

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, April 9, 2004

No. 26

Contains: Reports and Amendments for April 15, Order Form for the 2003 and 2004 Permanent Journals, Hearings and Notices

HOUSE CALENDAR

A MESSAGE FROM THE SPEAKER

MEMBERS OF THE HOUSE:

The House will meet in session on **Thursday, April 15**, April 22, Wednesday, May 5, Thursday, May 6 and Wednesday, May 26 at 10:00 a.m. Please reserve Thursday, April 29, Thursday, May 13, and Tuesday, May 25, as possible session days depending on the workload.

The House will celebrate Tartan Day on Thursday, April 15. Members are encouraged to wear their clan tartan or the NH Tartan.

Chairmen and Vice Chairmen will meet on Tuesday, April 13, at 9:00 a.m. in Room 201, LOB.

Speaker Gene G. Chandler

NOTICE

There will be a Republican Caucus on Thursday, **April 15** at 9:15 a.m. in Representatives Hall.
Rep. David W. Hess, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, **April 15** at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.
Rep. Peter H. Burling, Democratic Leader

NOTICE

Members should please take note of the listing in the House Calendar of "House Bills Amended by the Senate." This listing is provided to make you aware of Senate amendments and to give you a chance to review them in advance of House floor action. The House has three options in response to Senate amendments. The House can vote to: concur with the Senate amendment; non-concur with the Senate amendment; or non-concur with the Senate amendment and request a committee of conference. The committee chairman or a committee member will explain from the podium the committee recommendation

and reasoning before you will be asked to vote.

Speaker Gene G. Chandler

NOTICE

The House class photo will be taken in Representatives Hall on the morning of Thursday, April 22nd. Class photos (approx. 6 x 18 in. on a 13 x 19 in. sheet) are available for purchase at \$30.00 each. Members who know that they would like a class photo are encouraged to pre-order with Danielle in the Speaker's Office to ensure timely delivery. Payment by cash or check is required at the time of order. Checks should be made payable to Bill Finney.

Speaker Gene G. Chandler

LEGISLATIVE HEALTH SCREENING DAY

All Legislators and Legislative staff are MOST welcome and ENCOURAGED to attend the Legislative Health Screening Day on Wednesday, **April 14** from 9:00 a.m. to 1:00 p.m. in Rooms 305-307 and 306-308, LOB. Blood pressure monitoring, diabetes screening, oral health, glaucoma testing, and information about osteoporosis, nutrition and medications are just a few of the activities and topics to be addressed. More than 20 agencies and health care professionals from several areas of the state will be participating. PLEASE mark your calendars and plan to attend. For more information please call or come to visit Health Services, Room 30, State House, 271-2757.

Jeanne Berube, RN and Barbara Leahy, RN

THURSDAY, APRIL 15 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 416, relative to membership of the advisory committee on child care. **OUGHT TO PASS**

Rep. Mary Stuart Gile for Children and Family Law: This bill amends RSA 126-A:17 to change the membership of the NH Child Care Advisory Council (NHCCAC) to reflect the new status of two previous membership associations, namely, the NH Child Care Association and the NH Family Child Care Association. In 2003, both associations merged with two other organizations, the Business Partnership and Invest in Kids to form Early Learning, NH. This is a housekeeping bill to ensure continued representation from direct care and service providers. This bill enables Early Learning, NH to appoint two representatives to the NHCCAC and specifies that one must be from center based child care and the second from the family child care community.

Vote 12-0.

COMMERCE

SB 207, relative to transactions exempt from the consumer protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The intent of this legislation as amended is to clarify that Retail Installment Contracts for the sale of motor vehicles, RSA 361-A, are included in the New Hampshire Banking Department exemptions under the Consumer Protection Act. To be clear, the intent of the legislature is to only exempt from the Consumer Protection Act automobile dealer transactions regarding retail installment contracts. Any unfair or deceptive trade practice conducted by this industry outside of the scope of RSA 361-A is still exclusively under the jurisdiction of the State Consumer Protection Act at RSA 358-A. This bill also requires the Banking Commissioner to designate specific personnel to respond to consumer complaints. This legislation also requires the Banking Commission to request the assistance of the Consumer Protection and Antitrust Bureau when appropriate. This legislation also makes illegal "spot" deliveries. A spot delivery occurs when a consumer trades in a motor vehicle and receives delivery of the new vehicle before the retail installment sales contract has been assigned. Under this bill, the car dealer may not dispose of the consumer's trade-in until the loan is finalized. The committee received a lot of testimony on these issues. The attorney general's position throughout the hearing process was that transactions subject to RSA 361-A should not be exempt from the Consumer Protection Act. The deputy attorney general testified that the attorney general's office currently process complaints against car dealers regarding retail installment sales

and does so efficiently and effectively, and there is no need to transfer jurisdiction. However, the legislature wishes to continue with its goal that regulated industries should only be regulated by one entity, and with respect to retail installment contracts, the banking department should have jurisdiction. The committee will not hesitate to revisit this issue in the event that the banking department does not effectively handle consumer complaints relating to violations of RSA 361-A. **Vote 13-0.**

SB 345, exempting payroll accounts from trustee process. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: Under present law, if a business files bankruptcy, the court through its trustee can attach all of the assets of the organization, including the employee payroll account. Any funds in these accounts can then be used to satisfy the claims of creditors. This bill exempts funds in payroll accounts from the reach of the trustee. The court can require an audit of the account to assure that the funds in the account were legitimately accrued and not fraudulently conveyed. **Vote 14-0.**

SB 400, relative to real estate appraisals conducted for mortgage loan applicants. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: One of the co-sponsors acknowledged that this proposed legislation was introduced at the behest of a constituent. Apparently, what had occurred was that the constituent had applied for a mortgage and as is the mortgagee's routine, an appraisal of the property had been requested. The appraiser requested of the borrower the fee for the work before it was done. Subsequently, when the borrower requested a copy of the appraisal, that request was denied. The theory being that although the borrower underwrote the cost of the appraisal, the appraisal itself was a work product of the mortgagee. After reviewing the current law, the committee felt the law does not need to be changed. The proposed legislation would not have addressed the constituent's concern. **Vote 13-0.**

SB 428, establishing a committee to study the protection of consumers from unfair lending practices. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: The purpose of this bill is to study "predatory" lending practices in New Hampshire. The bill is in response to legislation that was passed last year regulating "payday loans" and "title loans". The State of New Hampshire does not have a "usury law" and does not regulate or cap interest rates. While we recognize that high risk/high rate lending has the potential for abuse, the new regulatory scheme just went into effect in July of 2003 and it is premature to study this issue until our banking department has time to accumulate data and investigate complaints. The banking department reports that in the last 36 months eight complaints have been filed against small loan lenders including: 1 co-sign issue, 2 debit collection practices, 1 high interest rate, 2 repossessions of a car, 1 treatment of confidential information and 1 loan payoff.

Vote 12-1.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 325-FN-L, relative to penalties for a false report to a law enforcement officer. **INEXPEDIENT TO LEGISLATE**

Rep. E. Albert Weare for Criminal Justice and Public Safety: Presently making a false report to a law enforcement is a misdemeanor crime. This bill would make it a class "B" felony. The sponsor's intent was to make this crime to be commensurate to the crime falsely reported. However, this would create conflict with other sections of the criminal code. **Vote 15-0.**

SB 339-FN, relative to the involuntary commitment of certain persons found not competent to stand trial for certain criminal offenses. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: The intent of this bill was to simplify involuntary admission standards for persons not competent to stand trial who have mental retardation. The current statute 171-B:4, Petition, III states a certificate from a physician, psychiatrist or psychologist who shall have experience and training in mental retardation, who has examined the person, and reviewed the condition or behavior of the person sought to be admitted within 10 days of the date the petition is filed and who agrees that, based on this examination, such person satisfies RSA 171-B:2, IV and V (the person has mental retardation and poses a potentially serious likelihood of danger to others). The aforementioned section of the statute was removed by the bill, thus eliminating the need for an exam by a qualified technician. The committee felt that the current statute serves us well and takes into consideration the rights of the accused, as well as the rights of the victim and general public. **Vote 16-0.**

SB 347-FN, relative to financial responsibility and conduct after an OHRV accident. **OUGHT TO PASS**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill updates New Hampshire law as to conduct after an accident of OHRV's upon a public way. With the passage and signing of this bill, all operators of OHRV's must conform to the same responsibility required of the operator of a motor vehicle, to stop, give his name, address, registration, and to report the accident to the nearest police officers. To be succinct, all provisions of New Hampshire's Financial Responsibility Law now apply to OHRV's. This follows another bill, SB 424, in which the committee brought up to date the penalties, reporting requirements, and other pertinent regulations as to a vessel (boat) upon the waterways of the state. **Vote 11-0.**

SB 360, requiring written notification concerning certain offenders against children. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would require written notification to neighbors when an offender against children moves to their neighborhood. Although the committee was sympathetic to the parents' concerns, it felt this bill was unnecessary. Municipalities currently have this ability and everyone has access to the sex offender registry on

line. **Vote 14-1.**

SB 364, increasing the penalties for littering. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill, increasing the penalties for littering, does show good faith. However the fact is that we have laws in place that are not fully enforced by law enforcement and the court system. We need not try to restructure this any more. Testimony that there was a total of only 24 violations statewide last year proves the state isn't serious about litter. **Vote 15-0.**

SB 392, relative to criminal responsibility for certain offenses committed by persons 13 years of age or older. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill straightens out an error discovered following a reprint of a committee of conference report in the last session. RSA 628:1 was changed last session to allow the superior court to hold a hearing to determine whether a person charged with a serious crime as outlined in 628:1, II, after his or her 17th birthday, for an offense allegedly committed when such person was 13 years of age, but less than 15 years of age, to determine, based on the preponderance of the evidence, whether the defendant may be held criminally responsible. If a person is charged prior to his or her 17th birthday for a crime outlined in 628:1 II as previously mentioned, the hearing is held in juvenile court to determine if he or she should be certified to be tried in superior court. Once a person reaches 17, they are considered an adult and the juvenile court loses jurisdiction. RSA 169-B 24 V, is being repealed as was intended last year, because it conflicts with RSA 628:1, II and made it moot. **Vote 16-0.**

SB 424-FN, relative to boating and carnival-amusement regulation by the department of safety. **OUGHT TO PASS**

Rep. E. Albert Weare for Criminal Justice and Public Safety: This bill modifies requirements for reporting boating accidents and requires the operator of a vessel involved in an accident to render any assistance to the victims of any accident they are capable of rendering and to report the same immediately to the appropriate authority. It additionally set forth a penalty for false reporting of accidents to any law enforcement officers or the Department of Safety concerning an accident or alleged accident. This bill further sets forth the requirements and procedures for the establishment of safety and security zones on public and coastal waters of the state in cases of emergency requiring prompt action. Additionally, this bill sets forth certain carnival and amusement ride definitions and authorizes the Commissioner of Safety pursuant to RSA 541-A to establish rules for the safe installation, maintenance, use, operation and inspection of all carnival and amusement rides. **Vote 14-0.**

SB 439, relative to probationary drivers' licenses. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill repeals the requirement that a driver under the age of 21 years, who is convicted of unlawful possession of alcohol under RSA 179:10, be issued a probationary license until he or she reaches the age of 21 years. No one appeared in opposition to this bill and the Department of Safety appeared to support the bill. It seemed unreasonable to restrict a person's driver's license for a crime where no operation of a vehicle is involved. The committee was unanimous in support of ought to pass. **Vote 14-0.**

SB 510-FN, relative to simple assault. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The bill, as adopted by the Senate, adds the requirement that the actor "intended to do harm" to the culpable mental state. The result of this change would drastically alter the criminal code, not just simple assault but the domestic violence statutes and allow conduct that is now prohibited to occur without penalty. Unprivileged physical contact is often the charge utilized when a sexual assault occurs that requires proof that the touching occurred for sexual gratification and the element of sexual gratification can't be proven. This allows the actor who pats or grabs a portion of the anatomy that is covered under the sexual assault statutes to be charged that they knowingly caused unprivileged conduct by grabbing or touching that part of the anatomy. The bill would allow a person to push/shove another or to poke a finger onto a person's chest repeatedly without recourse as long as they claim no "intent to harm". Testimony disclosed no anecdotal evidence of abuse of the current law. There were only two other incidents that were related to the committee and they had occurred in the distant past. The committee felt strongly that to change the current law would create a great deal of harm when there was no showing that a problem existed. **Vote 15-1.**

