment. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Gillick for Municipal and County Government: This bill would prohibit “governing board” members (selectmen, councilors, alderman, commissioners), from sitting on a Zoning Board of Adjustment (ZBA). The committee felt that this bill would be contrary to existing statutory provisions that allow for multiple board membership and would reduce the pool of volunteers willing to serve on the ZBA. **Vote 11-0.**

HB 1152, relative to the salaries of elected town officials. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The committee heard testimony regarding an elected town official in a municipality who had his salary reduced after a vote by the town meeting. This practice of salary reduction after the legislative body

has voted to approve the salary appears to be limited and not a statewide issue. After reviewing the court case of Kondrat v. Freedom School Board (1994) and also reviewing RSA 31:9-b which states that all “elected and appointed officials of a municipal corporation shall be paid monies due them for services rendered as approved by the vote of the municipality” the committee felt that the bill’s intent was already covered in statute and there was no need to codify the ruling in the mentioned court case. **Vote 14-0.**

HB 1175, relative to the use of an official ballot referenda as an optional form of town meeting. **INEXPEDIENT TO LEGISLATE**
Rep. David L. Buhlman for Municipal and County Government: An amendment was received that would limit the frequency of when the question of adopting or rescinding the official ballot form of government, commonly known as SB2, can be placed on the warrant for any of the elections by the local political subdivision for the following three years. Although this bill could reduce ongoing contention on the form of government in some municipalities, the committee felt that attempts by citizens to change the form of government should not have time restrictions placed on them. **Vote 11-0.**

HB 1182-FN, allowing municipalities to adopt a property tax exemption for long-time resident elderly persons. **INEXPEDIENT TO LEGISLATE**
Rep. James E. Twombly for Municipal and County Government: This bill would allow towns and cities to adopt a property tax exemption for property owners 65 years of age or older who have resided in the same location for 20 consecutive years. Although the bill is enabling, the committee felt that significant cost shifting would occur, requiring those under the age of 65 years of age to pick up the tax burden even for those elderly residents who could afford their taxes. The committee realizes that our elderly residents need options to ensure that they are able to stay in their homes. One lesser known option is available in the tax deferral request in RSA 72:38-a. Elderly exemptions were reorganized in SB-45 last year. The committee wants to wait to review the total impact of the revised exemptions effect the entire local community **Vote 15-0.**

HB 1185, relative to the adoption of amendments to articles proposed in the first session in official ballot proceedings. **INEXPEDIENT TO LEGISLATE**
Rep. Thomas Gillick for Municipal and County Government: This bill would have allowed the placing of the original or the amended article with a third choice of “neither” on the official ballot in an official ballot town. The committee felt that 3 choices would lead to confusion with respect to the interpretation of majority and/or plurality. The committee felt that only having one choice on a warrant article would be the least confusing to the voter. The committee looked at the use of plurality in election law and realized that the definition is clear. The deliberative session already provides the petitioners with the full opportunity to have their positions made clear. **Vote 12-0.**

HB 1189-FN-L, increasing the property tax credit for service-connected total disability. **INEXPEDIENT TO LEGISLATE**
Rep. Laurie Boyce for Municipal and County Government: The current tax credit for service-connected total disability is \$700. This bill would have increased that credit automatically to \$2400 with no vote of the local municipality and in violation of Part 1, Article 28-a of the New Hampshire Constitution. Additionally this bill allows the optional tax credit to be increased for those individuals who have service-connected total disability or those who are double amputee, or paraplegic, because of service-connected injury, or the surviving spouse of such a person from \$1400 to \$4800 of the yearly tax credit. Passage of SB 45 (2003) RSA 72:29(a) authorized the local community to increase this optional tax credit from \$701 up to \$2000. There are many municipalities that are opting to increase the veterans’ tax credits pursuant to the new legislation and the committee wants to wait to review the tax impact on these political subdivisions. **Vote 15-0.**

HB 1214-FN, relative to the penalty for filing an erroneous default budget. **INEXPEDIENT TO LEGISLATE**
Rep. James E. Twombly for Municipal and County Government: This bill makes filing an erroneous default budget a misdemeanor. The abuses of submitting inflated default budgets is a subject with which the committee is very familiar. In an attempt to correct this problem, a form created by the Department of Revenue Administration (DRA) has been created to assist the governing body in properly crafting a default budget. At present there are two bills (HB-85 and HB-285), that are actively addressing the intent of this bill and are in the Senate. **Vote 11-0.**

HB 1255, relative to the procedure for calling for a special town or school district meeting. **INEXPEDIENT TO LEGISLATE**
Rep. David L. Buhlman for Municipal and County Government: Currently “in towns with fewer than 10,000 inhabitants, 50 or more voters or one-quarter of the voters in town (whichever is fewer) and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town” have the ability to petition for a special meeting before the next annual meeting. Also “a special meeting of a school district shall be held whenever” the school board or “50 or more voters of the school district (whichever is less)” make written application for the meeting. This bill would have increased the percentage in towns with less than 10,000 to one-fifth of the voters in the town, increased to one-fifth of the voters in a school district and yet not change the percentage in “towns with 10,000 or more inhabitants”. There were no compelling reason given for this bill. **Vote 13-0.**

HB 1299, relative to the removal of the tax collector or town clerk, and required notice to the board of selectmen by a candidate for office if the candidate has ever been removed from a bonded position. **OUGHT TO PASS WITH AMENDMENT**
Rep. James E. Twombly for Municipal and County Government: This bill provides that an elected tax collector, an elected town clerk or an elected town treasurer may be removed from office by the governing body if that person fails to respond to allegations of wrong doing within the statutorily prescribed period of time. The bill was amended by adding the elected town treasurer, because the treasurer’s position has the same process for removal. This bill also requires notice to the board of selectman by a candidate for any local office if the candidate has been removed from a prior bonded position. **Vote 12-0.**

HB 1304-L, relative to notice for zoning rehearings. **INEXPEDIENT TO LEGISLATE**
Rep. James E. Twombly for Municipal and County Government: This bill requires that abutters be notified for a rehearing of a zoning decision in the same manner as for the original hearing. The prime sponsor realized that the subject of this bill is addressed in HB 713 which is presently being heard in another committee and requested that this bill be made ITL. **Vote 11-0.**

HB 1331, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B Schmidt for Municipal and County Government: In order to be eligible for the veterans credit, a veteran has to have served during a specific time period or in a specific theater of operation as listed in RSA 72:28, IV. The intent of this bill is to include those veterans who have received the National Defense Service Medal. Testimony was given that indicated this new eligibility would increase the number of veterans able to receive this tax-credit. The committee also recognized that the State Federal Relations and Veterans Affairs is working on HB 1372 which is looking at the definitions of certain terms relating to military service. As with the other exemptions and credits bills heard by Municipal & County Government (HBs 1182, 1189, 1333, 1346), the legislature passed an extensive change in both elderly exemptions and veterans credits last year. The Committee wants to wait and review the impact of these changes prior to increasing any eligibility. **Vote 15-0.**

HB 1333-L, extending the veterans' property tax credit to all honorably discharged veterans. **INEXPEDIENT TO LEGISLATE**
Rep. Robert Brundige for Municipal and County Government: This bill would have added all “honorably discharged veterans” to the local veterans’ property tax credit. The Municipal and County Government extensively reorganized RSA 72:28 and 29-a last year in SB 45 which became effective April 1, 2003. Many towns have proposed to upgrade the veterans’ tax credits to be voted on this year at town meetings. The committee feels that we should wait to see the impact on the property owners at the local level prior to expanding the veterans’ tax base. We also heard from the NH Veterans Advisory Committee that they are in the process of advocating for HB 1372 which is the “Definition of Veteran” bill presently being worked upon in State-Federal Relations and Veterans Affairs. That bill defines “veteran” and certain other terms relating to military service. The committee fully supports the veterans’ tax credit and the property tax credit for service-connected total disability. However, it is important to be attuned to the tax impacts on the entire community and also be aware of other policy bills that are related to veterans and are currently being addressed in this legislature. **Vote 15-0.**

HB 1346, relative to income qualification in the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE**
Rep. Eric G. Stohl for Municipal and County Government: This bill changes the type of income used for determining eligibility of an elderly person to receive the elderly property tax exemption from a net income to a gross income in RSA 72:39-a. The sponsor of this bill felt that using the gross income on the federal income tax form would be a better way of determining the appropriate amount of income to be used. When the committee looked into how the net income was arrived at in RSA 72:39-a, it felt that the way the law is written now is best. RSA 72:39-a states that net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof: (1) Life insurance paid on the death of an insured; (2) Expenses and costs incurred in the course of conducting a business enterprise; and (3) Proceeds from the sale of assets. If the bill were passed as introduced by the sponsor, these three deductions would not be allowed which raises the amount needed by the elderly to qualify for the property tax deduction. **Vote 15-0.**

HB 1357, relative to cluster zoning and the village plan alternative. **INEXPEDIENT TO LEGISLATE**
Rep. Thomas J. Gillick for Municipal and County Government: This bill would require planning boards to automatically allow the “village plan” alternative be considered when “cluster zone” application were filled. This committee felt that this was contrary to local option control. The “village plan” alternative is still relatively new as an innovative land use control and should be implemented on its own merit. **Vote 10-1.**

HB 1358-FN, requiring municipal auditors to be bonded, and relative to audits within political subdivisions. **INEXPEDIENT TO LEGISLATE**
Rep. Kenneth H. Gould for Municipal and County Government. This bill calls for the Department of Revenue Administration (DRA) auditors to assume some work now done by private auditors. The fiscal note indicated new costs for additional state employees at DRA of well over \$1,000,000. It also requires that all auditors shall be bonded. While town clerks, tax collectors, town managers and town treasurers are already bonded, the committee determined that auditors need not be bonded and the state need not take all this work away from the private sector public accountants. **Vote 11-0.**

HB 1359-FN-L, relative to notice requirements for public hearings on certain zoning changes. **INEXPEDIENT TO LEGISLATE**
Rep. Nancy K. Johnson for Municipal and County Government: This bill would require municipalities to notify property owners affected by zoning proposals or amendments. While the committee thinks communication is a valuable and useful tool for municipalities, this is clearly a 28-a issue that could require municipalities to spend considerable money and cause volumes of work. **Vote 11-0.**