SB 511-FN, relative to the penalties for rioting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill makes it a Class B felony to knowingly throw, or cause to propel, any object or substance of any kind at any uniformed law enforcement or uniformed emergency responder regardless of whether such object actually strikes the officer or emergency responder. This is part of the riot section of the Breach of Peace Law. There was considerable testimony from police chiefs, university representatives, and the Attorney General in support of this bill because of acts perpetrated against law enforcement officers during the recent disturbances in Durham. One person, speaking in opposition, said that this bill would allow prosecutors to charge a person who threw confetti at a law enforcement officer or emergency responder with a Class B felony. While the bill does state "any object" common sense would dictate that no prosecutor or police chief would risk their reputation before the court by bringing a frivolous charge for throwing innocuous, harmless objects and since the charge is a felony, the case could only be brought by the Attorney General or a County Attorney. **Vote 17-0.**

EDUCATION

SB 333-FN, establishing a unique pupil identification system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael A. Balboni for Education: The establishment of a unique pupil identifier is essential to the implementation of a statewide system of student data collection to meet the policy development, program improvement, and program accountability needs of our school districts and state. The implementation of a unique student identifier has several advantages toward the goal of improving pupil achievement. The state collection of individual pupil data is required to (1) account for pupil transfers between schools, (2) respond to the needs of superintendents and administrators to perform gains-based analysis of pupil progress, (3) help minimize the dropout risk for children under the age of 16, (4) improve the ability to make sound policy decisions for the purpose of pupil achievement and improvement, (5) improve the accuracy of existing aggregate data requests, (6) provide reliable data to the citizens of New Hampshire, and (7) reduce the burden on school districts in collecting aggregated data. In order to maintain personal privacy, the amendment to the bill addresses several privacy and security concerns regarding the information collected and maintained by the state. The amendment also provides direct legislative oversight of the process. **Vote 11-0.**

SB 351-FN, relative to concurrent enrollment at regional vocational education centers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: This bill was at the request of the Department of Education and seeks to clarify the financial responsibilities for students concurrently enrolled in their regular high school and a regional vocational education center. **Vote 13-0.**

SB 352-FN-L, relative to computing school building aid grant amounts. **OUGHT TO PASS**

Rep. John Alger for Education: The bill was a request of the Department of Education to clarify state building aid law. Funds received by school districts from trusts, bequests, gifts and insurance policies will no longer be eligible for computing building aid growth. **Vote 13-0.**

SB 418, relative to voting procedures in the Hanover school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael A. Balboni for Education: The bill enables the Hanover school district to adopt and implement a method of voting on warrant articles similar to procedures used by the Dresden, VT school district and to hold school district elections to coincide with voting in the Dresden school district. The amendment clarifies the question presented to the voters on the official ballot by listing every provision to be adopted. If the question is adopted by the voters of Hanover, they would be adopting many of the provisions of an SB2 town. The amendment, therefore, specifies that a 3/5 majority of those voting on the question is required for its adoption. This coincides with the 60% needed for a town to adopt the provisions of SB2. Both sponsors of the original bill agreed to these changes. **Vote 11-0.**

SB 451, giving degree-granting authority to the Hellenic American University and the St. Joseph's School of Nursing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: This bill, unanimously passed by the committee, gives degree-granting authority to the Hellenic American University. During testimony, we learned that the HAU is an outgrowth of the Hellenic American Union, founded in 1957. This Charter will allow the University to continue working to provide degrees to its students subject to the authority of the NH Post-Secondary Education Commission. Additionally, the bill gives degree-granting authority to St. Joseph School of Nursing following the same review of the Post Secondary Education Commission. **Vote 13-0.**

ELECTION LAW**SB 311**, relative to civil penalties for unlawful campaign practices. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Election Law: This bill received a strong vote in the Election Law Committee because we support the authorization of civil penalties for violation of laws prohibiting distribution of campaign materials at polling places, anonymous push-polling, improper removal, defacing, or destroying of political advertising, and misrepresenting a candidate without authorization. These violations will be handled by the Attorney General's Office, and any civil penalties paid will be deposited in the election fund established pursuant to RSA 5:6-d. **Vote 10-1.**

SB 489, relative to requests for special elections. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: This bill proposed that in a multi-ward/town district, a majority of the wards/towns be required to call for a special election in case of a vacancy. An amendment proposed that no special election be held after March 15 of the 2nd year of the biennium. In the hearing, questions indicated there would be many unintended consequences. For instance, in multi-ward districts, would the decision makers requesting a special election be selectmen, aldermen, or councilors. The problem would grow with combined districts including cities and towns. We trust the common sense of towns/wards requesting a special election to use fiscal and common sense in scheduling special elections, whenever possible with timely regularly scheduled elections. The unanimous belief was that existing law preserves the very important principle of fair representation. **Vote 11-0.**

SB 527, relative to sessions for correction of checklists. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The sponsors of this bill requested that the committee find the bill ITL because the problem that the bill attempted to rectify was found by the Attorney General's Office not to exist. **Vote 11-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HJR 25, requested by the joint legislative committee on administrative rules relative to a certain rule proposed by the department of transportation. **OUGHT TO PASS**

Rep. Nelson S. Allan for Executive Departments and Administration: This Joint Resolution of the House prohibits the Department of Transportation from adopting proposed Administrative Rule Tra 601.15 and establishes a committee to study the issue of advertising signs in the state rights-of-way in light of the possible conflict with federal law and the state and federal constitutions, and to determine whether there are alternatives that would not have the potential for loss of federal highway funds to the state. The Joint Legislative Committee on Administrative Rules voted on December 4, 2003 to enter a final objection to a rule proposed by the Department of Transportation, Tra 601.15, which allows businesses with driveway access to a highway to place advertising signs within the state right-of-way. The objection was on the grounds that it is contrary to legislative intent because it violates federal statutes and regulations, violates the New Hampshire and United States Constitutions, and has a substantial economic impact not recognized in the fiscal impact statement. The study committee shall report its findings and any recommendations for proposed legislation by November 1, 2004. **Vote 9-2.**

HJR 26, prohibiting the liquor commission from adopting proposed administrative rule Liq 404.05(d)(3). **OUGHT TO PASS**
Rep. Nelson S. Allan for Executive Departments and Administration: This Joint Resolution of the House prohibits the Liquor Commission from adopting proposed administrative rule Liq 404.05(d)(3) as contained in proposal 2003-30 and directs the House Commerce Committee and the Senate Executive Departments and Administration Committee to review whether the general court should establish occupancy requirements for extended service areas under RSA 178:24. In proposal 2003-30 to the Joint Legislative Committee on Administrative Rules, the Liquor Commission proposed Administrative Rule Liq 404.05(d)(3) relative to the requirement for certain liquor licensees to extend their service to areas outside their licensed premises. The Joint Legislative Committee on Administrative Rules voted on September 18, 2003 to enter a final objection and to sponsor a Joint Resolution on the grounds that the Liquor Commission has exceeded its authority by establishing occupancy requirements for the service area while the general court has elected not to establish such requirements, and that the municipal notice provisions are not clear and understandable, and are therefore not in the public interest. **Vote 11-1.**

SB 329-FN, relative to the recovery by the retirement system of the overpayment of benefit amounts. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill adds to the administrative section of RSA 100-A:14 and makes it clear that the board of trustees shall have the authority to recover for its members benefits deemed not payable under this chapter as a result of a death of any retiree or beneficiary, or as a result of a remarriage of a spouse in receipt of benefits. The amendment to this bill covers medical benefits to group II police and fire personnel employed after June 30, 2004, who may become disabled during their term of service. Usually a two year housekeeping matter, this bill has been put in on a yearly basis since the reduction in the special accounts due to market conditions and other utilization of funds. This matter was contained in a previous Senate bill found inexpedient to legislate due to other matters and costs. **Vote 15-2.**

SB 330-FN, relative to creditable service of retirement system members reemployed after qualifying military service. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill is relative to the accrual of and payment of creditable service of retirement system members who enter military service as defined in federal law and become re-employed by the state or political subdivision that is a member of the retirement system at the end of their service period. It brings the New Hampshire Retirement System into compliance with Uniformed Service Employment and Reemployment Act (USERRA). There was some question as to whether a 28-a issue was involved with the employer portion of the buy back time, but this is made mandatory not by the state but by the federal government for veterans of the uniformed services. **Vote 15-0.**

SB 338-FN, relative to the purchase of prior service credit by certain political subdivision employee members. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill is enabling legislation that allows certain political subdivision employee members of the retirement system to purchase prior service credit where the member participated in a local retirement system not previously approved by the legislature without affecting the federal tax-exempt status of the New Hampshire Retirement System. Section 1 of the bill has been amended to allow the political subdivisions involved additional time to comply with the requirements of the bill. Section 2 of the amendment repeals RSA 100-A:16,I (c) relative to additional contributions by or on behalf of a member. Section 3 of the amendment modifies RSA 100-A:4-b, I(c) the section of the retirement statute involving Group I credit for out of state service involving membership and application times by eliminating constraining time criteria which would have prohibited such purchases. **Vote 16-1.**

SB 355, relative to the regulation and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill provides for voluntary certification of persons engaged in the business of servicing, installing or maintaining fire extinguishes, fire suppression devices and fire alarm detection systems. **Vote 17-0.**

SB 380, establishing a statewide incident command system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill authorizes the commissioner of the department of safety to establish a statewide incident command system based on a federal model for emergency management. The statute is needed to allow the State of New Hampshire to apply for and receive Homeland Security funds. **Vote 17-0.**

SB 402, relative to an optional retirement annuity benefit for members of the Manchester retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William L. Zolla for Executive Departments and Administration: This bill allows for an optional retirement annuity benefit for members of the Manchester retirement system. The provisions of the bill are subject to a referendum vote by the voters of Manchester. The legislature authorized the creation of the Manchester retirement system in 1973 and as such, must approve all changes thereto prior to local approval. The amendment to the bill requires, subject to referendum approval, that the approved referendum take effect on July 1, 2005. **Vote 16-0.**

SB 409-FN, revising the vocational school licensing statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The bill revises the definitions, exclusion fee structure and licensing requirements for private post- secondary career schools. The bill also enhances the commission's authority to address violations of this statute. The bill defines the new student tuition guarantee fund alternative to the current surety bond for tuition guarantees. The bill makes provision for the discontinuance of the surety bond when the student tuition guarantee fund is adequately funded. **Vote 18-0.**

SB 432-FN, establishing a division of emergency services, communications, and management, a division of fire standards and training and emergency medical services and a division of fire safety in the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: This is a housekeeping measure to put into statute changes made last year within the Department of Safety. The Division of Fire Standards and Training had the addition of Emergency Medical Services added. Fire Safety is now a stand-alone division. The Office of Emergency Management and Emergency Communications were combined to create a division within the Department of Safety. **Vote 15-3.**

SB 469, relative to licensing of boiler inspectors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill would have boiler inspectors renew their license every year instead of every two years. In doing this, the industry will become more in line with the national board on which the state relies heavily for licensing our boiler inspectors. **Vote 14-0.**

SB 470-FN, relative to funding for the physician effectiveness program. **OUGHT TO PASS**

Rep. William L. Zolla for Executive Departments and Administration: This bill increases from \$20.00 to \$30.00 the amount from each medical license renewal to provide for the physicians effectiveness program. The program is to ensure that physicians whose effectiveness becomes impaired due to physical, mental, addiction or other problems can be helped by their own organization in the protection and care of their patients. The Board of Medicine stated that there are 4495 physicians licensed to practice in New Hampshire and that licenses are renewed every other year. **Vote 17-0.**

SB 497-FN, relative to renewal of electrician's licenses. **OUGHT TO PASS**

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill changes the license renewal for electricians from one year to three years. This will allow the license cycle to coincide with the 3-year revision of the National Electrical Code and the currently existing continuing education requirement cycle. The bill also calls for registration of apprentice electricians with the board. **Vote 14-0.**

SB 499, making a change to the electrician licensing exemption. **OUGHT TO PASS**

Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill clarifies that only the owner of a single family occupied residence may make electrical installations without being a licensed electrician. The bill also extends the exemption to work done in areas outside of the residence such as a garage or swimming pool. Nothing in the bill should be construed as not exempting owner performed work on a second home solely occupied by the owner. **Vote 14-0.**

SCR 6, designating January as stalking awareness month. **OUGHT TO PASS**

Rep. Anne Marie Irwin for Executive Departments and Administration: This resolution designates January as stalking awareness month. The resolution has three key elements. The first is to educate the people of New Hampshire about stalking. The second is to recognize the efforts of the many service providers, police and prosecutors for their efforts to promote awareness about stalking. The final critical element of this resolution is to increase the awareness of services available for stalking victims. **Vote 13-0.**

FINANCE

SB 336-L, relative to certain costs in the development of a high school in the town of Bedford. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This bill was introduced and passed through the Senate to help Bedford with a problem situation in regard to educating its high school students. The amendment adds the words "up to" before potentially bonded funds. It also makes the bill effective upon passage to help the Bedford School District move forward this spring to solve its

school challenges. **Vote 18-0.**

FISH AND GAME

SB 337, relative to the regulation of traps by the fish and game department and relative to the liability of trappers for certain injuries to domestic animals. **OUGHT TO PASS**

Rep. Robert J. Laflam for Fish and Game: This bill enables the New Hampshire Fish and Game Department to more soundly manage wildlife species harvested by trapping and defines liability and responsibility of trappers for certain injuries to domestic animals. **Vote 13-0.**

SB 340, relative to the release of information on fish stocking by the executive director of fish and game. **OUGHT TO PASS**

Rep. Robert J. Laflam for Fish and Game: This bill removes the time limits on the release of information on fish stocking by the Executive Director of the Fish and Game Department and hopefully will encourage the sale of more fishing licenses. The committee felt that the release of information is more properly in the hands of the Fish and Game Department. **Vote 11-3.**

SB 344, relative to the use of gifts and donations to the fish and game department and relative to off highway recreational vehicle fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy McKinney for Fish and Game: This bill increases the amount of small gifts and donations that the Fish and Game Commission can accept from \$500 to \$2500 without going before the Governor and Executive Council for approval. This was a recommendation from the Department of Administrative Services. The amendment allows this amount only to once per year per entity. Additionally, the bill resolves a conflict between RSA 215-A:23, V and RSA 215-A:22 when fee amounts were changed in 1997 and RSA 215-A:24 when a fee change went into effect 7/1/2002 and was not changed in this section. **Vote 13-0.**

SB 494, relative to the prohibition on taking conch and winkles and relative to licensing requirements for taking lobsters and crabs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joan C. Tate for Fish and Game: This bill updates reciprocity laws regarding lobster and crab licenses after a federal court decision in the State of New York. Lobster and crab licenses for non-residents of New Hampshire will not be allowed unless the state of residence allows New Hampshire fishermen to have licenses in their states. Currently, Maine and Massachusetts do not allow non residents to have such licenses and most states have moratoriums on lobster licenses. The New Hampshire Commercial Fisherman's Association "considers this a fair and equitable position in all respects". The amendment replaces "Shore" Fisheries with "Marine" Fisheries. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 384-FN, relative to drugs paid for by the state. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gail Barry for Health, Human Services and Elderly Affairs: The main purpose of this bill was cost savings to the state. It was felt it did not accomplish this and just made a complex situation more complicated. This was a bill that expected the pharmacies to know what the federal rebates were, when in fact the Department of Health and Human Services doesn't even know what the rebates are. According to the Department, this bill would not be effective, because of the unknowns, and serves no purpose at this time. The bill will be perhaps brought back later or reintroduced next session when the drug rebate program can be more clearly defined and implemented. **Vote 14-0.**

SB 438, relative to immunization practices for hospitals, residential care facilities, adult day care facilities, and assisted living facilities. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill provides for immunization against influenza and pneumonia for residents of hospitals, residential care facilities, adult day care facilities and assisted living facilities. Only consenting individuals will be immunized. There is no fiscal impact; in fact this should result in significant savings. Because this is a voluntary preventative measure, the committee strongly supported this measure. The committee felt that this is an important public health intervention that is intended to prevent the spread of serious infectious diseases. **Vote 17-0.**

JUDICIARY

SB 436-FN-LOCAL, relative to the Claremont and Newport district courts. **OUGHT TO PASS**

Rep. John Pratt for Judiciary: This bill allows Claremont and Newport to retain their district courts, provided that certain conditions are met by the City of Claremont regarding a new district court facility. The bill authorizes the City of Claremont and the state to enter into a lease or lease-purchase agreement for the renovations of a building to be used as a district courthouse. The building must be approved by the Court Accreditation Commission and the Administrative Office of the Courts. The bill also authorizes the Department of Administrative Services to enter into a lease agreement or a lease-purchase agreement with the City of Newport regarding the district courthouse in the City of Newport. **Vote 16-0.**

SB 465, relative to testimony of witnesses about confidential settlements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry Haytayan for Judiciary: The bill as amended provides disclosure of relevant information of prior litigation which was the subject of a confidential settlement agreement. It simplifies the Senate bill by making it clear that where the court finds information relevant to a pending proceeding, other than the settlement amount, the relevant information must be

disclosed. **Vote 14-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 358, relative to incompatibility of municipal offices. **OUGHT TO PASS**

Rep. Rep. Eric G. Stohl for Municipal and County Government: This bill clarifies office incompatibility for a town manager. The town manager is selected and appointed by the board of selectmen of a municipality with special reference to his/her education, training, and experience to perform the duties of the office, and without reference to his/her political belief. The town manager shall in all matters be subject to the direction and supervision, and hold office at the will of the selectmen. The town manager must take an oath and swear to be faithful and impartial in the performance of his/her duties. Some of the duties of the town manager are control and supervision of: municipal water works, lighting, and power systems; construction and maintenance of all town buildings, highways, and bridges; purchasing of all town supplies; police and fire departments; sewers and drainages; and several other duties. RSA 37:6,IX states, the town manager shall perform such other duties, consistent with his/her office, as may be required of him/her by vote of the selectmen. This bill simply allows town managers to be appointed to regional or state boards, committees, or commissions provided there is no incompatibility with the other duties. The bill also addresses some gender-neutral additions as well as some minor housekeeping language to make RSA 37:9 and RSA 669:8 read correctly. **Vote 13-1.**

SB 456, relative to record books maintained by registers of deeds. **OUGHT TO PASS**

Rep. James E. Twombly for Municipal and County Government: This bill expands the type of media registers of deeds may use to record and preserve deeds on instruments for record. This is a housekeeping bill, which will allow the registry of deeds to keep up with changing technology. **Vote 12-0.**

SB 466, relative to records management services of a municipality. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill authorizes a municipality to offer records management and storage services to government and non-profit entities and limits a municipality's liability for any loss or damage. The city of Keene has purchased a warehouse building suitable for record keeping and would like to be able to offer this space for governmental record storage with a user fee to other governmental and non-profit entities. Many small towns do not have sufficient facilities to properly store their records. Facilities of this type at Keene and throughout the state would be very beneficial to these towns and non-profit agencies. **Vote 12-0.**

SB 503-FN-L, establishing a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities. **OUGHT TO PASS**

Rep. Peter B. Schmidt for Municipal and County Government: This bill establishes a commission to study the use of municipal bonds for construction, development, improvement, and acquisition of broadband facilities. The committee felt that the availability of broadband facilities greatly enhances the economic competitiveness of businesses in New Hampshire, as well as providing citizens and businesses greater usefulness of online services. Many smaller communities in New Hampshire currently lack access to broadband. This commission will seek to improve such access. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

SB 332-FN, relative to tolls for disabled veterans. **INEXPEDIENT TO LEGISLATE**

Rep. Candace C.W. Bouchard for Public Works and Highways: The committee, while being very sympathetic to the intent, believed this legislation would open the door to other deserving patriots and heroes, such as combat veterans, disabled police officers and disabled firefighters. How can one group of disabled patriots and heroes receive the toll exemptions and not another? The committee also being very aware of the revenue impact toll exemptions would have on the State's financially struggling turnpike system felt this legislation would not be fiscally responsible. **Vote 12-0.**

SB 381, relative to the transfer of certain capital appropriations within the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C.W. Bouchard for Public Works and Highways: This bill allows the Department of Safety to transfer certain capital appropriations within the department. The amendment adds a new federally funded project, the Emergency Operations Center/Transportation Management Center. The committee held a hearing for a non-germane amendment. No new state dollars are appropriated. Construction management procurement procedures may be used for the Emergency Operations Center/Transportation Management Center. **Vote 12-0.**

SB 401-FN, relative to funeral processions to the state veterans cemetery using the New Hampshire turnpike system. **INEXPEDIENT TO LEGISLATE**

Rep. Candace C.W. Bouchard for Public Works and Highways: This bill would allow funeral processions to the New Hampshire State Veterans Cemetery after first notifying the Department of Transportation at least twenty-four hours in advance be granted toll free use of any section of New Hampshire Turnpike System. The committee was sympathetic to the intent of the bill, but legislation is not necessary because this issue can be handled administratively by DOT. The committee encourages DOT to continue the current process. **Vote 12-0.**

SB 413-FN, relative to financing federally aided highway projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edwin O. Smith for Public Works and Highways: This bill, as it came to Public Works and Highways, was very similar to a bill we have in Interim Study in the House. The Committee amended the bill entirely creating a Study Committee to determine a time line for the construction of the southerly part of I93 and also looking at alternative financing to complete that project in a more timely fashion. **Vote 14-1.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 205-FN, authorizing the state to accept the title of the dam and dikes at Smith Pond, Enfield, New Hampshire. **REFER FOR INTERIM STUDY**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: The ownership of the dam at Smith Pond has been in question after previous owners abandoned ownership in a dissolution process. Smith Pond is a 68 acre private pond in Enfield, abutted by New Hampshire Fish and Game property and two other property owners. The abutters expressed interest in funding a trust for dam maintenance and in conservation easements on adjacent property. Recent developments led the committee to believe there was difficulty in accomplishing the funding and establishing the easements. Interim Study will allow time to bring these plans together and clarify the related questions. **Vote 13-0.**

SB 343, relative to landowner permission for OHRV operation and relative to loading and unloading OHRVs on highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill was drafted to make technical corrections to the coarse filters/fine filters criteria for state ATV trail development on state owned lands. Specifically, "wellhead protection area", a 4000' radius language was used where the reference should have been to "sanitary protection area", a range of 75 to 400' radius varying with well withdrawal volume. There was also clarification that the filter criteria apply to all land for trails, not just "private". The amendment specifies that trails may not be developed in any case closer than 400' to a wellhead. This is the maximum of the sanitary protection area. It also specifies that proposed trails should be in accordance with existing RSA 215-A:43 II, (J), which incorporates existing motorized travel corridors whenever possible. **Vote 12-1.**

SB 346, relative to prohibiting the operation of snowmobiles on open water. **OUGHT TO PASS**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill will make it a violation for individuals to skim across open water on lakes, ponds and rivers with their snowmobiles. It has become a safety and environmental hazard when skimmers and their machines end up under water. It is also hazard for rescue personnel in 33 degree Fahrenheit water. This bill was a request of the Fish and Game Department which does the majority of snowmobile enforcement. The New Hampshire Snowmobile Association also supports this legislation. **Vote 12-0.**

SB 377, relative to damage to land by certain recreational uses. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill provides that a land owner shall not be liable for violations of state wetland laws caused by the unauthorized actions of off-highway recreational vehicles (OHRVs) making use of private property. The Department of Environmental Services (DES) supported this legislation. This bill will not affect the Department's (DES) ability to enforce wetland laws against persons directly responsible for violations. **Vote 12-0.**

SB 412, extending a public trust grant for the Gunstock Area ski resort's snowmaking. **OUGHT TO PASS**

Rep. David M. Lawton for Resources, Recreation and Development: This bill will renew the option for Gunstock Area Ski Resort to withdraw water from Lake Winnepesaukee for snowmaking purposes. The 15-year extension grants Gunstock Area authorization to allow water withdrawals until 2020. The bill preserves the ability of the Department of Environmental Services to order the reduction, cessation or modification of the water withdrawal if environmental quality is jeopardized. **Vote 12-0.**

SB 517, relative to authorizing a 2-year program to use certain OHRV fees for publications and promotions. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would establish a grant program to fund Granite State ATV Association Members and wheeled OHRV clubs for publication and promotions of these clubs. The funds would come from a fund established by HB 1273, passed in the last session. This fund was established for land purchases, easements, rights-of-way, and new construction of trails. The majority of the committee feels this fund should be used for its original use and that clubs should use their own funds and members to promote their sport and their clubs. In addition, it was felt that the State of New Hampshire should not be involved in generating funds for use by private clubs for these purposes. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT JOINT WITH SCIENCE TECHNOLOGY AND ENERGY

SB 488, establishing a committee to study the effects of electric utility restructuring on state dams and the alternatives for the operation and maintenance of state-owned dams. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill establishes a study committee to address the problem of funding the state dam maintenance fund. Presently, the maintenance fund is used to repair and maintain the 269 state-owned dams and is funded solely by revenues generated from the leasing of 12 state dams to private hydropower producers. As early as 2005 the available balance will be inadequate to fully fund planned dam maintenance projects. The

amendment requires that the House members appointed to the study committee be members of certain House committees. Resources, Recreation & Development, Science, Technology & Energy, Fish and Game, and Finance will be called on to serve. A joint hearing was held with the Science and Technology Committee. That committee concurs with the recommendation of the Resources Committee. **Vote 15-0.**