HB 1377-L, relative to the repeal of municipal ordinances by petition. **INEXPEDIENT TO LEGISLATE**
Rep. Nancy K. Johnson for Municipal and County Government: This bill attempted to establish a petition process in municipalities with a city council form of government whereby 100 registered voters could petition to repeal a municipal or zoning ordinance. If the council affirmed the petitioned ordinance, or after the planning board receives the petition from the governing body relative to a zoning ordinance, a public hearing would be held and it would be placed on a ballot for the next city election. The committee recognized that municipalities already have adequate public notices regarding municipal and zoning ordinances. In addition, a municipality with a city council form of government has already decided that a representative form of government is more efficient. In a small town, changes in ordinances are made at town meetings. This bill attempted to combine two forms of government and create a third that could create a city council form of government decided by referendum. As a result, the committee agreed that this is unnecessary. **Vote 13-0.**

HB 1392, relative to preapplication review of projects submitted to a local planning board. **INEXPEDIENT TO LEGISLATE**
Rep. Nancy K. Johnson for Municipal and County Government: This bill requires a planning board to vote on a pre-application within 30 days and complete the review within 60 days. The majority of the committee felt that formalizing an informal process that now produces a non-binding, non-appealable decision was totally unnecessary. HB 761, which was retained by Municipal and County Government last year, and is currently in the Senate, revised some of the procedures of the pre-application process **Vote 12-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1261, relative to closing a certain rest area on the F. E. Everett turnpike. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edwin O. Smith for Public Works and Highways: The bill as introduced would have closed the rest area on the F. E. Everett Turnpike in Nashua. The Committee heard testimony that the rest area was underutilized. However, before ordering it closed, as the original bill proposed for, the committee felt that more study was needed. The sponsor’s amendment establishes a legislative study committee to look at alternative uses for the rest area. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1164, relative to moorings on Bow Lake. **REFER FOR INTERIM STUDY**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would add Bow Lake to the moorings program which presently covers the six (6) largest lakes in New Hampshire. Bow Lake is a medium size lake of 1160 acres. The committee heard both sides of the proposal at the public hearing but felt a first hand visit to the lake would be desirable before making a decision. The committee recommends Interim Study to enable a summertime review by the committee. **Vote 13-1.**

HB 1166, clarifying certain local regulation of OHRVs and relative to the operation of snow traveling vehicles on class VI roads. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill clarifies that authority to regulate local highways rests with the governing body as conferred by RSA 41:11 (towns) and RSA 47:17 (cities). RSA 215-A:15 states that “towns or cities may regulate” highways. In limited instances RSA 215-A:15 was being interpreted to give this authority to the Town meeting. With passage of HB 1166 the perceived discrepancy will be resolved to retain highway authority with the governing body. The bill also clarifies that when a Class VI highway is designated for use by snow traveling vehicles, access by abutting landowners or their agents may not be prohibited. The amendment adds permission for maintenance vehicles on roads that are not maintained by the municipality, and requires the governing body to hold a public hearing before changing the approved use of such roads. **Vote 14-0.**

HB 1205, establishing a committee to study alternative waste disposal systems. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Resources, Recreation and Development: This bill would have required a study by the Department of Environmental Services (DES) to issue permits for alternative human disposal systems on other than an experimental basis without requiring the installation of a full sized septic system. Currently the Department allows “alternative waste disposal systems”. They do require the applicant to demonstrate that the property can accommodate a conventional disposal system. The department already provides for such installations. **Vote 11-1.**

HB 1209, relative to substances added to public water supplies. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: This bill would ban any substance added to public drinking water or water supply without prior approval of the United State Food and Drug Administration and would also require that the substance meet federal drinking water standards. The one additive that has been stirring this debate for years is fluoride. Fluoride ban bills similar to this have been defeated many times before by the legislature. The Department of Environmental Services testified in opposition to the bill since the department already regulates additives to public water supplies and noted that those substances must presently meet nationally recognized health standards. Although the supporters of this bill made a strong case, the committee could find no reason to surrender our states rights to regulate public water supplies to a federal agency and are confident that our Department of Environmental Services is quite capable of assessing the health risks of water additives. **Vote 12-1.**

HB 1379, relative to boating on certain lakes and ponds by disabled persons. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: This bill would have allowed disabled persons to operate vessels with electric motors on bodies of water that have been closed to motorized vessels. Many of these small ponds have been closed for decades to motors for environmental reasons. The committee is certainly sympathetic to disabled persons and their recreational use of our natural resources. However, this bill had many problems, such as defining disabled person, how enforcement would be carried out and by what agency. The committee felt that this bill was not workable at this time. **Vote 14-0.**

HJR 22, concerning foliage protection. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: HJR 22 is a resolution which encourages forestry officials to monitor the health of the trees which produce the brilliant fall colors in New Hampshire’s forests. Public testimony at the hearing indicated that issues related to foliage and the forest inventory are already being monitored by state and federal forestry officials. This resolution is not necessary. **Vote 13-0.**

TRANSPORTATION

HB 1129, prohibiting smoking in vehicles when child passenger restraints are required. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Mosher for Transportation: The proponents of this bill stated that smoke in a small contained area is harmful to children. The bill does not address smoke being harmful to children in other situations. Are we ready to ban smoking to all those who have children? Unless tobacco becomes an illegal product the Committee did not feel it should be telling people that they cannot smoke on, or in private property. We all hope parents that smoke would not smoke in the immediate area of their children. Government cannot legislate common sense. **Vote 11-0.**

HB 1167, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would require any driver to have headlights on when operating windshield wipers during inclement weather. The committee understands the sponsors’ intent and passion for this bill, but felt that almost everyone uses their lights during inclement weather and most new automobiles now have DRL’s (daytime running lights) and automatic lights. It is also common sense that a driver use their lights during bad weather and RSA 266:31 states that “Every motor vehicle driven during the period from ½ hour after sunset to ½ hour before sunrise, and whenever rain, snow, or fog shall interfere with the proper view of the road, shall display at least tow lighted lamps on the front”. The committee felt that this bill is not

warranted. **Vote 12-0.**

HB 1179-FN, relative to driver education training reimbursement. **OUGHT TO PASS**

Rep. Kimberley S. Casey for Transportation: This bill relates to the distribution of driver education funds that are available through RSA 263:52. This bill seeks to distribute those funds not only to public high school driver certification programs, but also be made available to students who take classes from certified instructors and their approved programs outside the public high school curriculum. Because many high schools have long waiting lists and the goal is to make certain that all students get proper certified instruction in a timely fashion, and because the instruction is more costly for students unable to avail themselves of the public high school programs, this law allows a more fair distribution of aforementioned funds to offset the cost for those students. As indicated, the program now is self-funded through RSA 263:52, requiring that the license fee and vanity plate fee be used to fund the driver education programs. This new law will also be self-funding, with the remaining lapsing into the general fund as is current law. **Vote 12-0.**

HB 1183, relative to transporting manufactured housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill establishes the maximum height and length of manufactured or modular home that can be transported on the highways of New Hampshire. The amendment is the work product of the stakeholders in this issue. The amendment also establishes the rulemaking authority for the permitting process involved with the New Hampshire Department of Transportation. Additionally, the amendment includes an immunity clause for state liability due to the negligent conduct of persons transporting such housing as authorized by this chapter. This bill brings New Hampshire into compatibility with the northeast states for transporting modular or manufactured homes. **Vote 13-0.**

HB 1243, prohibiting the collection of biometric data. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill will prohibit the state from collecting, obtaining or retaining any personal biometric data in connection with motor vehicle registration or operation, or in connection with driver licensing. However, this shall not apply to the collection or retention of fingerprints, or the purpose of enforcing laws relating to serious traffic offenses, including, but not limited to DWI, reckless driving, negligent homicide with a motor vehicle or operating as a habitual offender, or any motor vehicle offense for which custody arrest was made and bail is required. The committee felt that future legislative options concerning policy would be protected, and as a result, included any decisions concerning the use of biometric data. **Vote 13-0.**

HB 1258-FN, establishing supporting public schools number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Kimberly S. Casey for Transportation: This bill would establish a special license plate to celebrate and encourage support for public education. Unfortunately, notwithstanding the good intention of such a plate, it has been the practice of the committee to disallow any additional special plates, save those already established, however worthy the cause. It is the consensus of the committee that this is a public safety issue, and additionally, a monetary issue, as there is a large initial investment for the production of these plates, which cannot be justified in the current budget climate. **Vote 12-0.**

HB 1401-FN, limiting the use of traffic signal preemption devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: These devices have been used for years by police, fire, ambulances and some Department of Transportation plow trucks. They allow the vehicle equipped with such a device to change a traffic light from red to green. These devices are now being offered to the public on line. The accidents that could be caused by use of these devices from irresponsible drivers could be horrific. **Vote 12-0.**

SB 458, relative to private driving instruction and exhibition facilities. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This bill defines driving instruction and exhibition facilities. These are facilities that provide instruction and training for safe driving skills and adverse weather driving techniques. These facilities can also exhibit vintage motor vehicles. This bill clarifies where these facilities fit with respect to the current law, so that existing state law, which applies to professional spectator facilities, does not apply to private instructional facilities. **Vote 13-0.**

THURSDAY, FEBRUARY 19

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1315, relative to the disclosure of the identity of the person filing a report of suspected child abuse. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The committee had an amendment to correct a fatal flaw in the bill with regard to disclosure of the reporter of suspected child abuse or neglect. The amendment failed and the bill itself was then deemed inexpedient to legislate. **Vote 10-5.**

COMMERCE

HB 1178-FN, relative to sales of tobacco products to persons under 21 years of age. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: Although the goal of this proposed legislation is noble, (increasing the smoking age from 18 to 21), the committee believes that unless and until there is a concerted effort by local law enforcement officers to enforce the current law, there is no benefit in increasing the age to 21. In the view of the committee, other than the drinking age of 21, 18 is the legal age in New Hampshire to sign contracts, be drafted and otherwise be considered the age of majority. **Vote 15-0.**

EDUCATION

HB 1352-FN, requiring school districts to recommend daily physical activity to pupils. **MAJORITY: OUGHT TO PASS WITH**

AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Deanna P. Rush for the **Majority** of Education: This bill requires local school boards to develop and implement a policy recommending that each pupil participate in developmentally appropriate daily physical activity and exercise as a way to minimize certain childhood health problems including obesity. It was further noted that current research and information indicates that there is a definite relationship between physical activity and academic success. All the testimony on this bill was in support of it. The amendment directs the State Board of Education (instead of the State Department of Education) to adopt rules pursuant to RSA 541-A relative to a model physical activity policy and to distribute this policy to each public school in the state. This bill has the support of the Governor Council on Health and Physical Activity, the American Heart Association and the American Cancer Association. The Department of Education states that this bill will have no fiscal impact on state, county and local revenue or expenditures. **Vote 12-3.**

Rep. Barbara Hagan for the **Minority** of Education: The minority agrees that physical activity is important for everyone. However, the bill does not coordinate its recommendations with an overall health curriculum. Requiring the school districts to develop and adopt a plan may raise a 28-a issue. Further, the Department of Education already has the ability and authority to issue a rule to recommend daily exercise in the schools. And finally, the legislation requires nothing from the schools in the way of actually accomplishing the goals.