TRANSPORTATION

SB 379, relative to safety inspection and certification of certain equipment of vehicles. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: Currently vehicles are allowed to exceed the 80,000 lb. maximum weight limit on public highways (not the interstates) and go to 99,000 lbs., if the power unit has been inspected and certified by officers of the Division of Motor Vehicle. This re-inspection takes place annually. Passage of this bill eliminates the third redundant and costly inspection, unless there are changes to the truck, such as axles, tires size or springs, that would effect the carrying of heavy loads. The highway funds will not lose the \$421,000, plus yearly revenue under this bill. Companies will continue with two inspections and the same fees on a yearly basis. **Vote 13-0.**

WAYS AND MEANS

SB 126-FN-A, exempting transfers of title between spouses from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher C. Pappas for Ways and Means: The intent of the legislation is to exempt transfers of title between spouses from the real estate transfer tax. However, such transfers between married spouses are not currently taxed, according to the Department of Revenue Administration, and are simply subject to a \$40 processing fee. The effect of this bill is only to exempt transfers of title between spouses seeking a divorce prior to the issuance of a divorce decree, which the committee found was unjustifiable. **Vote 13-0.**

SB 361-FN-A, relative to fees of the postsecondary education commission for preserving certain academic records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The postsecondary education commission provides a home for student transcripts of closed colleges. Fees from transcript requests that have not been spent for that purpose revert to the general fund. The increase in transcripts and requests in recent years is making it very difficult to handle manually, and the commission needs to retain money across years to explore and pay for an automated system. The amount involved is under \$10,000 per year. Because the intent is a dedicated fund, this bill was amended to create that fund. **Vote 14-0.**

THURSDAY, APRIL 15 REGULAR CALENDAR

ENVIRONMENT AND AGRICULTURE

SB 457, relative to animal population control. **OUGHT TO PASS**

Rep. James G. Phinizy for Environment and Agriculture: The state spay/neuter fund is funded solely by a two dollar fee from dog licenses. Since its inception ten years ago, the program has proven to be highly successful, reducing the number of dogs euthanized in shelters and humane societies by over 75%. As a result of this successful reduction in dogs available from shelters, New Hampshire has become a magnet for stray dogs from shelters in other states and certain Caribbean Islands. With the best of intentions, albeit misguided, New Hampshire based shelters and rescue agencies have imported dogs for adoption, and often these adopted dogs have used state spay/neuter funds intended for New Hampshire's dogs and cats. There remains a significant number of dogs and cats within New Hampshire that can benefit from the state spay/neuter fund. These funds are needed for New Hampshire animals. The bill prevents the use of state funds for dogs and cats that have been imported from other states by animal shelters or adoption agencies. **Vote 13-2.**

FINANCE

HB 1428-FN, relative to the administration of the medical assistance program for home care for children with severe disabilities and establishing a commission to review the medical assistance program for home care for children with severe disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Emerton for Finance: This bill continues the current eligibility and benefit levels for the medical assistance program for home care for children with severe disabilities, popularly known as the Katie Beckett Program, for the remainder of the biennium. The bill establishes a diversified commission to consider the program's future and make recommendations to the legislature in time for action in the 2005 session. This bipartisan effort reflects the position of the commissioner of the Department of Health and Human Services that the legislature, and not the Department through rules, should determine the nature of this important program. The bill also sets up a mechanism, including a new position and a broadened definition of a

health carrier, to obtain, wherever possible, reimbursement and/or payment from private insurers who bear primary liability for these children's services. Any insurance recoveries would reduce the cost of the program to the state. The bill appropriates a nominal \$2 for the position, as the commissioner is in the process of searching for non-general funds to cover its costs. **Vote 21-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 383-FN, relative to pharmacy benefit management. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for the **Majority** of Health, Human Services and Elderly Affairs: This bill expands the Preferred Drug List established under HB4-2003 to include psychotropic medications used to treat individuals who suffer with severe psychiatric disorders including schizophrenia, bipolar illnesses, and severe depression. Fifty to sixty years ago, there was no need for such a Preferred Drug List since the anti-psychotic medications did not exist. Those were the days when state mental hospitals were crowded with seriously ill patients who were treated with what today we would consider barbaric conditions. Insulin and electric shock therapy were common, as was the use of restraints and cold baths. Many spent the rest of their life at the state hospital after they were first committed. Half way through the last century, new psychotropic medication discoveries dramatically changed the treatment of the mentally ill leading to a shift from hospital care to community care. In recent years, there have been increasingly significant research as to the biological basis of severe mental illness particular in the fields of genetics and biochemistry. The psychotropic medications of the fifties have been superceded by newer, more sophisticated medication that are more effective and have fewer side effects. Now there are a variety of medications available and new medications are being added. Insurance companies for some years have used PDL's routinely; often those insured are unaware of their existence. This bill provides for the inclusion of anti-psychotic medications in the PDL authorized in HB 4 of 2003. The committee felt strongly that this could be accomplished only if specific patient care protections are built into law. Therefore, the committee amended SB 383-FN by replacing it with HB-4 and then added the patient protection section. This amended bill includes a grandfather clause that allows individuals who are taking a specific psychotropic medication to continue with that medication even if it is not on the PDL. In addition, prior authorization is required but this bill provides for an exception allowing a physician to make the decision as to what medication is most appropriate for the patient and provides a series of criteria to be utilized in making that decision. HB 4 provides for a pharmacy and therapeutics advisory committee that advises DHHS on the medications to be placed on the PDL including medications for seriously mentally ill. The bill adds an advanced registered nurse practitioner to the committee along with the physicians and pharmacists already serving. In addition, as a safeguard, HB 4 provided for legislative oversight of the Medicaid prescription drug benefits. This committee is now in effect. In addition, this amendment provides for two more patient protections. Many physicians are prescribing their antipsychotic medications that are not psychiatrists. There is a requirement that DHHS develops mechanisms to educate and assist primary care physicians in the efficiency and cost effective use of psychotropic medications. Secondly, it is recognized that seriously mentally ill individuals often need help in dealing with bureaucratic systems, therefore, it is required that the DHHS provide pharmacists with the telephone number of a departmental ombudsmen who will provide assistance to assure that the proper medication is dispensed. This bill is supported by Stephen Bartels, MD, Medical Director of the NH Division of Behavioral Health, a Board Certified Psychiatrist who participated in the recent President's Commission on Mental Health and William Kassler, MD, the Medical Director of the Department of Health and Human Services. The majority of the committee agreed that significant protections have been placed in this bill which will protect the doctor-patient relationship and provide the most appropriate care for the seriously mentally ill. The bottom line of this bill is that the physician directs the health care of their patients. **Vote 13-8**

Rep. Fran Wendelboe for the **Minority** of Health, Human Services and Elderly Affairs: The executive session debate on SB 383 in committee lasted for three hours and was an emotionally charged and complex debate. Right now under current law, there is a preferred drug list (PDL) that was part of HB4. This has yet to be implemented. In last year's budget consideration, the House Finance Committee did not believe the claimed savings made by the department and were concerned with the additional unintended costs of restricting access to drugs. The Senate chose to include a PDL but protections in to exempt a narrow category of mental health drugs which treat the most severe mental health illnesses; schizophrenia, bi-polar disorder, and severe depression. The Houses agreed with this position. The minority of this committee believes that until the original PDL is fully implemented and the cost savings measured we should not put at risk the most fragile citizens of our medicaid population by restricting their access to the most appropriate drugs. While many on the committee believe that the amendment the house committee adopted lessens the consequences, it still puts NH in a position of being the only state in the nation to restrict all categories of mental health drugs. Under the amendment, a physician would still be subject to having to defend his decision that a severely mentally ill patient needs a particular drug treatment. While many of us with private insurance are subject to PDL's, there is a major difference. Private plans do not REFUSE you a drug your physician feels is the appropriate treatment; they just may require you to pay a larger co-pay. Medicaid recipients can not by federal law be charged any more than a nominal co-pay and then only if they can afford it. Altering the treatment regimen for a patient with mental illness, including mandated medication switches, can destabilize them, undoing months or possibly years of progress and putting the patient and others in

the community at unnecessary risk. A mental health patient who deteriorates to the level of institutionalization in the prison or NH Hospital is far more costly than the new drugs with fewer side effects would ever cost. NH Hospital costs approximately 300,000 a year and the Psychiatric Unit at the Prison 50,000 a year. The Department of HHS could not cite any savings with no unintended consequences that any other state has done. They could not give us a number of what kind of savings they would anticipate other than a vague seven million dollars. There was not one single medical doctor who testified for this bill or amendment who was not somehow employed or attached to the state. The above points are just a very few of the many concerns and unanswered questions the minority had on this bill. The minority also believed that interim study would have been an appropriate alternative.

JUDICIARY

SB 408, relative to a civil liability exemption for claims resulting from weight gain and obesity. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James W. Craig for the **Majority** of Judiciary: The majority believes that this bill attempts to fix a problem that does not exist in New Hampshire. There is no legal duty for food “manufacturers, distributors, marketers, packers, advertisers, and sellers of food” to make sure that a person does not become obese by eating their products and the majority believes that no New Hampshire court or jury would allow that result. Therefore, there is no reason to create an immunity for the food industry. The minority believes that the legislature should be proactive on this issue but the majority asserts that granting immunity to an entire industry is public policy that should be used sparingly and only for good reason. This is not such a time and this is not a good reason. **Vote 8-6.**

Rep. Terri C. Dudley for the **Minority** of Judiciary: The minority agrees with the majority that this bill attempts to fix a problem that does not exist in New Hampshire. However, the minority felt strongly that if the prevalence of suits for ones obesity should ever occur, the industry should receive a positive signal that the legislature would undoubtedly be amenable to taking strong measures to prevent the ridiculous notion that a restaurant should be liable for someone eating too much and becoming obese. A simple amendment protecting our restaurant industry, which acts as our “tax collector” for the 8 percent meals tax would make sense. But not now – without an identifiable problem existing. We hope that this strong minority vote will give our food industry some comfort that we are truly concerned for their interests. Further, let this vote be a “shot across the bow” for anyone who may have pecuniary interests in this area of litigation.

SB 455, removing the requirement that district courts be open on Saturdays for arraignments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry M. Haytayan for Judiciary: This bill improves the efficiency of the district court proceedings by eliminating wasteful use of resources. Bail commissioners establish bail for all defendants incarcerated over the weekend, other than those held for domestic abuse, pursuant to RSA 173-B. Therefore, requiring district courts to be open on Saturdays is not necessary. The amendment improves the original bill by requiring that defendants held pursuant to RSA 173-B have access to a judge on Saturday, so that they may be released on bail, as is currently done. **Vote 11-3.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 512-FN, establishing a Lake Sunapee public access commission . **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill would establish a committee to again review the placement of a public access on Lake Sunapee. This has been studied for many years with public hearings being held at Sunapee Ski area. As a result of these hearings a previous decision was made to establish access at the Wild Goose site. The state currently has a Public Water Access Advisory Board to review public access to state waters. If any further study is needed it should be done by this board. **Vote 11-3.**

SB 525-FN-A, relative to land and community heritage investment program administration. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. H. Charles Royce for the **Majority** of Resources, Recreation and Development: This bill would not serve the LCHIP program well at this time. The Resources, Recreation & Development Committee took the LCHIP legislation at its formation stage through to it becoming law. The Resources, Recreation & Development Committee has strongly supported LCHIP. It was felt by the Committee that we should look very closely at dedicated funding for LCHIP in Interim Study and start fresh with positive non-partisan cooperation in our next session. **Vote 14-1.**

Rep. Judith T. Spang for the **Minority** of Resources, Recreation and Development: LCHIP is one of the New Hampshire’s most popular programs, with support from municipalities representing 75% of the state population. It now has no money for projects. The minority introduced an amendment that would have provided a means of funding LCHIP.

WAYS AND MEANS

SB 399-FN, relative to the sale of animals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kurt J. Roessner for Ways and Means: This bill, as amended, will assist the state veterinarian to enforce existing animal cruelty laws. This legislation provides for the licensing and inspection of breeders which sell or transfer 10 or more litters or 50

or more puppies a year. The bill also increases facility inspection fees charged by the state veterinarian to offset the costs of inspections. These fees have not increased in twenty years. There was no testimony presented to Ways & Means or to a joint Ways & Means/Environment and Agriculture subcommittee in opposition to the amended bill or to the fee increases. **Vote 13-2.**

SB 450-FN, relative to pari-mutuel licenses, and relative to trainer responsibility for the condition of horses and dogs. **OUGHT TO PASS**

Rep. Christopher C. Pappas for Ways and Means: This bill extends pari-mutuel licensing through 2029, and changes the law to allow the commission to license racetracks for both harness and thoroughbred racing during the same year. One effect of the bill would be to permit Rockingham Park in Salem to bring back thoroughbred horse racing. This bill also holds the trainers of horses and dogs ultimately responsible for their condition, and gives the pari-mutuel commission the right to impose sanctions on those trainers not in compliance with its rules. The committee overwhelmingly felt that these changes were an important move to the long term viability of Rockingham Park and the safety and well-being of the horses and dogs at the tracks and recommended that it be passed. **Vote 13-1.**

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.)