ELECTION LAW

HB 1269, establishing a citizens' legislative redistricting advisory board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark S. Derby for the **Majority** of Election Law: This legislation would establish a citizen’s legislative redistricting advisory board composed of twenty members from the ten counties with ten members appointed by the leader of the majority party in the House of Representatives and ten appointed by the leader of the minority party in the House of Representatives. Their partisan counterparts in the Senate would assist in the appointment. The proposed board’s role would be solely advisory, through it would be required to prepare a complete redistricting plan. The majority believed that HB 1269 would add an additional layer of acrimony and partisanship to the redistricting process, since expertise in redistricting principles invariably follows a vested interest in the outcome of partisan elections or some other narrow agenda for those citizens who would most likely be candidates for appointment to the board. In addition, redistricting is a uniquely legislative and constitutional function in which elected members of the legislature are well qualified, and they also possess intimate knowledge of the towns and districts they represent. While redistricting can be complex, it is not a subject so far outside the understanding of legislators as to require an outside advisory board. The majority is ever mindful of the problems that caused redistricting to be done by the Supreme Court, and in light of that the whole committee has endeavored to work in a more bipartisan manner this session. That has resulted in HB 264 and significant improvements over the court-drafted plan. The majority believes that the lessons learned in 2002 will benefit future legislatures and governors when they must redistrict again, rendering the proposed board unnecessary. **Vote 11-5.**

Rep. Charles F. Weed for the **Minority** of Election Law: The minority of the committee believed that insulating the next decennial redistricting from partisan sitting legislators would serve to increase both the appearance and reality of fairness in the redistricting process. The advisory board would provide a draft similar to the Court’s 2002 plan, which could be adjusted by the legislature. The appearance of fairness is important in maintaining the very real importance of New Hampshire as an exemplar for the rest of the nation. The minority believes that the experience in the previous two decennial redistricting created unnecessary divisiveness and rancor between the major parties. This would be a better way.

HB 1292, apportioning state representative districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for the **Majority** of Election Law: The intent of this bill was to follow the bipartisan parameters for redistricting established in HB 264. Testimony on both bills asked the committee to seek more districts and smaller districts to provide better access to the representatives by the citizens. HB 1292 as amended accomplishes that goal without using floterials, but following all the other criteria for redistricting in a bipartisan effort. Much time was spent in committee to discuss all points of view. In addition to increasing the number of districts from 88 to 103 this bill returned a 28th seat to the city of Nashua. **Vote 14-3.**

Rep. Charles F. Weed for the **Minority** of Election Law: The minority believes that Nashua clearly deserves another representative. However, the process of deciding which 3 Nashua Wards should be combined to make a 10 member district was not fully deliberated in order that the committee could come to a consensus as we had regarding the other counties. There was meaningful and sincere discussion that Wards 4, 6 and 8 shared more common interests than combining Wards 5, 8 and 9 as in the majority version.

ENVIRONMENT AND AGRICULTURE

HB 1156, establishing a committee to study the use of pesticides and herbicides in residential neighborhoods. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. George T. Musler for the **Majority** of Environment and Agriculture: Passage of this bill would create a committee to study the residential use of Pesticide and Herbicides. Based on input from representatives of the responsible state agencies, a majority of the committee felt that there are enough rules in place to insure proper regulation and therefore further study is not needed. **Vote 10-2.**

Rep. Estelle Diamond for the **Minority** of Environment and Agriculture: Since HB 1156 was a resolution to “study the use of herbicides and pesticides on residential lawns,” too much focus was spent on the standards of protection established by the EPA and currently in place. It was agreed that the use of toxins on lawns in residential areas was problematical especially with the very high rates of asthma amongst New Hampshire’s children. However given the freeze on spending the bill is recommended ITL.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1208, relative to standards of certification in credentialing for New Hampshire public school food service directors and staff.

INEXPEDIENT TO LEGISLATE

Rep. Peter E. Bergin for Executive Departments and Administration: This bill focused on sanitation and safety of school lunch personnel throughout the state. The initial bill had an extensive training program for all food service personnel. Because of this, there was a 28-a concern. A subcommittee extensively studied this matter and offered an amendment that public school lunch service personnel be encouraged to seek education and voluntary certification in food handling, food safety and sanitation procedures. After lengthy discussion, the majority of the committee, felt that currently the state and local school districts already have extensive safety and inspection programs in place. In addition, current statutes require those local school districts to provide nutritional food to the student body. Also, the committee was given testimony that this is not a problem. If it isn't broken, why fix it? **Vote 10-7.**

JUDICIARY

HB 1142, relative to tort liability to third persons for oil spills. **OUGHT TO PASS**

Rep. Tony F. Soltani for Judiciary: The statutory scheme, as it now stands, creates an independent cause of action with a correlating remedy for victims of pollution. This cause of action is cumulative to all other existing common law remedies available to those who have suffered losses resulting from an oil spill. Presently the statute provides for a recovery of 150 percent of the actual damages. New Hampshire, as a matter of public policy, does not allow victims to recover punitive damages. Under our system, penalties are payable to the state and victims do not enjoy a windfall. This statute is an exception to the New Hampshire rule and the proposed bill is intended to bring this law into conformity with the state's public policy against punitive damages. Severe civil penalties, payable to the state remain in effect and enforceable. **Vote 10-8.**

HB 1253-FN-LOCAL, prohibiting public funds, employees, and facilities to assist or perform abortions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R. Lasky for the **Majority** of Judiciary: This bill proposes to prohibit the use of public funds, public employees and public facilities for the purpose of performing or assisting in an abortion. This bill as submitted includes prohibiting public funds, employees and facilities to be used to encourage or counsel a woman who is interested in getting information regarding an abortion. In addition, the requirement of a second opinion from a licensed physician before any abortion is performed when a mother's life is deemed to be in danger is part of this bill. To enforce the provisions of the bill, any taxpayer in the state would have standing to bring suit in Superior Court and any person in violation of this bill would be guilty of a misdemeanor or in certain cases, a felony. Any physician performing an abortion would have his or her license suspended by the Board of Medicine for 90 days for the first offense and revoked for any subsequent violation. An amendment was proposed eliminating the prohibition against counseling women, as the sponsors realized the First Amendment implications of this provision. The sponsor's amendment also omitted the penalty portions of the bill. In spite of these changes, the majority still found the bill to be fatally flawed. Firstly, testimony was given indicating that NO public funds are used to provide abortion services except as required by federal Medicaid law. The bill would even if amended cause a conflict with Medicaid law and would thus jeopardize federal funding for several public health exceptions for those pregnancies that result from rape or incest and the second physician requirement would delay a woman's ability to obtain an abortion even in critical situations in which her life is threatened. Finally, the "taxpayer standing" provision of the bill would subject the state to unnecessary, protracted and expensive litigation. All in all, the majority of the Judiciary Committee finds this bill as amended inexpedient to legislate as a significant threat to women's health and her constitutional right to choose. **Vote 10-8.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: A woman's right to an abortion, we are told, is fundamental, notwithstanding that it lay hidden in the "penumbras formed by emanation" from the guarantees of the Fourteenth Amendment, undetected by anyone, least of all by those who voted to ratify it in 1868, until discovered by five members of the U.S. Supreme Court in 1973, one hundred and five years later. Undeterred by its highly dubious pedigree, advocates of abortion rights are not content with merely having the right, but insist that its exercise be subsidized by taxpayers, large numbers of whom regard their opposition to abortion-on-demand as the moral equivalent of pre-Civil War opposition to human slavery. This bill was thoroughly and thoughtfully amended by the sponsor to meet, in good faith, the legitimate objections to it raised at the public hearing. The remaining objections cited by the majority are mere quibbles of the sort to which opponents of any reasonable limit to abortion rights are always reduced.

LEGISLATIVE ADMINISTRATION

CACR 24, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James R. MacKay for the **Majority** of Legislative Administration: A review of legislative history reveals that over the past 30 years, there have been 15 proposals to change the way the New Hampshire Attorney General is selected. Constitutional Conventions reviewed four proposals, the New Hampshire House introduced 11. The New Hampshire Senate introduced none. The 4 proposals reviewed by the 1974 and 1984 Constitutional Convention were all killed by voice votes of the conventions. From 1991 – 2003, of the 11 House Bills, six would have elected the Attorney General by popular vote and five by the General Court, the end result was pretty much the same, the committee of referral recommended ITL and the House voted to kill the bills. The committee on Legislative Administration was impressed by the seriousness and tenacity of the sponsors. However, the committee like all its predecessors voted to ITL this bill. The committee took into consideration that the bill was opposed by the House leadership, the Governor, the present Attorney General and his immediate predecessor. The committee felt that the present system has generally worked well. There have been many Attorneys General who served distinguished careers. One became a U.S. Supreme Court Justice, another because a U.S. Senator and recently one became Governor. Major concerns revolved around keeping the positions as non-political and independent as possible, the incumbent should not be indebted to legislators. The Attorney General should continue to serve a fixed four year term and be appointed by the Governor and Council as should his staff many of whom serve 5 year terms. Under this bill, the Governor and Council would continue to appoint the extensive staff of the Department of Justice and the General Court would elect the Attorney General for a two year term. To quote from a previous committee report, "If it is not broken, why try to fix it." **Vote 12-1.**

Rep. Peter H. Burling for the **Minority** of Legislative Administration: The minority believes that the Attorney General should be elected by the General Court to serve the people of New Hampshire, as is the case with our Treasurer and Secretary of State. Our Government puts great faith in the Legislative Branch and its decision making power. Recent events have seen some of that power erode to the Executive Branch. Passage of the CACR 24 would return the balance.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1283, relative to wetlands permits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C. Merrow for the **Majority** of Resources, Recreation and Development: This bill would amend RSA 482-A:11, II, to severely limit the ability of a municipality to enact and enforce land use regulations relative to wetlands. State requirements are minimal and it is felt that if a municipality desired to provide more stringent controls it should be their prerogative. **Vote 9-5.**

Rep. W. Packy Campbell for the **Minority** of Resources, Recreation and Development: This bill will simply clarify current statutes, which have caused confusion with regards to wetland dredge and fill permits. While certain state environmental laws specifically allow local municipalities to enact more restrictive ordinances, dredge and fill permits issued by the Department of Environmental Services are final and may not be overturned by more restrictive town ordinance. Overzealous town officials simply ignore this limitation and force the project applicant to use legal means to uphold the permit granted by the Department of Environmental Services. The taxpayers of the community as well as the project applicant are forced to pay the legal fees for this frivolous bureaucratic delaying tactic. The minority amendment lays to rest concerns that this would take away local control by specifically referring only to the dredge and fill permit for the project and therefore not limiting municipalities' ability to reject a project which violates a local ordinance.