HB 1425, relative to food safety in restaurants. (Pending question is the adoption of the committee amendment.)

HOUSE BILLS AMENDED BY THE SENATE

HB 65, relative to educational assistance for national guard members. (House Concurred 3/11/04)

HB 121, relative to grounds for modification of a permanent child custody order. (House Concurred 3/11/04)

HB 133-L, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district. (SJ 3/17/04)

HB 258, relative to the community-technical college system. (House Concurred 3/11/04)

HB 326, relative to establishing a 6-year capital budget. (SJ 1/9/04)

HB 384, relative to financial affidavits in domestic relations cases. (SJ 1/9/04)

HB 403, requiring a person found not guilty of certain sexual offenses by reason of insanity to register as a criminal offender. (SJ 4/1/04)

HB 440, relative to the discharge of firearms on or across highways in pursuit of wild birds or animals. (SJ 4/1/04)

HB 444, relative to summoning witnesses from another state in certain actions involving children. (SJ 4/1/04)

HB 464-FN, establishing a criminal penalty for facilitating a drug or underage alcohol house party. (House Concurred 3/11/04).

HB 516-L, relative to the standard of review requests for excavating and dredging permits, and relative to an appropriation for the expansion of the Port of Portsmouth. (House Concurred 2/19/04)

HB 520, relative to maintaining records of greyhounds used in pari-mutuel racing. (SJ 3/17/04)

HB 532, relative to notice and filing of divorce petitions. (SJ 4/1/04)

HB 551, relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

(SJ 4/1/04)

HB 620-FN, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors. (House Concurred 3/11/04)

HB 622-FN, clarifying certain exemptions from the right-to-know law. (SJ 4/1/04)

HB 652-FN, relative to qualified wellness or disease management programs. (SJ 4/1/04)

HB 730-FN-L, establishing a committee to study workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases. (SJ 4/1/04)

HB 736, relative to duties of the fish and game commission and complaints against fish and game commissioners. (SJ 3/11/04)

HB 749, relative to the description in a criminal complaint of the party accused. (House Concurred 3/11/04)

HB 1161, relative to solicitation and marketing of insurance products. (SJ 4/1/04)

HB 1254-FN, relative to the postsecondary education vocational school licensing fund and the forgivable loan fund in the workforce incentive program. (SJ 3/11/04)

HB 1311, establishing a committee to study decreasing the insurance premium tax. (SJ 3/17/04)

HB 1363, establishing a policy for naming state highways, bridges, and buildings. (SJ 3/17/04)

HB 1370, establishing a committee to study property tax relief. (SJ 3/11/04)

HB 1408-FN, relative to reporting requirements for certain nonprofit organization, including health care charitable trusts. (SJ 4/1/04)

HB 1410, relative to the release of information to persons receiving a child for placement. (SJ 4/1/04)

COMMITTEE MEETINGS

MONDAY, APRIL 12

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

10:00 a.m. Subcommittee meeting.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Rooms 201-203, LOB

10:00 a.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on **SB 481-FN-L**, establishing a sewer and other water-related purposes district for Great Bay.

1:00 p.m. Ad hoc committee on cats and dogs.

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

Continued work session on the following bills:

10:00 a.m. **SB 302**, making technical corrections to the education funding formula.

SB 411-FN-L, relative to liability for special education transportation costs.

TUESDAY, APRIL 13

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on **SB 335**, relative to access to birth records.

1:00 p.m. Subcommittee work session on **SB 406**, relative to adoption procedures.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **SB 448-FN**, relative to consumer guaranty contracts.

10:00 a.m. **SB 461**, relative to the regulation of gift certificates under the consumer protection act.

11:00 a.m. Subcommittee work session on **SB 314**, relative to access to medical records.

1:15 p.m. **SB 482-FN**, relative to captive insurance companies and reciprocal insurers.

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

2:00 p.m. Subcommittee work session on **SB 348**, relative to the sale of manufactured housing and the management of manufactured housing parks and **SB 442**, relative to manufactured housing installation standards.

COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES (HB 310, Chapter 277:1, Laws of 2003), Room 206, LOB

2:00 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 1:30 p.m. Subcommittee work session on ***SB 478-FN***, relative to penalties for DWI offenses.
- 2:45 p.m. Subcommittee work session on ***SB 388-FN***, relative to proof of successful completion of an impaired driver intervention program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

- 10:00 a.m. Subcommittee work session on ***SB 153***, adopting the nurse licensure compact.
- 11:00 a.m. Subcommittee work session on ***SB 484***, establishing the Collaborative Practice for Emergency Contraception Act.

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

Continued work session on the following bills:

- 10:00 a.m. ***SB 302***, making technical corrections to the education funding formula.
- SB 411-FN-L***, relative to liability for special education transportation costs.

GRAFTON COUNTY COURT PILOT PROJECT OVERSIGHT COMMITTEE (SB 124, Chapter 243:3, Laws of 2002), Room 206, LOB

- 9:00 a.m. Regular meeting.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on pending legislation.
- 12:30 p.m. Subcommittee work session on ***SB 509-FN***, relative to civil recoveries for false claims paid or approved by the department of health and human services.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

- 2:00 p.m. ***SB 526***, relative to sexual harassment complaint procedures for public employees.
- 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. Subcommittee work session on ***SB 391***, relative to bond votes in municipalities using chartered official ballot voting procedures and relative to Claremont school district elections.
- 1:00 p.m. Subcommittee work session on ***SB 449***, relative to fluoridation of municipally-owned public water systems.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

- 10:30 a.m. Executive session on ***SCR 5***, commending the United States Congress for supporting full concurrent receipt of disability and retirement benefits by disabled veterans.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. Subcommittee work session on ***SB 495-FN***, relative to original and youth operators' licenses.

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. Subcommittee work session on ***SB 453***, establishing a committee to study the tobacco master settlement agreement revenue stream to the state.
- 10:00 a.m. Continued public hearing on ***SB 303-FN***, eliminating the business profits tax exemption for qualified investment companies and 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.

WEDNESDAY, APRIL 14

COMMERCE, Room 302, LOB

- 9:00 a.m. Subcommittee work session on ***SB 389***, relative to certain insurance contracts.
- 10:00 a.m. Subcommittee work session on ***SB 430-FN***, relative to mandated insurance benefits and establishing a committee to study the feasibility of mandating that health insurers provide medical loss information to small group employers.
- 11:00 a.m. Subcommittee work session on ***SB 366-FN***, relative to the Interstate Insurance Product Compact.
- 1:15 p.m. Subcommittee work session on ***SB 441***, relative to the operation of dental clinics by health care charitable trusts.
- 1:45 p.m. Subcommittee work session on ***SB 371***, relative to certain technical changes in the insurance laws.

2:00 p.m. Subcommittee work session on ***SB 367***, relative to the New Hampshire Insurance Guaranty Association Act of 2004.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

ELECTION LAW, Room 303, LOB (Please note room change.)

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 ***SB 534-FN-A***, relative to the reorganization of certain functions and duties of state agencies.

1:00 p.m. ***SB 356***, relative to the powers and duties of the community development finance authority.

2:00 p.m. Rescheduled public hearing on ***SB 434***, relative to importing prescription drugs from Canada.

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

FINANCE, Rooms 210-211, LOB

1:00 p.m. Public hearing on a proposed amendment to ***SB 376-FN-A***, relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals. The proposed amendment is relative to medicaid programs. Copies of the proposed amendment will be available from the Sergeant-at-Arms office.

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

FINANCE – (DIVISION III), Room 210-211, LOB

Work session on the following bills:

1:30 p.m. ***SB 382-FN-L***, relative to medical service rates for state prisoners.

SB 376-FN-A, relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals.

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.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Briefing by the PUC.

1:00 p.m. Full committee work session on ***SB 397***, requiring the department of environmental services to adopt certain rules and to opt out of the reformulated gasoline program.

2:00 p.m. Full committee work session on ***SB 342-FN***, relative to payment of utility assessments and relative to regulation of electric generation companies.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work and executive session on pending legislation.

FRIDAY, APRIL 16

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

9:00 a.m. Regular 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.

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 DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003), Police Standards and Training Council, 17 Institute Drive, Concord

1:00 p.m. Regular meeting.

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Rooms 206-208, LOB

1:00 p.m. Rescheduled regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 19

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.

ECONOMIC DEVELOPMENT REVIEW FUND REVIEW (RSA 12-A:2-f), Room 103, State House

3:00 p.m. Regular meeting.

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY (RSA 186-C:3-b), Room 207, LOB

3:00 p.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), New Hampshire Department of Revenue Administration, Training Room, Community Services Division

9:00 a.m. Regular meeting.

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

1:30 p.m. Ad hoc committee on resident hours and medical errors.

TUESDAY, APRIL 20

COMMERCE, Room 302, LOB

1:15 p.m. Executive session on pending legislation

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

EDUCATION, Room 207, LOB

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

JUDICIARY, Rooms 206-208, LOB

10:00 a.m. Executive session on **SB 427**, relative to the definition of marriage and any other pending legislation.

WEDNESDAY, APRIL 21

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 home care for children with severe disabilities performance audit April 2004.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

2:00 p.m. Executive session on pending legislation.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on **SB 443**, relative to rural electric cooperatives.

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

THURSDAY, APRIL 22

COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES (HB 310, Chapter 277:1, Laws of 2003), Newbury Town Office Building, 937 Route 103, Newbury

6:00 p.m. Public hearing for the purpose of obtaining testimony on the fairness and adequacy of New Hampshire's child support guidelines.

FRIDAY, APRIL 23

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

9:30 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.

MONDAY, APRIL 26

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

9:00 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

9:30 a.m. Research subcommittee meeting.

MONDAY, MAY 3

DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE (RSA 171-A:1-c), Room 205, LOB

10:00 a.m. Regular meeting.

FRIDAY, MAY 7

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

9:00 a.m. Continued 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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Ad hoc committee to study the creation of an integrated criminal justice informational system and any issues related to the privacy, security and dissemination of such criminal justice information.

FINANCIAL EXPLOITATION OF THE ELDERLY AND PERSONS WITH DISABILITIES (HB 461, Chapter 227:2, Laws of 2003), Room 205, LOB

1:00 p.m. Regular meeting.

MONDAY, MAY 10

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

1:00 p.m. Public hearing for proposed rules MAN 100-400.
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, MAY 12

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

9:30 a.m. Regular meeting.

THURSDAY, MAY 13

COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES (HB 310, Chapter 277:1, Laws of 2003), Plymouth Regional Senior Center, 8 Depot Street, Plymouth

6:00 p.m. Public hearing for the purpose of obtaining testimony on the fairness and adequacy of New Hampshire’s child support guidelines.

FRIDAY, MAY 14

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

10:00 a.m. Subcommittee meeting.

MONDAY, MAY 17

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

2:00 p.m. **Rescheduled** regular meeting.

FRIDAY, MAY 21

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.

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

2:00 p.m. Regular meeting.

FRIDAY, MAY 28

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.

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

1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet **May 3** at 7:00 p.m. at the County Complex to hear a report from Gunstock on their year.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

NOTICE

The House Clerk's Office has a number of extra copies of Permanent House Journals from 2001 and 2002. These copies are available for anyone interested in obtaining a copy on a first-come, first-served basis.

A complimentary copy is available for anyone who was a member of either the House or Senate in 2001 and/or 2002 and has not already received a copy, and for agencies that have not already received a copy.

Each volume costs \$40.00 plus shipping and handling (if necessary) for all others interested.

If you would like to receive a copy of one or both journals, please contact the House Clerk's Office.

Eric W. Fowler, Assistant Clerk

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 85, 243, 258, 369, 444, 511, 516, 612, 618, 620, 622, 640, 643, 645, 651, 656, 698, 712, 713, 727, 729, 730, 781, 803, 1153, 1188, 1202, 1207, 1213, 1225, 1241, 1254, 1248, 1251, 1276, 1290, 1308, 1311, 1317, 1325, 1339, 1344, 1345, 1348, 1352, 1353, 1365, 1378, 1387, 1388, 1399, 1401, 1411, 1416, 1418, 1421, 1423, 1424, 1426, 1428 and 2004. SBs 126, 205, 312, 348, 361, 367, 383, 401, 407, 430, 433, 442, 448, 450, 463, 478, 494, 498, 500, 503, 505, 509, 510, 525 and 532.

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 report that are received in the Speaker's office and available for viewing.

Reports most recently received include:

First Report of the Governor's Commission on Child Protection: Strengthening Child Protection Services in NH
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

Legislative Prayer Group will meet on the first and third Thursdays of the month from 8:00 to 9:00 a.m., beginning the third Thursday in April in Room 306, LOB

Rep. G. Michael Gilman

Please join NAMI NH (Alliance for the Mentally Ill) on Wednesday, **April 14** on the steps of the State House for a rally celebrating the mental health recovery movement. Kristy Worthen of Arkansas, a survivor of severe bipolar disorder and a suicide attempt, is on a 50-state tour sponsored by the National Lieutenant Governor's Association. Kristy is telling her story of hope with a large, colorful flag she created that symbolizes her road to recovery. Please come at 11:30 a.m. to celebrate with Kristy!

Rep. Ruth Bleyler

ALEC members, bring your lunch to Room 212, LOB on Wednesday, **April 14** at noon. We will be discussing the trips to Austin, Texas and Seattle, Washington, including funding. Don't forget the April 15 deadline for early registration for Seattle.

Rep. Kenneth L. Weyler

The Legislative Caucus for Young Children (LCYC) will meet Monday, **April 19** at 1:30 p.m. in Room 206, LOB. The agenda will include an update on Legislation that LCYC is monitoring. In addition, Nancy Rollins, Director, DCYS will speak on the status of the accreditation process. All members of the House and Senate are welcome.

Rep. Deanna S. Rollo

The Annual Osteoporosis Education and Prevention celebration will take place on **May 5** in Room 105A, State House from 11:30 a.m. to 1:30 p.m. All kinds of great lunch snacks will be available. Everyone is welcome to attend.

Rep. Barbara C. French

On Monday, **May 10** at 10:00 a.m. in Room 302, LOB there will be an informational meeting related to the use of Constitutional money (gold and silver, sound money). This meeting will present the reasons why New Hampshire would benefit from using

gold and silver as a form of currency in parallel to dollars. Both the legal and economic rationale for adopting this policy will be identified in this educational forum with an overview on the practical aspects of once again using gold and silver as currency. The primary speaker will be Mr. James Turk, former banker and currently an internationally known gold and precious metals consultant.

Reps. Henry W. McElroy, Jr. and John B. Hunt

All are welcome to attend the Annual GO-NH, Inc. Legislative Firearms Orientation Day which will be held at Country Pond Fish and Game Club in Newton. The date is **May 10** and all members are invited to visit and see the operation of one of the finest fish and game clubs in southern New Hampshire. The orientation will begin at 9:00 a.m. and continue into the afternoon. Directions and further details will be in the next calendar.

Rep. David A. Welch

The Annual Governor’s Conference on Volunteerism will be Wednesday, **May 19** at the NH Technical Institute, Concord. The theme is “Volunteerism, the Spirit and Heritage of New Hampshire.” This conference is sponsored by Volunteer NH! and planned by a committee of volunteers, chaired by Rep. Carolyn Gargas. Lewis Feldstein, co-author of “Better Together” and President of the New Hampshire Charitable Foundation is the main speaker. The conference offers numerous workshops to learn, enhance and develop skills and increase understanding of the volunteer network throughout NH. The Peg McGarity Award for outstanding volunteer management will be presented. To nominate an individual for the award or to obtain registration information contact Volunteer NH! www.volunteernh.org or call 271-7200.

Rep. Carolyn Gargas

The Department of Transportation will hold the following meeting:
April 20 – Barrington Public Safety Building, Route 9, Barrington, 7:00 p.m. Public officials/public informational meeting, Lee-Barrington, along NH 125, beginning at US 4 and proceeding north approximately 4.5 miles to NH 9 intersection. Work consists of a 1’ pavement overlay with drainage improvements.
May 5 – Portsmouth City Hall, 1 Jenkins Avenue, Portsmouth, 10:00 a.m. Advisory Committee meeting, Portsmouth, US Route 1 Bypass Study.

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 **April** 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
4-12-04	9:00	Broken Ground School – Concord	4/23
4-12-04	10:00 & 11:30 SH/HM	Matthew Thornton Elem – Londonderry	4/100
4-12-04	12:00to 12:30	No Walpole Elem	3&4/21
4-13-04	10:00& 11:15 SH & SC	Seabrook Elem	4/50
4-13-04	12:30	Hinsdale Elementary	4/40
4-14-04	9:00	Bow Elementary	4/25
4-14-04	10:30	Pierce Elem - Bennington	4/21
4-14-04	10:30	Cornish Elem School	4/21
4-14-04	12:30	Whitefield Elementary School	4/45
4-14-04	2:00	Concord Leadership	Adults/25
4-15-04	8:45 & 10:30	Belmont Middle School	5/50

	SH/HM		
4-15-04	9:15	St. Benedict Academy – Manchester	4/17
4-15-04	12:00	Henniker Elementary School	4/21
4-16-04	9:00 & 10:30	No. Londonderry Elem	4/90
	SH/HM		
4-16-04	1:00	Kimball School – Concord	4/16
4-19-04	10:00 to 12:00	Riddlebrook – Bedford	4/50
	SH/SC		
4-19-04	9:00	Bow Elementary	4/25
4-19-04	12:45	St. John’s Regional School – Concord	4/30
4-20-04	9:30 & 11:00	Garrison School – Dover	4/50
	SH/HM		
4-20-04	12:30	Bow Elementary	4/25
4-20-04	2:00	Hollis Women’s Club	Adults/12
4-21-04	9:00	Broken Ground School – Concord	4/23
4-21-04	9:30 & 11:00	Garrison School – Dover	4/50
	SH/HM		
4-21-04	1:00	Kimball School - Concord	4/16
4-22-04	8:45 & 10:30	Belmont Middle School	5/50
	SH/HM		
4-22-04	9:00	Broken Ground School – Concord	4/23
4-23-04	9:00 & 10:30	No. Londonderry Elem	4/60
	SH/HM		
4-23-04	12:00	Antrim Elementary School	4/32
4-26-04	9:30 & 11:00	Lancaster Elementary School	4/52
	SH/SC		
4-27-04	9:00	UNH Social Work Department – Durham	College/32
4-27-04	9:30 & 11:00	Towle Elem – Newport	4/60
	SH/HM		
4-28-04	9:30 & 11:00	Towle Elem – Newport	4/40
	SH/HM		
4-28-04	11:00	Lafayette Regional School -Franconia	4/15
4-28-04	2:00	Nashua Technical College	College/15
4-29-04	10:00 & 11:15	Ray School – Hanover	3/85
	SH/HM		
4-30-04	9:30 & 11:00	Seminary Hill Elementary School-	4/76
	SH/HM	West Lebanon	
4-30-04	10:00 & 11:30	Hanover Street School - Lebanon	4/75
	SH/SC		

NOTICE

The 31st Annual Bill White Memorial Legislative Golf Tournament is scheduled for Monday, **June 7, 2004** at Canterbury Woods Country Club, Canterbury, NH. The entry fee for this annual tournament is \$75.00 per person which includes greens fee, cart, barbecue dinner and prizes.

A shotgun start is scheduled for 9:00 a.m. The format is “Captain and Crew”.

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

A maximum of 120 players will be allowed. Please note that payment must be made upon registration. There will be no exceptions to this rule!

Return your entry and payment no later than May 20th to Sandy Anderson at the LOB Lobby Desk. Checks should be made payable to Sandy Anderson.

Gene G. Chandler, Speaker of the House
!
31st Annual Bill White Memorial Golf Tournament
Canterbury Woods Country Club
Canterbury, NH

Name: 1. _____

- 2. _____
- 3. _____
- 4. _____

Telephone: _____ Amount Enclosed: _____

NOTICE

The House Clerk's Office is now accepting orders for both the 2003 and 2004 hardcover Permanent House Journals. The 2003 Journal is being readied for the printer. Work on the 2004 Journal will begin once the session has been adjourned.

Upon request, members of the Legislature for the year in question, and all state agencies are entitled to one Journal at no charge. There will be a charge for additional copies ordered by legislators and agencies, as well as any others who would like a copy. We estimate this cost to be approximately \$50 each, plus any applicable mailing expenses. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

In an effort to contain costs, the number of Journals printed will be determined by the number of advance orders received. Please do not order a Journal if you have no intention of claiming it.

Please clip this form and return it in person or via mail to:

Office of the House Clerk
Room 317, State House
107 North Main Street
Concord, NH 03301

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THURSDAY, APRIL 15
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2004-0899h

Amendment to HB 1428-FN
Proposed by the Committee on Finance - R
Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes the state's obligation to assist in the provision of services to children with severe disabilities and their families. The general court hereby declares that, under federal law, medicaid is the obligor of last resort for services in this state to children with severe disabilities, but that every effort should be made by the state to ensure payment or reimbursement for such services by liable third party insurers. Therefore, the state must dedicate appropriate resources to ensure that liable third party insurers fulfill their obligation to families with children with severe disabilities without delaying the provision of services in order to avoid increased medical expenses which may become the responsibility of the state.

2 New Section; Public Assistance to the Blind, Aged, or Disabled Persons, and to Dependent Children; Home Care for Children With Severe Disabilities. Amend RSA 167 by inserting after section 3-d the following new section:

167:3-e Home Care for Children With Severe Disabilities.

I. If a child is enrolled in the medical assistance program that provides home care for children with severe disabilities, the commissioner shall assist the child's parent or guardian to recover costs for medical care and services under any private health insurance available to the child.

II. The department of health and human services may acquire adaptive equipment and other specialized home health care assets for the purpose of loaning such equipment to participants in the medical assistance program that provides home care for children with severe disabilities. The department shall have authority to contract for the refurbishment of such equipment, to reissue equipment returned to the department, and to dispose of any equipment that is no longer useful.

3 Position Established; Funding. The department of health and human services shall establish a position of "program specialist III" to assist parents and guardians of children enrolled in the medical assistance program that provides home care for children with severe disabilities in recovering the costs of services from private health insurers. The commissioner of health and human services shall pursue all sources of funding, including the medicaid program, for the position of program specialist. In addition, the sum of \$1 for the fiscal year ending June 30, 2004 and the sum of \$1 for the fiscal year ending June 30, 2005 are hereby appropriated to the department of health and human services for the purpose of funding the program specialist position. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Administrative Rules. The commissioner of health and human services shall adopt as interim rules under RSA 541-A the expired rules regulating home care for children with severe disabilities in He-W 508. The interim rules shall not contain changes, other than minor editorial changes, from the text of the expired rules. Notwithstanding any provision of RSA 541-A to the contrary, the interim rules adopted pursuant to this section shall not expire and shall not be amended by the commissioner until July 1, 2005.

5 Commission Established. There is established a commission to study the medical assistance program that provides home care for children with severe disabilities.

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

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of health and human services, or designee.
- (d) One representative of the Parent Information Center, appointed by that organization.
- (e) One representative of a family participating in the medical assistance program for home care for children with severe disabilities appointed by the Council for Children and Adolescents with Chronic Health Conditions.
- (f) One representative of The New Hampshire Pediatric Society, appointed by that organization.
- (g) One service provider, appointed by the speaker of the house of representatives.
- (h) Four public members, 2 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the senate president.

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

III. The commission shall review the current medical assistance program that provides home care for children with disabilities, including program eligibility criteria, service configurations, and the role of private health insurers in providing home care for children with severe disabilities. The commission shall also consider the effect of any proposed changes in the program on families, public schools, and public institutions.

IV. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

6 Health Carrier Disclosure of Third Party Liability. Amend RSA 167:4-b to read as follows:

167:4-b Health Carrier Disclosure of Third Party Liability.

I. *In this section, "health carrier" means a health carrier as defined in RSA 420-G:2 and any entity that is a*

pharmacy benefit manager, third party administrator of health benefits, provider of health benefits under an ERISA plan, or provider of health benefits under a self-administered plan. Each health carrier~~], as defined in RSA 420-G:2,~~ shall electronically cross-match claims data, policyholder, and subscriber information with the department of health and human services to provide health insurance coverage information, for third party liability purposes, regarding medical assistance recipients and applicants for medical assistance under RSA 167 in accordance with rules adopted by the commissioner of health and human services pursuant to RSA 167:3-c.

II. Such electronic cross-match shall be made by any health carrier upon certification by the department of health and human services that all persons identified on the electronic medium are applicants for or recipients of medical assistance for which the department seeks payment or reimbursement through third party liability. ***A health carrier shall limit the transfer of electronic cross-match information required under this section to a list of medical assistance recipients and applicants for medical assistance under RSA 167 provided to the health carrier by the department of health and human services.***

III. Any health carrier who supplies information in accordance with this section and with rules adopted under RSA 167:3-c shall have immunity from any civil or criminal liability that might otherwise be imposed or incurred.

IV. Each health carrier shall provide to the department of health and human services upon request such information in the health carrier's possession as the department determines necessary to assist in identifying third party liability for payments made by the state for services to medical assistance recipients.