HB 1284, relative to setbacks from wetlands. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This revision of RSA 482-A:11, I, would require The Department of Environmental Services (DES) rules to define wetlands, establish minimum setbacks for activities conducted near wetlands and prevent municipalities from establishing standards that are more stringent than those of DES. The committee felt that adequate definitions exist and that if a municipality desired to provide more stringent controls then it should be their prerogative. **Vote 11-3.**

WAYS AND MEANS

CACR 25, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Lee M. Hammond for Ways and Means: The bi-partisan conviction of the Ways & Means committee is that it is the duty of the legislature to fund the services demanded by the citizens of New Hampshire. The determination of the methods of taxation used to accomplish that goal must be left to the people. Representatives' attempts to amend and clarify this resolution generated considerable debate as to which existing taxes would have to be repealed. Were this amendment to pass, one of the taxes which would be significantly effected would be the business enterprise tax. It is the right and prerogative of the citizens – taxpayers – to demand accountability of their representatives who are elected to attend to the business of the State. The committee felt a constitutional amendment is not required to instruct the legislators in performing their duty. **Vote 16-4.**

HCR 25, declaring that the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches. **INEXPEDIENT TO LEGISLATE**

Rep. Peter S. Espieffs for Ways and Means: This resolution has appeared before the house in each of the last three years. On each occasion it has been afforded full and respectful hearings. In this last instance, the primary sponsor appeared as the only speaker in favor of the resolution. In view of the several years of debate on this issue, there appears to be no point in seriously dwelling on the repetition of this resolution. The committee's bipartisan vote signals the end of a period of public frustration and rancor between the house and judicial branches and creates a new time for healing their relations. **Vote 15-5.**

HOUSE DEADLINES

Thursday, February 5, 2004	Last day to act on retained House and Senate bills and supplemental House bills going to a second committee.
Thursday, March 11, 2004	Last day to report all remaining retained bills and supplemental House bills.
Thursday, March 18, 2004	CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.
Thursday, April 29, 2004	Last day to report Senate bills.
Thursday, May 6, 2004	Last day to act on Senate bills.
Thursday, May 13, 2004	Last day to form committees of conference.
Wednesday, May 19, 2004	Last day to sign-off committee of conference reports.
Wednesday, May 26, 2004	Last day to act on committee of conference reports.

LAID ON TABLE

HB 220, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. (Pending question is ought to pass)

HB 359, establishing a procedure for apportioning state senate and representative districts. (Pending question is inexpedient to

legislate.)
HB 760-FN-A, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor. (Pending question is on the adoption of the majority committee report of inexpedient to legislate.)

COMMITTEE MEETINGS
TUESDAY, FEBRUARY 17

CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18), Room 203, LOB

4:00 p.m. Regular meeting.

COMMERCE, Room 302, LOB

8:30 a.m. Subcommittee work session on **HB 1320**, making changes in the laws relative to retail installment sales, first mortgage bankers and brokers, mortgage loan servicers, second mortgage home loans, and the regulation of small loans.
8:45 a.m. Subcommittee work session on **HB 1224**, establishing the Uniform Trust Code in New Hampshire.
8:55 a.m. Subcommittee work session on **HB 1161**, relative to solicitation and marketing of insurance products.
9:00 a.m. Subcommittee work session on **HB 1244**, relative to subcontractors' liens for labor and materials.
9:30 a.m. Subcommittee work session on **HB 1240**, prohibiting minors from sitting in the smoking sections of restaurants.
10:00 a.m. Subcommittee work session on **HB 1282**, relative to exemptions from the consumer protection act.
1:00 p.m. Subcommittee work session on **HB 1319**, relative to the percentage of ownership in physician hospital organizations.
1:30 p.m. Subcommittee work session on **HB 1264**, relative to advertisement of prescription drugs.
2:00 p.m. Executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1190**, relative to exceptions to the carrying or selling of certain weapons.
10:30 a.m. **HB 1271-FN**, repealing the license to carry provisions of state law.
11:30 a.m. **HB 1310**, relative to licenses to sell firearms.
1:00 p.m. **HB 1371-FN**, prohibiting the sale or possession of pocket knives in safe school zones.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 1422**, relative to qualifications for persons who negotiate on behalf of the state.
10:30 a.m. Full committee work session on **HB 1306**, relative to collective bargaining by state employees.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
11:30 a.m. Subcommittee work session on **HB 1419**, relative to the dispensing of noncontrolled prescription drugs by registered nurses in certain facilities under contract with the department of health and human services.

FINANCE – (DIVISION II), Room 212, LOB

10:00 a.m. Work and executive session on pending legislation.

JUDICIARY, Rooms 206-208, LOB

9:30 a.m. Subcommittee work session on **HB 1302**, relative to rental contracts or leases entered into by individuals who are subsequently called to service in the armed forces.
10:00 a.m. **HB 1413**, relative to the creation of mandatory screening panels for medical injury claims.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

9:00 a.m. Subcommittee work session on **SB 316**, relative to the payment of salaried employees.
10:00 a.m. Subcommittee work session on **HB 1278-FN-LOCAL**, relative to the applicable minimum wage for hourly employees.
11:00 a.m. Subcommittee work session on **SB 390**, relative to liability of third person under workers' compensation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1172-LOCAL**, relative to compensation of county convention members for county business.
11:00 a.m. **HB 1328**, requiring the development of a plan for the elimination of county government by the year 2011.
1:30 p.m. **HB 1395**, relative to representation by the county attorney in county matters.
2:00 p.m. **HB 1143**, relative to legislators temporarily serving as county commissioners.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Executive session on pending legislation.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 9:30 a.m. Subcommittee work session on **HB 1136**, relative to homeowner exemptions from certain environmental permitting.
 - 10:00 a.m. **SB 346**, relative to prohibiting the operation of snowmobiles on open water.
 - 11:00 a.m. **SB 496**, relative to the definition of snow traveling vehicle.
 - 1:30 p.m. **SB 377**, relative to damage to land by certain recreational uses.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Executive session on pending legislation.
- 1:00 p.m. Full committee work session on **HB 1421-FN**, relative to solid waste incineration.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

- 10:00 a.m. Executive session on pending legislation.
- 11:30 a.m. Subcommittee work session on **HR 24**, opposing the exploration for oil in the Arctic National Wildlife Refuge.

TRANSPORTATION, Room 203, LOB

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

WEDNESDAY, FEBRUARY 18

COMMERCE, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 1202**, relative to third-party payment of covered services ordered by the juvenile court.
- 10:00 a.m. Subcommittee work session on **HB 1409**, relative to the disclosure of protected health information by court ordered service providers.
- 10:45 a.m. Subcommittee work session on **HB 1267**, requiring fast food restaurants to provide nutritional information to consumers.
- 1:15 p.m. Subcommittee work session on **HB 1408-FN**, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.
- 2:00 p.m. Subcommittee work session on **HB 1252-FN**, requiring the posting of notice by uninsured liquor licensees.
- 2:30 p.m. Executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HR 21**, reaffirming the death penalty.
 - 11:00 a.m. **HB 1380-FN**, establishing a criminal penalty for unauthorized video surveillance.
 - 11:30 a.m. **HB 1341-FN**, relative to prohibited computer practices.
 - 1:30 p.m. **HB 1219-FN**, establishing penalties for transmission or distribution of obscene electronic mail.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ETHICS COMMITTEE (RSA 14-B:2), Room 105A, State House

- 2:00 p.m. Special meeting regarding Complaint #2003-3.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

- 9:30 a.m. **HB 1425**, relative to food safety in restaurants.
 - 10:00 a.m. Executive session on pending legislation, if needed.
 - 10:30 a.m. **HB 1424-FN-A**, establishing a pharmaceutical commission and making an appropriation therefor.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE – (DIVISION II), Room 212, LOB

- 10:00 a.m. Work and executive session on pending legislation.

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

- 9:00 a.m. Regular business.
- 9:30 a.m. Audit: State of New Hampshire single audit of federal financial assistance programs for the year ended June 30, 2003.

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

- 9:30 a.m. **HB 1426-FN**, relative to testing for the human immunodeficiency virus.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:00 p.m. Presentation by the Commissioner of the Department of Health and Human Services.

JUDICIARY, Room 208, LOB

- 9:30 a.m. Executive session on pending legislation.
- 1:00 p.m. Subcommittee work session on **HB 1413**, relative to the creation of mandatory screening panels for medical injury claims.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

1:00 p.m. Ad hoc committee on the state hospital grounds.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on *HB 1421-FN*, relative to solid waste incineration.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Revenue review.

2:30 p.m. Executive session on pending legislation, if necessary.

FRIDAY, FEBRUARY 20

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 103, State House

10:00 a.m. Regular meeting.

COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW (HB 606, Chapter 287:3, Laws of 2003), Room 304, LOB

10:00 a.m. Regular meeting.

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Room 208, LOB

1:00 p.m. **Rescheduled** regular meeting.

FRIDAY, FEBRUARY 27

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), NH Department of Revenue Administration, Community Services Division Training Room

9:30 a.m. Regular meeting.

MONDAY, MARCH 1

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 105A, State House

2:00 p.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), Plymouth State University

10:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Subcommittee work session on *CACR 22*, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth.

TUESDAY, MARCH 2

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on *SB 415-FN*, continuing and expanding to all counties the Grafton county court pilot project relative to abuse and neglect hearings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. *HB 1147*, relative to the use of deadly force in defense of a fetus.

11:00 a.m. *HB 1343-FN*, making it a crime to cause the death of a fetus as a result of committing a violent act against a pregnant woman.

1:00 p.m. *HB 1360-FN*, including “unborn child” in the definition of “another” for the purpose of capital murder, first and second degree murder, manslaughter, and negligent homicide.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. *SB 457*, relative to animal population control.

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

FISH AND GAME, Room 307, LOB

9:00 a.m. Subcommittee work session on ***SB 344***, relative to the use of gifts and donations to the fish and game department and relative to off highway recreational vehicle fees.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on pending legislation.
1:00 p.m. Subcommittee work session on ***HB 1309***, relative to noise pollution from shooting ranges.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

2:00 p.m. ***SB 350***, relative to access by the legislative budget assistant to confidential information maintained by the department of revenue administration.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. ***SB 324-FN-A-L***, relative to the calculation of the commissioner’s warrant for the statewide enhanced education tax to be raised by a municipality.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, MARCH 3

JUDICIARY, Room 208, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

WAYS AND MEANS, Room 202, LOB

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

FRIDAY, MARCH 5

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

9:00 a.m. Continued meeting.

COMMISSION TO IDENTIFY MEDICAL ERRORS AND THEIR CAUSES (HB 287, Chapter 255:6, Laws of 2003), Room 205, LOB

10:00 a.m. Regular meeting.

FINANCIAL EXPLOITATION OF THE ELDERLY AND PERSONS WITH DISABILITIES (HB 461, Chapter 227:2, Laws of 2003), Room 207, LOB

10:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. **Rescheduled** regular meeting.

MONDAY, MARCH 8

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), NH Community Technical College, Manchester

10:00 a.m. Regular meeting.

SETBACK REQUIREMENTS FOR SEPTAGE, BIOSOLIDS AND SHORT PAPER FIBERS STUDY (SB 87, Chapter 302:1, Laws of 2003), Room 303, LOB

9:00 a.m. Regular meeting.

WEDNESDAY, MARCH 10

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

9:30 a.m. Regular meeting.

EDUCATION, Room 207, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

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

11:00 a.m. Rescheduled public hearing on *SB 380*, establishing a statewide incident command system.

JUDICIARY, Room 208, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

FRIDAY, MARCH 12

COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW (HB 606, Chapter 287:3, Laws of 2003), Room 304, LOB

10:00 a.m. Regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 205, LOB

9:30 a.m. Regular meeting.

TUESDAY, MARCH 16

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:30 a.m. *SB 153*, adopting the nurse licensure compact.

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

FRIDAY, MARCH 19

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

9:00 a.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 103, State House

10:00 a.m. Regular meeting.

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Room 208, LOB

2:00 p.m. Regular meeting.

MONDAY, MARCH 22

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Rooms 201-203, LOB

3:00 p.m. Public comment hearing on proposed rules of the Guardian Ad Litem Board relating to certification requirements (GAL Chapter 300).

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 23

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:30 a.m. *SB 402*, relative to an optional retirement annuity benefit for members of the Manchester retirement system.

11:00 a.m. *SB 445*, relative to the regulation of dietitians by the board of licensed dietitians.

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

WEDNESDAY, MARCH 24

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. *SB 469*, relative to licensing of boiler inspectors.

10:30 a.m. *SB 403*, relative to the board of medicine.

11:00 a.m. Rescheduled public hearing on *SB 497-FN*, relative to renewal of electrician’s licenses.

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

FRIDAY, MARCH 26

COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW (HB 606, Chapter 287:3, Laws of 2003), Room 101, LOB
10:00 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 103, LOB
9:30 a.m. Subcommittee on issues related to criminal justice information system.

MONDAY, MARCH 29

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB
1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on the following days to review and approve the 2004 Merrimack County Departments Budgets. The meetings will be held at the McDonnell Building, Lower Level, 4 Court Street, Concord.
Monday, **March 1** at 11:00 a.m. Nursing Home.
Friday, **March 5** at 1:00 p.m. Corrections/Academy Program
Monday, **March 8** at 9:00 a.m. County Attorney, Medical Referee, Pre-Trial/Diversion, Sheriff and Dispatch,
Friday, **March 12** at 9:00 a.m. (Rescheduled from February 20.) Human Services, Juvenile Diversion, Grant Agencies, County Conservation District, Visitation Center, UNH Cooperative Extension and JAIBG Grant.
Rep. Roy D. Maxfield, Chairman
Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County 2004 Budget schedule:
Rockingham County Executive Committee will meet on Wednesday, **February 18** at 5:00 p.m. at the Hilton Auditorium, RCNH, Brentwood, to finalize any unfinished business prior to the Delegation Meeting.
Rockingham County Delegation public hearing on GO Bond up to \$4,000,000 (RSA 33:10) will be held at 5:30 p.m. on **February 18** at the Hilton Auditorium, RCNH, Brentwood. The hearing will be conducted by the Delegation Chairman. Delegation members are invited to attend.
Rockingham County Delegation will meet on Wednesday, **February 18** at 6:00 p.m. to adopt County Budget for 2004 and authorize a GO Bond up to \$4,000,000 (RSA 33:10).

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 85, 444, 511, 622, 640, 651, 656, 698, 712, 727, 729, 730, 781, 803, 1153, 1188, 1207, 1213, 1248, 1251, 1290, 1311, 1325, 1339, 1344, 1345, 1352, 1353, 1365, 1378, 1387, 1388,1399, 1401, 1411, 1416, 1418, 1421 and 2004. SBs 498 and 500.
Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, **March 8** at 6:00 p.m.
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 requested.
Clair A. Snyder, 46 Colonial Village, Somersworth, New Hampshire 03878-1558.
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 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.

From time to time the Speaker receives reports and audits from various committees, commissions, and departments. On the chance that some of these reports might be of interest to a member, I will periodically list the reports that are received in the Speaker's office and available for viewing.

Reports most recently received include:

2003 Annual Report of the Advisory Board to the NH Division of Juvenile Justice Services
Gene G. Chandler, Speaker

The House Republican Alliance will meet each Wednesday at 8:30 a.m. at the Upham Walker House, Park Street (across from the State House).

Rep. Michael A. Balboni

The Main Street Republican Caucus will meet on Thursdays at 8:15 a.m. at the Upham Walker House, Park Street. Members are invited to attend.

Rep. Paul D. Spiess

A historical collection of the State of New Hampshire Liquor Commemorative Bottles issued between 1967-1985, on loan from state Representative Bob L'Heureux, will be on display in the State House Visitors' Center until March 1, 2004.

Rep. Robert J. L'Heureux

Mental Health Reform: Implementing the Recommendations of President Bush's New Freedom Commission with Dr. Dan Fisher, Executive Director of the National Empowerment Center in Lawrence, Mass. This is the second session of the 2004 legislative education series: SUPPORTING OLDER ADULTS AND INDIVIDUALS WITH DISABILITIES IN YOUR COMMUNITY: AN EDUCATION SERIES FOR LEGISLATORS. Date: Tuesday, **February 17** at the NH Historical Society, Tuck Library, Park Street, Concord. A breakfast session will be held from 7:30 to 9:00 a.m. A luncheon session will be held from noon to 1:30 p.m. Please contact Judy King at 1-800-238-2048 or jaking@cisunix.unh.edu to confirm your attendance.

Rep. Peter L. Batula

The New Hampshire Order of Women Legislators invite legislators to the Upham Walker House during the lunch break from session on Thursday, **February 19th** to hear Secretary of State, Bill Gardner. He'll be telling his great stories and talking about his book, [Why New Hampshire? The First in the Nation Primary](#). His books are on sale in the gift shop, if you want him to autograph a copy. Also, on **March 4th** New Hampshire poet laureate, Marie Harris, will be speaking at the NH Order of Women Legislator's lunch at the Upham Walker House. Members have asked about the NH State Seal pins. The pins are expected to be available within the next two weeks for \$22 each in the State House gift shop.

Rep. Sandra C. Harris

The members of the NH Dental Society, in recognition of the Children's Dental Health Month, cordially invite all House members and staff to a legislative reception on Thursday, **February 19th** at the Barley House following the close of session (or 3:00 p.m. should session end early). Look forward to seeing you there.

Rep. Michael D. Whalley

All members are invited to attend the Strafford County Republican Committee's Lincoln Day Dinner to be held on Friday, **February 20** at the Rochester Elks Lodge on 41 Columbus Avenue, Rochester. Social hour is from 5:30 to 6:30 p.m. with dinner and program to follow. Price for tickets is \$30. For tickets see Rep. Phyllis Woods or a member of the Strafford County Delegation.

Rep. Phyllis L. Woods

All legislators and guests are invited to attend the Rockingham County Republican Committee Lincoln Day Dinner celebrating A

Salute to Our Republican Leadership. Governor Benson, Senator Gregg, Senator Sununu and Congressmen Bass and Bradley will be the guests of honor. The dinner will be held at Yoken’s Restaurant on Sunday, **February 29**, beginning with a cocktail hour at 6:00 p.m. followed by dinner at 7:00 p.m. Tickets are \$35 each and can be ordered from any Rockingham County Republican Town Committee or the Dinner’s Chairwoman, Rep. Mary Griffin (432-0959).

Rep. Mary E. Griffin

The 14th Annual Legislative Ski Event will be at Gunstock in Gilford on Sunday, **March 7th** and Monday, **March 8th**. The event will feature a reception on Sunday evening and a Legislative Ski Race on Monday morning, followed by an awards luncheon. Free downhill skiing, cross-country skiing, snowshoeing and snowtubing, will be available both days, and there will be free mountain and trail tours and a tubing party on Monday morning. Please contact Kim at Ski NH (1-800-887-5464 Ext. 0) to sign-up for Legislative Ski Event activities.

There will be a special room rate at The Inns at Mill Falls in Meredith of \$39 plus tax, double occupancy, per night, on Sunday, March 7th and Monday, March 8th. **Please make your room reservation directly with The Inns at Mill Falls (1-800-255-0600) and be sure to identify yourself as being with the “Ski NH Legislative Ski Event” when you call to receive the special rate.**

Ski New Hampshire looks forward to hosting legislators again and to raising funds for the NH Automobile Dealers Association’s KEEP KIDS SAFE Program.

Rep. David W. Hess

The American Red Cross in New Hampshire cordially invites all legislators and staff to its annual Breakfast on Thursday, **March 11**, 8:00-10:00 a.m. in the State House cafeteria. Please, come have good food and learn more about the important work done by the Red Cross chapters throughout New Hampshire.

Rep. Elizabeth S. Hager

All members are invited to Bobby Stephen’s 26th Annual St. Patrick’s Day Bash to benefit Jobs for NH Graduates on Wednesday, **March 17**, 2004 at the Executive Court Banquet Facility in Manchester. The Event begins at 5:00 p.m. The cost is \$30 per person and includes dinner and entertainment. For more information contact Bobby Stephen at 271-2341.