7 New Paragraph; Financial Disclosure by Applicants and Recipients; Liability and Reimbursement by Health Carriers. Amend RSA 167:4-a by inserting after paragraph III the following new paragraph:

IV. Each health carrier, as defined in RSA 167:4-b, I, against which the department of health and human services seeks payment or reimbursement through third party liability for services provided to medical assistance recipients shall be liable for such payment or reimbursement, provided that the claim for payment or reimbursement by the department is made within 5 years following the date of service.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect January 1, 2005.

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

AMENDED ANALYSIS

This bill:

I. Establishes a position in the department of health and human services to assist recipients of home care for children with severe disabilities in obtaining reimbursement or payment from private insurers whenever possible, and appropriates \$1 in each year of the biennium to fund the position.

II. Authorizes the department to loan specialized equipment to recipients of home care for children with severe disabilities.

III. Directs the department to adopt the expired rules regulating home care for children with severe disabilities as interim rules and provides that such rules shall remain in effect until July 1, 2005.

IV. Establishes a commission to study the medical assistance program.

V. Expands the definition of health carrier for purposes of disclosing insurance information to the department of health and human services for medicaid reimbursement.

VI. Permits the department to seek reimbursement or payment from a health carrier for a medical assistance recipient if the claim is made within 5 years of the service.

2004-0907h

Amendment to SB 207

Proposed by the Committee on Commerce - C

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

AN ACT relative to exemptions from the consumer protection act and the regulation of retail installment sales of motor vehicles.

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

1 Consumer Protection; Exempt Transactions; Retail Installment Sales. Amend RSA 358-A:3, I to read as follows:

I. Trade or commerce that is subject to the jurisdiction of the bank commissioner, the director of securities regulation, the insurance commissioner, the public utilities commission, the financial institutions and insurance regulators of other states, or federal banking or securities regulators who possess the authority to regulate unfair or deceptive trade practices. ***This paragraph includes trade or commerce under the jurisdiction of, and regulated by, the bank commissioner pursuant to RSA 361-A, relative to retail installment sales of motor vehicles.***

2 New Paragraph; Retail Installment Sales; Powers of the Bank Commissioner. Amend RSA 361-A:5 by inserting after paragraph VI the following new paragraph:

VII. The commissioner shall have the authority to investigate conduct that is or may be in violation of this chapter, may hold hearings relative to such conduct, and may order restitution for a person adversely affected by such conduct.

3 Retail Installment Sales; Enforcement; Cooperation with and Referral to the Attorney General. Amend RSA 361-A:6 to

read as follows:

361-A:6 ~~[Assistants]~~ ***Enforcement; Cooperation With and Referral to the Consumer Protection and Antitrust Bureau of the Department of Justice.***

I. For the enforcement of the provisions of this chapter, the commissioner ~~[is authorized to]~~ ***shall*** appoint ***and designate***, subject to the provisions of the personnel law, ~~[such]~~ personnel ~~[as are necessary]~~ ***to respond to consumer complaints and enforce this chapter. Such personnel shall request the assistance and services of the consumer protection and antitrust bureau of the department of justice when appropriate.*** The salary, traveling expenses, and all expenses of administration and enforcement of the provisions of this chapter shall be paid out of fees received from licenses issued under this chapter, and funds collected pursuant to RSA 383:11.

II. Any unfair or deceptive trade practice that is not addressed under the provisions of this chapter shall be referred to the consumer protection and antitrust bureau for enforcement under the provisions of RSA 358-A.

4 New Section; Retail Installment Sales; Spot Delivery. Amend RSA 361-A by inserting after section 10-a the following new section:

361-A:10-b Sale Contingent on Financing Approval. Any retail seller who delivers a motor vehicle to a retail customer before the retail seller has obtained financing approval from a sales finance company shall provide a disclosure, containing the following language in a size equal to at least 10 point bold type, which must be signed by the retail buyer:

“The retail seller of the motor vehicle has not obtained financial approval for the terms contained in the retail installment contract from a sales finance company. If the retail seller obtains financial approval from a sales finance company under the terms of the retail installment contract, the sale shall be final and binding on the retail seller and the retail customer. If final approval of the terms of the retail installment contract cannot be obtained from a sales finance company, the retail installment contract shall be canceled. The retail seller shall return to the buyer any consideration received in the transaction, including, but not limited to, any motor vehicle traded in, any deposit, and any fees paid by the buyer. The buyer shall, upon being notified that the retail seller was unable to obtain financing approval, return the motor vehicle to the retail seller.”

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

AMENDED ANALYSIS

This bill provides that retail installment sales of motor vehicles are exempt from the consumer protection act when such trade or commerce is regulated by the bank commissioner pursuant to RSA 361-A. The bill also requires motor vehicle sellers that offer retail installment contracts contingent on financing approval to notify buyers of their right to cancel, and to a complete refund, if the anticipated financing terms are not obtained.

2004-0832h

Amendment to SB 329-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the recovery by the retirement system of the overpayment of benefit amounts and relative to payment of medical benefits costs for disabled group II members of the retirement system.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Group II Disabled Members; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, ~~[2004]~~ **2005** or permanent firemen members of group II before July 1, ~~[2004]~~ **2005**. Such additional benefits shall not apply to other persons who become members of group II after the dates stated in this paragraph, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

AMENDED ANALYSIS

This bill allows the board of trustees of the retirement system to recover the overpayment of benefit amounts which were paid after the death of a retiree or beneficiary or after the remarriage of a surviving spouse.

This bill also extends the year of eligibility of group II disabled members for the payment of medical benefits costs by the retirement system.

2004-1085h

Amendment to SB 333-FN

Proposed by the Committee on Education - C

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

1 Purpose Statement. In order to improve pupil achievement, the collection of pupil data is required to:

- I. Account for pupil transfers between schools.
- II. Respond to the needs of superintendents and administrators to perform gains-based analysis of pupil progress.
- III. Help minimize the dropout risk for children under the age of 16.
- IV. Improve the ability to make sound policy decisions for the purpose of pupil achievement and improvement.
- V. Improve the accuracy of existing aggregate data requests.
- VI. Provide reliable data to the citizens of New Hampshire.
- VII. Reduce the burden on school districts in collecting aggregated data.

2 Adequate Public Education; Delivery of an Adequate Education. RSA 193-E:3, IV is repealed and reenacted to read as follows:

IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and multi-racial groups.

3 New Section; Adequate Public Education; Unique Pupil Identification. Amend RSA 193-E by inserting after section 3 the following new section:

193-E:4 Unique Pupil Identification.

I. The department of education shall implement and maintain a unique pupil identification system on a statewide basis that complies with the following requirements:

(a) No personally identifiable information about a pupil, including but not limited to name, date of birth, gender, or social security number shall be collected or maintained by the state in such a manner that would allow such information to be connected with the unique pupil identification system. Under no circumstances shall the department of education use social security numbers as an identifier for any pupil.

(b) The pupil identification system shall make available to each school district a unique pupil identifier for each pupil. The unique pupil identifier itself shall not permit pupil identification within a sub-category including, but not limited to, school district, sex, age, grade, or county of residence.

(c) The unique pupil identifier shall be controlled by the local school district. The unique pupil identifier shall remain with the pupil throughout his or her academic career in New Hampshire.

(d) Only a superintendent, or designee, may access pupil identification information maintained by the state for pupils enrolled in that school administrative unit. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(e) The unique pupil identification system shall create and maintain an audit trail for all users.

(f) No person, including an individual, business, government, or governmental entity such as a school district, shall be required to provide a unique pupil identifier as a condition of doing business, providing a service, or receiving a benefit of any kind. Any person or entity violating the provisions of this paragraph shall be liable for actual damages or \$25,000, whichever is greater, for each violation. Each denial of services or benefits shall constitute a separate offense under this paragraph.

(g) If a pupil's records become part of an administrative action outside of the pupil's school district, or a part of any judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil identifier shall be redacted.

(h) The data maintained in the unique pupil identification system shall be available to the department of education and to the public using the same database maintained by the department of education. No personally identifiable information shall be required as a condition of access or usage under this subparagraph, nor shall such access or usage be tracked.

(i) Unique pupil identification information shall be exempt from the provisions of RSA 91-A.

(j) No unique pupil identification information shall be given to any other person or entity absent a court order. Under no circumstances shall unique pupil identification information shall be given to any person or entity outside of New Hampshire.

II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in RSA 193-C:8 shall perform any revisions to this section through legislation filed for that purpose.

4 New Subparagraph; Statewide Assessment and Improvement Education Program; Legislative Oversight Committee. Amend RSA 193-C:8 by inserting after subparagraph VIII the following new subparagraph:

IX. Review the unique pupil identification system established in RSA 193-E:4 and propose legislation needed as a result of the review.

5 New Paragraph; Public Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph VI the following new paragraph:

VII. Unique pupil identification information collected in accordance with RSA 193-E:4.

6 Effective Date. This act shall take effect August 1, 2004.

AMENDED ANALYSIS

This bill sets forth requirements for a unique pupil identification system.

2004-0880h

Amendment to SB 336-LOCAL

Proposed by the Committee on Finance - C

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

1 Town of Bedford; Specific Development Costs.

I. Notwithstanding the provisions of RSA 33, the Bedford school district may recognize an amount up to \$10,600,000, representing payment of capital costs to the Manchester school district for the renovation and expansion of Manchester's 3 high schools, as costs available for long-term financing by the issuance of bonds or notes.

II. Notwithstanding the provisions of RSA 33, the Bedford school district may issue bonds or notes in an amount up to \$10,600,000 upon the approval of such bonds or notes by the Bedford school district on or before the date of the 2006 Bedford annual school district meeting.

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

AMENDED ANALYSIS

This bill permits the Bedford school district to issue bonds or notes in an amount up to \$10,600,000, which represents the capital costs paid by Bedford to the Manchester school district for the education of Bedford students for the 2003-2006 school years.

2004-1038h

Amendment to SB 338-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the purchase of prior service credit in the retirement system, and repealing certain provisions permitting additional contributions.

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

1 Retirement System; Political Subdivision Employees; Purchase of Certain Prior Service Credit. Amend RSA 100-A:28 to read as follows:

100-A:28 Limitation on Membership. This retirement system and the provisions hereof shall not apply to any person benefited by or entitled to participate under any other provisions of law which provides wholly or in part at the expense of the state or any other employer, for retirement benefits for employees, teachers, permanent policemen, and permanent firemen employed by the state or such other employer, their widows or other dependents, with respect to the same period of service for which they are eligible for benefits under the terms of this chapter. The provisions of this section shall not apply to any person participating in, or receiving or eligible to receive benefits under the old-age and survivors insurance provisions of Title II of the federal Social Security Act, as amended or under a retirement arrangement federally tax-qualified under sections 403(b) or 457 of the United States Internal Revenue Code of 1986, as amended. ***The provisions of this section shall not apply with respect to the purchase of prior service credit under RSA 100-A:3, VI by any person who had participated in or deemed eligible to receive benefits under a retirement arrangement funded, wholly or in part, by contributions from a political subdivision of the state, or an agency or instrumentality of a political subdivision of the state; provided, that such arrangement shall first be terminated in full, but in no event later than June 30, 2005 and, further provided, that the benefits thereunder shall be distributed in their entirety to eligible participants and beneficiaries in accordance with the terms and conditions of such terminated retirement arrangement.***

2 Repeal. RSA 100-A:16, I(c), relative to additional contributions by or on behalf of a member, is repealed.

3 Retirement System; Group I; Credit for Out-of-State Service; Membership and Application Times. Amend RSA 100-A:4-b, I(a) and (b) to read as follows:

(a) The member has terminated employment and active membership in the out-of-state system and ~~and, within 18 months thereafter,~~ has become a group I member of the New Hampshire retirement system; and

(b) The member applies for out-of-state credit, on a form designated by the board ~~within 5 years after becoming a member of the New Hampshire retirement system or before July 1, 1995, whichever is later~~; and

4 Retirement System; Group II; Credit for Out-of-State Service; Membership and Application Times. Amend RSA 100-A:4-c, I(a) and (b) to read as follows:

(a) The member has terminated regular full-time employment and active membership in the out-of-state system and ~~and, within 18 months thereafter,~~ has become a member of the New Hampshire retirement system; and

(b) The member applies for out-of-state credit, on a form designated by the board ~~within 5 years after becoming a member of the New Hampshire retirement system, or before July 1, 1995, whichever is later~~; and

5 Political Subdivision Membership; Modifications; Petition for Credit. Amend RSA 100-A:22 to read as follows:

100-A:22 Modifications. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. If the employer is unable or unwilling to make such contributions, a member in service may petition the board of trustees ~~within 5 years from the date when the employer's participation becomes effective~~ for periods of prior service rendered to such employer. Upon payment

by the member of the amount determined in accordance with RSA 100-A:3, VI(b) and with the approval of the board, the member shall receive credit for such prior service. Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities may, by action of their city council or board of selectmen, exempt their chief administrative officer, as an unclassified employee, from compulsory membership provided herein. The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system, such duties as shall be prescribed by the trustees in order to carry out the provisions of this chapter.