Gene G. Chandler, Speaker

The Demers Group cordially invites all House members and staff to attend the 2nd Annual New Hampshire Capital St. Patrick’s Day Breakfast & Roast on Wednesday, **March 17** from 7:30 to 9:00 a.m. at the Grappone Conference Center-Marriott Courtyard, 70 Constitutional Avenue, Concord. Once again, invited special guest roasters will include Governor Craig Benson and the Senate and House leadership with WMUR-TV political reporter Scott Spradling as emcee.

Rep. Michael D. Whalley

The Merrimack County Republican Committee will host its annual Lincoln Day Dinner on Thursday, **March 18th** at the Grappone Center (Courtyard Marriott) in Concord. The reception begins at 5:30 p.m. and dinner at 6:15 p.m. The honored guest and featured speaker is Senator Judd Gregg. Tickets are \$50 per person and may be purchased from any member of the Merrimack County delegation.

Rep. David W. Hess

All legislators and staff are invited to attend the New Hampshire Automobile Dealers Association’s (NHADA) Annual Crossover Day Reception at the NHADA office at 507 South Street on **March 18th**, at 3:00 p.m., or immediately following the legislative sessions. This is a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun social gathering.

Rep. Michael D. Whalley

The Department of Transportation will hold the following meeting:

Mar 1 – Alton Town Hall, 1 Monument Square, Alton, 7:00 p.m. Public officials/public informational meeting, Alton, proposal to replace NH Route 28 bridge over the Merrymeeting River in the Town of Alton.

Mar 3 – Warren Town Hall, 19 Water Street, Warren, 7:00 p.m. Public officials/public informational meeting, Warren, pavement rehabilitation guardrail replacement and drainage improvements along NH Route 25 beginning at the intersection of 118 proceeding

south 2.5 miles.

Mar 3 – Chichester Grange Hall, 54 Main Street, Chichester, 7:00 p.m. Public officials/public informational meeting, Chichester, widening and minor approach work at US Route 4/Main Street/Horse Corner Road intersection and sidewalk improvements.
Rep. Edwin O. Smith, Chairman
Public Works and Highways Committee

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 **February** 2004. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
2-17-04	9:30 & 11:00 SH/HM	Pembroke Hill School	4/60
2-17-04	12:30	Laconia Christian School	HS/25
2-18-04	9:30 & 11:00 SH/HM	Pembroke Hill School	4/60
2-19-04	10:00 & 11:30 SH/HM	New Searles Elementary School – Nashua	4/75
2-20-04	10:00 & 11:15 SH/SC	Bakersville Elem – Manchester	4/50
2-24-04	10:00	Gibson Center – North Conway	Adults/12
2-26-04	10:30	KA Brett School – Tamworth	4/23
2-27-04	10:00	Cub Scouts Pack 91	9-11yrs/20

THURSDAY, FEBRUARY 19
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2004-0230h

Amendment to HB 1135
Proposed by the Committee on Judiciary - C

Amend the bill by replacing section 2 with the following:
2 Contingency. Section 1 of this act shall take effect upon the date the next vacancy occurs in the position of superior court chief justice.
2004-0407h

Amendment to HB 1155
Proposed by the Committee on Education - C

Amend the title of the bill by replacing it with the following:
AN ACT clarifying alternative budget adoption procedures in school administrative units.
Amend the bill by replacing all after the enacting clause with the following:
1 School Administrative Units; Alternative Budget Procedure. Amend RSA 194-C:9-a, I(a) to read as follows:
(a) Each school district, within a school administrative unit that is composed of 2 or more ~~town~~ school districts, may vote to adopt the provisions of RSA 194-C:9-b to determine the means for adopting the school administrative unit budget by placing a question on the warrant of their next annual school district meeting. The question shall be voted on in accordance with the ballot and voting procedures in effect in that school district.
2 School Administrative Units; Alternative Budget Procedure. Amend RSA 194-C:9-a, I(c) to read as follows:
(c) If a majority of the voters **voting in each of** the school districts within the school administrative unit approve the question, then RSA 194-C:9-b shall apply starting with the next annual school district meeting of the school districts within that school administrative unit, and shall continue until rescinded. **The results of the vote shall be certified to the secretary of the school administrative unit board.**
3 School Administrative Units; Alternative Budget Procedure. Amend RSA 194-C:9-a, III to read as follows:
III. In order to rescind the adoption of RSA 194-C:9-b, each school district within the school administrative unit shall comply with the petition procedure set forth in RSA 197:6 and upon such compliance, a question shall be placed on the warrant of the next annual school district meeting. The wording of the question shall be: “Shall the voters of the _____ school district within school administrative unit number ____ rescind the adoption of RSA 194-C:9-b, relative to the alternative school administrative unit budget adoption procedure, and adopt the provisions of RSA 194-C:9 as the method for governing the adoption of the school administrative unit budget?” If a majority of the voters **voting in each of** the school districts within the school administrative unit approve the question, then the provisions of RSA 194-C:9 shall govern the procedure for adopting the school administrative unit

budget in such school administrative unit. *The results of the vote shall be certified to the secretary of the school administrative unit board.*

4 School Administrative Units; Alternative Budget Procedure. RSA 194-C:9-b is repealed and reenacted to read as follows:
194-C:9-b Alternative Budget Procedure.

I. In a school administrative unit composed of 2 or more school districts which has adopted the provisions of RSA 194-C:9-a, the school administrative unit budget adopted according to RSA 194-C:9, I shall be placed before the voters of each school district of that school administrative unit in a separate warrant article at the annual school district meeting. Notwithstanding RSA 32 and RSA 40:13, the budget adopted by the school administrative unit board shall not be amended or changed in any way prior to the vote. The school district moderator shall cause a vote to be taken and the results shall be given to the secretary of the school administrative unit board who shall accumulate the total vote for all the school districts within the school administrative unit. The secretary of the school administrative unit board shall announce the results and certify the same to the department of revenue administration. A majority vote shall result in adoption of the budget proposed by the school administrative unit board. If the article receives less than a majority vote, the budget amount accepted shall be that of the previous year adjusted for continuing contracts. Wording of the warrant article shall be as follows:

“Shall the voters of ____ (name of school district) _____ adopt a school administrative unit budget of \$ _____ for the forthcoming fiscal year in which \$ _____ is assigned to the school budget of this school district?

This year’s adjusted budget of \$ _____, with \$ _____ assigned to the school budget of this school district, will be adopted if the article does not receive a majority vote of all the school district voters voting in this school administrative unit.”

II. This section shall not apply to a school administrative unit that includes a city.
5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS
This bill clarifies the law regarding alternative budget adoption procedures in school administrative units.
2004-0304h

Amendment to HB 1165
Proposed by the Committee on Criminal Justice and Public Safety - C
Amend RSA 173-B:5, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. *If, after such a hearing, the court grants the requested extension, the court shall state in writing its reason for the extension.* The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

AMENDED ANALYSIS
This bill requires a court granting an extension of a domestic violence order to state in writing the reason for the extension.
2004-0224h

Amendment to HB 1166
Proposed by the Committee on Resources, Recreation and Development - C
Amend the bill by replacing section 1 with the following:

1 Operation of OHRVs; Local Authority. Amend RSA 215-A:6, IX to read as follows:
IX. Pursuant to RSA 215-A:15, ~~[towns and cities]~~ *city or town councils and boards of selectmen* may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. *Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRV’s by giving notification to the supervisor of the bureau and removing any signs that no longer apply.*

Amend the bill by replacing section 3 with the following:
3 Operation of Snow Traveling Vehicles. RSA 215-A:7, II is repealed and reenacted to read as follows:
II. In those instances where a municipality does not maintain a class IV, class V, or class VI highway for winter use by conventional motor vehicles, the city or town council or board of selectmen may authorize the use of such a highway by snow traveling vehicles; or, alternatively, it may authorize dual use of such highway by snow traveling vehicles and by those conventional highway vehicles that are being used solely for access to property abutting such highway. Vehicles of any type being used for law enforcement, firefighting, rescue and road maintenance shall have unrestricted access to such highways in either case. The bureau or its designee shall post said highways in accordance with the status established by municipal authorities as provided in this paragraph. Following a duly noticed public hearing, except in the case of an emergency closure, such authorities may change the status of a highway by giving notification to the supervisor of the bureau and removing any signs that no longer apply.
2004-0326h

Amendment to HB 1183
Proposed by the Committee on Transportation - C
Amend the title of the bill by replacing it with the following:

AN ACT relative to transporting manufactured housing or modular buildings.
Amend the bill by replacing all after the enacting clause with the following:
1 Height; Manufactured Housing and Modular Buildings. Amend RSA 266:10 to read as follows:
266:10 Height.

I. No vehicle, *except a vehicle transporting manufactured housing or modular buildings*, whose total height including load is greater than 13 feet, 6 inches, shall be driven on the ways of this state.

II. *No manufactured housing or modular building whose total height is greater than 14 feet, 6 inches, shall be transported on the ways of this state. Transport of a manufactured housing unit or modular building that exceeds a total height of 13 feet, 6 inches shall require a non-police escort, equipped in accordance with any rules established by the department of transportation under RSA 21-L:12-a.*

2 New Paragraph; Length; Manufactured Housing or Modular Building. Amend RSA 266:11 by inserting after paragraph III the following new paragraph:

IV. For manufactured housing or modular building transport, 110 feet including the transport vehicle.

3 New Paragraph; Manufactured Housing or Modular Building. Amend RSA 266:24 by inserting after paragraph II the following new paragraph:

III. The commissioner of transportation shall not grant a permit for the transport of manufactured housing or modular buildings that exceeds the limits established in RSA 266:10, II or RSA 266:11, IV.

4 New Paragraphs; Manufactured Housing or Modular Building Escort Vehicles. Amend RSA 21-L:12-a by inserting after paragraph XIV the following new paragraphs:

XV. Non-police escort vehicles for the transport of manufactured housing or modular buildings as authorized by RSA 266:10, II.

XVI. Establishing specific pre-approved routes for the transport of manufactured housing or modular building as authorized by RSA 266.

XVII. Establishing criteria to determine the need for police escort vehicles for the transport of manufactured housing or modular buildings as authorized by RSA 266.

5 New Section; Limitation on Actions. Amend RSA 266 by inserting after section 24-b the following new section:

266:24-c The state shall not be liable for damage caused by negligent conduct of the person transporting manufactured housing or modular buildings as authorized under this chapter.

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

AMENDED ANALYSIS

This bill establishes the maximum height and length of manufactured homes or modular buildings that can be transported on the highways of New Hampshire.

2004-0199h

Amendment to HB 1243

Proposed by the Committee on Transportation - C

Amend RSA 260:10-b as inserted by section 1 of the bill by replacing it with the following:

260:10-b Collection of Biometric Data Prohibited.

I. The state shall not collect, obtain, or retain any biometric data in connection with motor vehicle registration or operation, or in connection with driver licensing. “Biometric data” includes, but is not limited to:

- (a) Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics.
- (b) Facial feature pattern characteristics.
- (c) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence.
- (d) Voice data used for comparing live speech with a previously-created speech model of a person’s voice.
- (e) Iris recognition data containing color or texture patterns or codes.
- (f) Keystroke dynamics, measuring pressure applied to key pads.
- (g) Hand geometry, measuring hand characteristics, including the shape and length of fingers, in 3 dimensions.
- (h) Retinal scans, reading through the pupil to measure blood vessels lining the retina.
- (i) DNA/RNA.

II. Paragraph I shall not apply to:

(a) The collection or retention of fingerprints or the purpose of enforcing laws relating to serious traffic offenses, including, but not limited to, driving while intoxicated, reckless driving, negligent homicide with a motor vehicle, operating after being declared an habitual motor vehicle offender, or any motor vehicle offense for which a physical custody arrest was made and bail is required.

(b) The taking or use of signatures, computerized images, likenesses, or photographs, in any form used by the department prior to the effective date of this subparagraph, for licensing purposes, provided that the taking or use is consistent with the provisions of RSA 260:14.

2004-0306h

Amendment to HB 1253-FN-LOCAL

Proposed by the Minority of the Committee on Judiciary

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Public Funding of Abortions Limited. Amend RSA 132 by inserting after section 28 the following new subdivision:

Public Funding of Abortions Limited

132:29 Definitions. In this subdivision:

I. “Public employee” means any person employed by this state or any of its agencies or political subdivisions.

II. “Public facility” means any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by this state or any of its agencies or political subdivisions.

III. “Public funds” means any funds received or controlled by this state or any of its agencies or political subdivisions, including, but not limited to, funds derived from federal, state, or local taxes, gifts or grants from any public source, federal grants or

payments, or intergovernmental transfers.

132:30 Ineligible for Public Funds. No public funds shall be disbursed to any individual, group, or agency that performs or assists in abortions not necessary to save the life of the mother.

132:31 Public Employees; Certain Activities Prohibited. It shall be unlawful for any public employee within the scope of his or her employment to perform or assist an abortion, not necessary to save the life of the mother.

132:32 Use of Public Facilities Prohibited. It shall be unlawful for any public facility to be used for the purpose of performing or assisting an abortion not necessary to save the life of the mother.

132:33 Second Opinion Required. In addition to the requirements of RSA 132:30-32, any decision that an abortion is necessary to save the mother's life shall require a second opinion from a licensed physician before the abortion is performed.

132:34 Taxpayer Standing to Bring Suit. Any taxpayer of this state or its political subdivisions shall have standing to bring suit in a superior court in the county in which the alleged violation occurred to enforce the provisions of this subdivision.

AMENDED ANALYSIS

This bill addresses certain issues considered by the United States Supreme Court in Webster v. Reproductive Health Services. Specifically, this bill prohibits the use of public funds, public employees and public facilities for the purpose of performing or assisting in an abortion which is not necessary to save the life of the mother.

The bill requires a second opinion from a licensed physician before any abortion is performed when a mother's life is deemed to be in danger.

2004-0083h

Amendment to HB 1261

Proposed by the Committee on Public Works and Highways - C

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

AN ACT establishing a committee to study alternative uses for a certain rest area on the F. E. Everett turnpike.

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

1 Committee Established. There is established a committee to study alternative uses for a certain rest area located near the F. E. Everett Turnpike in Nashua.

2 Membership and Compensation.

I. The members of the committee shall be as follows:
(a) Three members of the house of representatives, appointed by the speaker of the house.
(b) Three members 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 study alternate uses for the rest area known as the Nashua welcome center located near exit 6 of the F. E. Everett Turnpike in Nashua. The committee may consider options including, but not limited to, leasing the property, selling the property, using the property to meet other state needs, or using the property as a state liquor store.

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 senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

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

AMENDED ANALYSIS

This bill establishes a committee to study alternative uses for a certain rest area located on the F.E. Everett Turnpike in Nashua.

2004-0352h

Amendment to HB 1283

Proposed by the Minority of the Committee on Resources, Recreation and Development - R

Amend the bill by replacing section 1 with the following:

1 Administrative Provisions; Department Decisions Final After Appeal. Amend RSA 482-A:11, II to read as follows:
II. Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant. If a permit is granted, the decision of the department may contain reasonable conditions designed to protect the public good. ***Except as provided in RSA 482-A:10, the decision of the department shall be final.*** No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

AMENDED ANALYSIS

This bill clarifies that a decision of the department of environmental services granting an excavating and dredging permit is final after appeal.

2004-0378h

Amendment to HB 1292

Proposed by the Majority of the Committee on Election Law - R

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

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:
662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

	I. Belknap County	
District No. 1	Center Harbor	
	New Hampton	1
District No. 2	Sanbornton	
	Tilton	2
District No. 3	Meredith	2
District No. 4	Laconia Wards 1-6	5
District No. 5	Alton	
	Barnstead	
	Belmont	
	Gilford	7
District No. 6	Gilmanton	1
	II. Carroll County	
District No. 1	Bartlett	
	Chatham	
	Conway	
	Hale's Location	
	Hart's Location	
	Jackson	4
District No. 2	Albany	
	Eaton	
	Madison	1
District No. 3	Freedom	
	Ossipee	
	Sandwich	
	Tamworth	3
District No. 4	Moultonborough	
	Tuftonboro	
	Wolfeboro	4
District No. 5	Brookfield	
	Effingham	
	Wakefield	2
	III. Cheshire County	
District No. 1	Gilsum	
	Surry	
	Westmoreland	1
District No. 2	Alstead	
	Marlow	
	Nelson	
	Roxbury	
	Stoddard	
	Sullivan	
	Walpole	3
District No. 3	Keene Wards 1-5	7
District No. 4	Chesterfield	
	Hinsdale	
	Winchester	4
District No. 5	Fitzwilliam	
	Richmond	1
District No. 6	Harrisville	
	Marlborough	
	Swanzey	
	Troy	4
District No. 7	Dublin	
	Jaffrey	
	Rindge	4
	IV. Coos County	
District No. 1	Atkinson & Gilmanton Academy Grant	
	Cambridge	
	Clarksville	
	Colebrook	
	Columbia	
	Dix's Grant	

District No. 2	Dixville	
	Dummer	
	Errol	
	Erving's Location	
	Millsfield	
	Odell	
	Pittsburg	
	Second College Grant	
	Stewartstown	
	Wentworth's Location	2
District No. 3	Carroll	
	Dalton	
	Jefferson	
	Kilkenny	
	Lancaster	
	Northumberland	
	Randolph	
	Stark	
	Stratford	
	Whitefield	4
District No. 4	Bean's Grant	
	Bean's Purchase	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Low and Burbank's Grant	
	Martin's Location	
District No. 1	Pinkham's Grant	
	Sargent's Purchase	
	Shelburne	
	Thompson and Meserve's Purchase	1
	Berlin Wards 1-4	
	Milan	
	Success	4
	V. Grafton County	
	Littleton	
	Lyman	2
District No. 2	Bethlehem	
District No. 3	Franconia	1
	Bath	
	Easton	
	Landaff	
	Lincoln	
	Lisbon	
	Livermore	
	Monroe	
	Sugar Hill	
	Waterville Valley	2
District No. 4	Thornton	
District No. 5	Woodstock	1
	Benton	
	Haverhill	
	Piermont	
	Warren	2
	Campton	
	Ellsworth	
	Orford	
	Rumney	
	Wentworth	2
District No. 7	Hebron	

District No. 8	Plymouth	2
	Alexandria	
	Ashland	
	Bridgewater	
	Bristol	
	Groton	
District No. 9	Holderness	3
	Hanover	
	Lyme	4
District No. 10	Canaan	
	Dorchester	
	Enfield	
	Grafton	
	Orange	3
District No. 11	Lebanon Wards 1-3	4
	VI. Hillsborough County	
District No. 1	Antrim	
	Hancock	
	Hillsborough	
	Windsor	3
District No. 2	Bennington	
	Deering	
	Francestown	
	Greenfield	2
District No. 3	Greenville	
	New Ipswich	
	Peterborough	
	Sharon	4
District No. 4	Lyndeborough	
	Mont Vernon	
	New Boston	
	Temple	
	Wilton	4
District No. 5	Brookline	
	Hollis	
District No. 6	Mason	4
	Amherst	
	Milford	8
District No. 7	Goffstown	
	Weare	8
District No. 8	Manchester Ward 1	3
District No. 9	Manchester Ward 2	3
District No. 10	Manchester Ward 3	3
District No. 11	Manchester Ward 4	3
District No. 12	Manchester Ward 5	3
District No. 13	Manchester Ward 6	3
District No. 14	Manchester Ward 7	3
District No. 15	Manchester Ward 8	3
District No. 16	Manchester Ward 9	3
District No. 17	Manchester Wards 10, 11, and 12	8
District No. 18	Bedford	6
District No. 19	Merrimack	8
District No. 20	Nashua Ward 1	3
District No. 21	Nashua Ward 2	3
District No. 22	Nashua Ward 3	3
District No. 23	Nashua Ward 4	3
District No. 24	Nashua Ward 6	3
District No. 25	Nashua Ward 7	3
District No. 26	Nashua Wards 5, 8, and 9	10
District No. 27	Hudson	
	Litchfield	
	Pelham	13
	VII. Merrimack County	

District No. 1	Danbury	
	New London	
	Wilmot	2
District No. 2	Franklin Wards 1-3	
	Hill	3
District No. 3	Newbury	
	Sutton	1
District No. 4	Hopkinton	
	Warner	
	Webster	3
District No. 5	Bradford	
	Henniker	2
District No. 6	Andover	
	Boscawen	
	Canterbury	
	Loudon	
	Northfield	
	Salisbury	6
District No. 7	Chichester	
	Pembroke	3
District No. 8	Allenstown	
	Epsom	
	Pittsfield	4
District No. 9	Hooksett	4
District No. 10	Concord Wards 1, 2, and 3	4
District No. 11	Concord Wards 4, 8, 9, and 10	5
District No. 12	Concord Wards 5, 6, and 7	4
District No. 13	Bow	
	Dunbarton	3
	VIII. Rockingham County	
District No. 1	Candia	
	Deerfield	
	Northwood	
	Nottingham	5
District No. 2	Raymond	3
District No. 3	Auburn	
	Londonderry	9
District No. 4	Salem	
	Windham	13
District No. 5	Derry	11
District No. 6	Atkinson	2
District No. 7	Chester	
	Danville	
	Sandown	4
District No. 8	Hampstead	
	Kingston	
	Plaistow	7
District No. 9	Epping	
	Fremont	3
District No. 10	Brentwood	1
District No. 11	East Kingston	
	Newton	2
District No. 12	Newfields	
	Newmarket	3
District No. 13	Exeter	
	North Hampton	
	Stratham	8
District No. 14	Hampton Falls	
	Kensington	
	Seabrook	
	South Hampton	4
District No. 15	Hampton	5
District No. 16	Newington	

	Portsmouth Wards 1-5	7
District No. 17	Greenland	1
District No. 18	New Castle	
	Rye	2
	IX. Strafford County	
District No. 1	Rochester Wards 1-6	9
District No. 2	Rollinsford	
	Somersworth Wards 1-5	5
District No. 3	Barrington	
	Farmington	
	Middleton	
	Milton	
	New Durham	
	Strafford	8
District No. 4	Dover Wards 1 and 2	3
District No. 5	Dover Wards 3 and 4	3
District No. 6	Dover Wards 5 and 6	3
District No. 7	Durham	
	Lee	
	Madbury	6
	X. Sullivan County	
District No. 1	Cornish	
	Grantham	
	Plainfield	2
District No. 2	Croydon	
	Goshen	
	Newport	
	Springfield	
	Washington	3
District No. 3	Sunapee	1
District No. 4	Claremont Wards 1-3	
	Lempster	
	Unity	5
District No. 5	Acworth	
	Charlestown	
	Langdon	2

2 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2004 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2004 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2002 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2003.

3 Contingency. If HB 264 of the 2004 regular session becomes law, sections 1 and 2 of this act shall take effect at 12:01 a.m. on the effective date of HB 264. If HB 264 does not become law, sections 1 and 2 of this act shall take 60 days after its passage.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect upon its passage.

2004-0391h

Floor Amendment to HB 1292

Proposed by Rep. Malloy

Amend RSA 662:5, VI as inserted by section 1 of the bill by replacing it with the following:

	VI. Hillsborough County	
District No. 1	Antrim	
	Hancock	
	Hillsborough	
	Windsor	3
District No. 2	Bennington	
	Deering	
	Francestown	
	Greenfield	2
District No. 3	Greenville	
	New Ipswich	
	Peterborough	

	Sharon	4
District No. 4	Lyndeborough	
	Mont Vernon	
	New Boston	
	Temple	
	Wilton	4
District No. 5	Brookline	
	Hollis	
	Mason	4
District No. 6	Amherst	
	Milford	8
District No. 7	Goffstown	
	Weare	8
District No. 8	Manchester Ward 1	3
District No. 9	Manchester Ward 2	3
District No. 10	Manchester Ward 3	3
District No. 11	Manchester Ward 4	3
District No. 12	Manchester Ward 5	3
District No. 13	Manchester Ward 6	3
District No. 14	Manchester Ward 7	3
District No. 15	Manchester Ward 8	3
District No. 16	Manchester Ward 9	3
District No. 17	Manchester Wards 10, 11, and 12	8
District No. 18	Bedford	6
District No. 19	Merrimack	8
District No. 20	Nashua Ward 1	3
District No. 21	Nashua Ward 2	3
District No. 22	Nashua Ward 3	3
District No. 23	Nashua Ward 4	3
District No. 24	Nashua Ward 6	3
District No. 25	Nashua Ward 7	3
District No. 26	Nashua Wards 5, 8, and 9	10
District No. 27	Hudson	
	Litchfield	10
District No. 28	Pelham	3
2004-0168h		

Amendment to HB 1298

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

AN ACT establishing a committee to study local dispute resolution for public employee labor relations.

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

1 Committee Established. There is established a committee to study dispute resolution within the context of public employee labor relations and the feasibility of creating enabling legislation to allow towns to establish a dispute resolution process for their employees.

2 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members 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 study dispute resolution within the context of public employee labor relations and the feasibility of creating enabling legislation to allow towns to establish a dispute resolution process for their employees. The committee shall also study any issues that might arise relative to the public employee labor relations board and ways to resolve them.

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 senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

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

AMENDED ANALYSIS

This bill establishes a committee to study local dispute resolution for public employee labor relations.

2004-0275h

Amendment to HB 1299

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

- 1 Removal of Town Clerk. Amend RSA 41:16-c, I and II to read as follows:
- I. The governing body shall notify *by certified mail with return receipt* the town clerk and the commissioner of the department of revenue administration of its intention to proceed under this section by providing a written explanation and justification for the removal, along with a copy of the audit findings.
- II.(a) Within 20 days of receiving the notification provided in paragraph I, the town clerk shall respond to the alleged irregularities, material error, or failure to timely deposit funds. The response shall be submitted to the governing body and the commissioner of the department of revenue administration and shall include written comment on each audit finding.
- (b) If the town clerk fails to respond at any step in the process under this section within the prescribed period of time, then the governing body shall be permitted to remove the town clerk from office as provided in paragraph V.**

Amend the bill by replacing section 3 with the following:

- 3 Removal of Tax Collector. Amend RSA 41:40, I and II to read as follows:
- I. The governing body shall notify *by certified mail with return receipt* the tax collector and the commissioner of the department of revenue administration of its intention to proceed under this section by providing a written explanation and justification for the removal, along with a copy of the audit findings.
- II.(a) Within 20 days of receiving the notification provided in paragraph I, the tax collector shall respond to the alleged irregularities, material error, or failure to timely deposit funds. The response shall be submitted to the governing body and the commissioner of the department of revenue administration and shall include written comment on each audit finding.
- (b) If the tax collector fails to respond at any step in the process under this section within the prescribed period of time, then the governing body shall be permitted to remove the tax collector from office as provided in paragraph V.**
- 2004-0424h

Amendment to HB 1308-FN

Proposed by the Committee on Legislative Administration - C

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

- 1 Lobbyists; Registration. Amend RSA 15:1 to read as follows:
- 15:1 Registration. Any person who is employed for a consideration by any other person, *except the state of New Hampshire*, in a representative capacity to promote or oppose directly or indirectly any legislation pending or proposed before the general court shall first enter his *or her* appearance with the secretary of state in a book to be kept for that purpose, which book shall be open to public inspection. Such entry shall show the full names of employer and employed, their respective residences, the usual occupation of each, the date and character of the employment or agreement therefor, the duration of the employment if it can be determined, and the special subjects of legislation, if any, to which the employment relates. If the employment varies from time to time, such entries shall be varied accordingly. All registrations required under this section shall expire on December 1.
- 2 New Paragraph; Lobbyists; Name Tag; State Employees. Amend RSA 15:2-a by inserting after paragraph II the following new paragraph:
- III. State employees appearing in their official capacity before any legislative meeting or hearing for the purpose of promoting or opposing directly or indirectly any legislation pending or proposed before the general court shall wear their employee identification badges.

AMENDED ANALYSIS

This bill exempts state employees from the lobbyist registration law.

2004-0025h

Amendment to HB 1352-FN

Proposed by the Majority of the Committee on Education - R

Amend RSA 189:11-a, VI as inserted by section 2 of the bill by replacing it with the following:

- VI. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to a model physical activity policy and distribute such policy to each public school in the state.
- AMENDED ANALYSIS**
- This bill requires the local school board and the state board of education to develop and implement through rules a policy recommending that each pupil participate in developmentally appropriate daily physical activity and exercise as way of minimizing certain childhood health problems.
- 2004-0181h

Amendment to HB 1376

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

AN ACT relative to agency fees assessed pursuant to public employer collective bargaining agreements.

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

- 1 New Paragraph; Definitions; Agency Fee. Amend RSA 273-A:1 by inserting after paragraph XI the following new paragraph:
- XII. "Agency Fee" means the financial payment assessed upon non-members of an employee organization, certified by the board as the exclusive representative of a bargaining unit, to defray the cost of representation of the unit.
- 2 New Paragraph; Obligation to Bargain; Agency Fee; Notice of Rights. Amend RSA 273-A:3 by inserting after paragraph IV the following new paragraph:
- V. In the event that an agreement negotiated under this section contains an agency fee provision, the exclusive representative shall inform non-member, agency fee payers that they have a right to an explanation of the basis of the agency fee and the opportunity

to challenge the amount of the fee before an impartial decision maker.

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

AMENDED ANALYSIS

This bill defines “agency fee” for purposes of public employer collective bargaining and requires the exclusive representative of the bargaining unit to provide certain information to non-member, agency fee paying employees.

2004-0220h

Amendment to HB 1401-FN

Proposed by the Committee on Transportation - C

Amend RSA 265:15, II(c) as inserted by section 1 of the bill by replacing it with the following:

- (c) *This paragraph shall not apply to:*
- (1) *Federal, state, or local law enforcement personnel while in the course of their official duties.*
 - (2) *Firefighters while in the course of their official duties.*
 - (3) *Emergency medical services personnel while in the course of their official duties.*
 - (4) *State or municipal department of transportation or highway personnel while in the course of their official duties.*

AMENDED ANALYSIS

This bill prohibits the use of traffic signal preemption devices, except for official use by federal, state, or local law enforcement personnel, firefighters, emergency medical services personnel, and state or municipal department of transportation or highway personnel.

2004-0186h

Amendment to HB 1410

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 release of information to persons receiving a child for placement.

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

I Residential Care and Child-Placing Agency Licensing; Rulemaking Relative to the Release of Information to Placements.

Amend RSA 170-E:34(g) to read as follows:

(g) The release of information to persons receiving the child which pertains to the life and safety of the child either about to be placed or already in placement, and which may pertain to the life and safety of the persons who are receiving or who have received the child for placement, *including any physical and mental health issues, history of abuse or neglect, behaviors that may be expected, and recommended ways of handling the child’s problems.* For purposes of this subparagraph, placement shall mean out-of-home placements, including placements for adoption.

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

AMENDED ANALYSIS

This bill provides that the department of health and human services shall adopt rules requiring the department to disclose a child’s social and emotional history, including physical and mental health issues, to the person with whom the child is placed.