6 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2004.

AMENDED ANALYSIS

This bill:

I. Allows certain political subdivision employee members of the retirement system to purchase prior service credit where the member participated in a local retirement plan.

II. Repeals the provisions for making additional contributions for the benefit of a member's retirement allowance.

III. Removes time frames for applications to purchase service credit.

2004-1064h

Amendment to SB 343

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

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

AN ACT relative to landowner permission for OHRV operation, relative to loading and unloading OHRVs on highways, and relative to criteria for trail construction on state-owned property for all-terrain vehicles and trail bikes

Amend the bill by replacing all after section 1 with the following:

2 OHRVs; Trail Evaluation Process. Amend RSA 215-A:43, II, (l) – (o) to read as follows:

(l) The proposed trail does not pass through ~~[a wellhead protection]~~ **the sanitary protective area of a community groundwater supply** as determined by the department of environmental services ~~[under RSA 485:48, H]~~, **and in no case shall the trail be closer than 400 feet from a wellhead.**

(m) The proposed trail is not located on earthen dams, dikes, and spillways.

(n) The proposed trail avoids areas having soil types classified as important forest soil group IIA or IIB as defined and mapped by the Natural Resources Conservation Service, unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts.

(o) The proposed trail is not within 100 feet of the ordinary high water mark of first and second order streams, 330 feet of third order streams, and 600 feet of fourth order and higher streams, except for purposes of stream crossing, **except as provided for in subparagraph II(j).**

3 Repeal. RSA 215-A:9, VI, relative to loading and unloading OHRVs on highways for trail access, is repealed.

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect January 1, 2005.

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

AMENDED ANALYSIS

This bill

I. Requires persons operating OHRVs to have permission from private and public landowners.

II. Repeals an exception for loading and unloading OHRVs on highways from the prohibition on operating in highway rights-of-way.

III. Changes certain ATV and trail bike trail criteria for planning and layout of a trail on state-owned property.

2004-0633h

Amendment to SB 344

Proposed by the Committee on Fish and Game - C

Amend the bill by replacing section 1 with the following:

1 Fish and Game Fund; Account for Gifts and Donations. RSA 206:33-a is repealed and reenacted to read as follows:

206:33-a Gifts and Donations; Account Established.

I. Notwithstanding any other provision of law to the contrary, individual gifts and donations not exceeding \$2,500 in value in a year may be received by the fish and game department with the consent of the commission and without the approval of the governor or the governor and council. Individual gifts and donations exceeding \$2,500 in value in a year may be received by the fish and game department with the consent of the commission and with the approval of the governor and council.

II. There is established an account within the fish and game fund to be known as the gifts and donations account.

Moneys in the gifts and donations account are nonlapsing and continually appropriated to the fish and game department. All gifts and donations shall be deposited in this account, except gifts and donations made to the department in support of a specific program that has an established dedicated account in title XVII which shall be deposited into the appropriate dedicated account and expended in accordance with the purpose of the dedicated account.
2004-0910h

Amendment to SB 351-FN
Proposed by the Committee on Education - C

Amend RSA 188-E:6, III as inserted by section 1 of the bill by replacing it with the following:
III. The state shall be responsible for only 75 percent of the vocational education tuition for a student enrolled in a vocational course if enrollment on a full-time basis is not approved by the department of education, and the sending district shall be responsible for any remaining tuition.
2004-0999h

Amendment to SB 355
Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing all after the enacting clause with the following:
1 New Sections; Portable Fire Extinguisher and Fixed Fire Extinguishing Systems, Fire Sprinkler Systems, and Fire Alarm and Detection Systems; Commission. Amend RSA 153 by inserting after section 5 the following new sections:
153:5-a Fire Equipment Servicing Certification. The commissioner of safety, in consultation with the advisory committee established in RSA 153:5-b, shall adopt rules pursuant to RSA 541-A, for the voluntary certification of persons engaged in the inspection, installation, and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems in this state. Such rules may include the issuance of various types and classes of certificates, and a fee not to exceed \$200 for such issuance, for an individual or firm engaged in the installation or servicing of such extinguishing and detection systems. Fees shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d. Applicants for certification shall provide proof of certification by a national organization recognized by the commissioner and provide proof of insurance.
153:5-b Advisory Committee on Portable Fire Extinguisher and Fixed Fire Extinguishing Systems Fire Sprinkler Systems, and Fire Alarm and Detection Systems. The commissioner shall establish a committee to advise and assist the commissioner on the rulemaking requirements and implementation of the voluntary certification of persons engaged in the inspection, installation, and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems in this state provided for in RSA 153:5-a. The commissioner shall appoint the members of the advisory committee, with the state fire marshal serving as an ex-officio member, as follows:
I. One representative of the sprinkler system industry.
II. One representative of the New Hampshire Plumbing and Mechanical Contractor's Association, nominated by the association.
III. One representative of the portable fire extinguisher industry.
IV. One person experienced in the design of fixed extinguishing systems.
V. One representative of the New Hampshire Association of Fire Chiefs, nominated by the association.
VI. One representative of the New Hampshire Fire Prevention Society, nominated by the society.
VII. One representative of the New Hampshire Alarm Association, nominated by the association.
VIII. One representative of the Electrical Contractors Business Association, nominated by the association.
IX. One building code enforcement official nominated by the New Hampshire Municipal Association.
X. One member of the state electrician's board.
2 Effective Date. This act shall take effect January 1, 2005.

AMENDED ANALYSIS

This bill requires the commissioner of safety to adopt rules for the certification of persons engaged in the servicing and installation of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems in this state. The bill also establishes an advisory committee.
This bill also requires that fees for certification be deposited in the fire standards and training and emergency medical services fund.
2004-0988h

Amendment to SB 361-FN-A
Proposed by the Committee on Ways and Means - C

Amend RSA 292:8-kk, II as inserted by section 1 of the bill by replacing it with the following:
II. All transcript request fees collected by the postsecondary education commission under this section shall be deposited into a nonlapsing, revolving fund to be used for managing the storage, maintenance, and retrieval of closed school transcripts.
Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Subparagraph; State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12, I (b) by inserting after subparagraph 227 the following new subparagraph:

(228) Moneys received by the postsecondary education commission under RSA 292:8-kk, II.

2004-0741h

Amendment to SB 377

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

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

1 New Paragraph; Limited Landowner Liability. Amend RSA 482-A:14-b by inserting after paragraph II the following new paragraph:

III. A landowner shall not be liable for violations of this chapter caused by persons operating OHRVs, as defined in RSA 215-A:1, V, in a location or in a manner not authorized by the landowner.

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

2004-0971h

Amendment to SB 380

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Subdivision; Statewide Incident Command System. Amend RSA 21-P by inserting after section 51 the following new subdivision:

Statewide Incident Command System

21-P: 52 Incident Command System Adopted. There shall be a statewide incident command system based on the incident command system of the National Interagency Incident Management System. The commissioner of safety shall adopt rules pursuant to RSA 541-A to implement the statewide incident command system. The statewide incident command system shall be used in responding to any natural or man-made cause that requires emergency management by multiple agencies or departments within state and local government.

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

2004-0848h

Amendment to SB 381

Proposed by the Committee on Public Works and Highways - C

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

AN ACT relative to the authorization for and transfer of certain capital appropriations within the department of safety.

Amend the bill by replacing section 1 with the following:

1 Capital Budget; Department of Safety; Highway Fund Projects; Transfers Authorized. Amend 2003, 240:3, I to read as follows:

I. Department of Safety.

A. Finish Second Floor of DMV Building - Hazen Drive	\$ 370,000
B. Addition to DMV Building on Hazen Drive – Design/Build	3,900,000
C. Lab Expansion	167,400
D. Finish Troop D First Floor	589,000
Less Other	- 111,910
Net state appropriation subparagraph D	477,090
E. Emergency Operations Center/Transportation Management Center	9,164,503
Less Federal	-9,164,503
Net state appropriation subparagraph E	0
Total state appropriation paragraph I	\$ 4,914,490

The ~~sums~~ **sums** appropriated in subparagraph B for the construction of the DMV Building addition **and subparagraph E for the construction of the emergency operations center/transportation management center** shall not be spent, obligated, or encumbered until the department has received approval of the ~~plan~~ **plans** from the capital budget overview committee. **The emergency operations center/transportation management center may be constructed using construction management procurement procedures.**

Notwithstanding section 9 of this act, the commissioner of the department of safety may transfer the appropriations made in paragraph I, A, B, C, and D between those individual project appropriations, if needed, to complete a project.

AMENDED ANALYSIS

This bill allows the department of safety to transfer funds appropriated in the biennial capital budget. This bill also authorizes a federally funded emergency operations center/transportation management center.

2004-1030h

Amendment to SB 383-FN

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - R

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

□ Department of Health and Human Services; Medicaid Pharmacy Benefits Management Program. Amend 2002; 281:9 as amended by 2003, 319:176 to read as follows:

281:9 Department of Health and Human Services; Medicaid Pharmacy Benefits Management Program.

I. The commissioner, in order to manage plan benefits under Medicaid, shall adopt rules under RSA 541-A, relative to a pharmacy benefits management program which may include provisions for:

(a) A medical pharmacy lock-in program to prevent recipients from obtaining excessive quantities of, or from inappropriately using, prescription drugs through multiple pharmacies; and

(b) A prior authorization process in which a prescriber seeks approval by the department, through its designated agent, to make payment for drugs which are considered to have a high potential for misuse or abuse, are high cost, or should be monitored for correct adherence to clinical protocols.

II. The commissioner may place a drug on a preferred drug list, provided that the decision to place the drug on a preferred drug list has been ratified in writing by a physician who is board certified in the specialty that most commonly treats the disease or prescribes the relevant therapeutic class of drugs. The physician shall not be employed by, nor have any financial relationship with, any pharmacy benefits management company managing Medicaid prescription benefits, nor be a member of the pharmacy and therapeutics committee established in paragraph VI. Such written ratification shall be submitted to the commissioner, members of the pharmacy and therapeutics committee, established in paragraph VI, and the legislative oversight committee, established in subparagraph VII(b), and shall be available to the public upon request.

III. Notwithstanding the provisions of paragraph II, the commissioner shall not limit or exclude coverage for a ***non-preferred*** drug which has been previously approved and prescribed for the treatment of an enrollee's medical condition, provided that such drug has been determined to be safe and effective for the treatment of such medical condition ***and provided that the enrollee's physician has determined that it is medically necessary that the enrollee continue to receive the previously prescribed drug.***

IV. Notwithstanding the provisions of paragraph II, the commissioner ~~[shall not require prior authorization or impose any other restriction on medications used to treat severe mental illnesses including schizophrenia, severe depression, and bipolar disorder]~~ ***may require prior authorization for medications to treat severe mental illnesses including schizophrenia, severe depression, and bipolar disorder for enrollees who are currently being treated for such severe mental illness with a non-preferred drug which has previously been prescribed only if, after a transition period not to exceed 6 months, the enrollee's physician has determined that a preferred drug provides the same level of treatment for the patient's mental illness as the previously prescribed non-preferred drug.***

IV-a. The enrollee's physician shall base the determination made under paragraphs III and IV that an enrollee shall continue to be treated with a non-preferred drug on at least one of the following criteria:

(a) Allergy to all medications within the same class on the preferred drug list;

(b) Contraindication to or drug-to-drug interaction with all medications within the same class on the preferred drug list;

(c) History of unacceptable or toxic side effects to all medications within the same class on the preferred drug list;

(d) Therapeutic failure of all medications within the same class on the preferred drug list;

(e) An indication that is unique to a non-preferred drug and is supported by peer-reviewed literature or a unique federal Food and Drug Administration-approved indication;

(f) Age specific indication;

(g) Medical co-morbidity or other medical complication that precludes the use of a preferred drug; or

(h) Clinically unacceptable risk with a change in therapy to preferred drug.

V. If the commissioner determines that the department does not have sufficient qualified personnel to self-administer a preferred drug list establish under paragraph II, he or she may contract with a vendor to provide assistance to implement a preferred drug list provided that payment for those services shall be contingent upon demonstrated reductions in usage of Medicaid prescription benefits.

VI. A pharmacy and therapeutics advisory committee shall be established to advise the department on the operation of the Medicaid pharmacy benefits management program, including the medications subject to prior authorization, the criteria for approving prior authorization including consideration of medical necessity, and the criteria for a pharmacy lock-in program designed to prevent recipients from obtaining excessive quantities of, or from inappropriately using, prescription drugs through multiple pharmacies.

(a) The committee shall include:

(1) The medical director of the department.

(2) Five persons appointed by the commissioner.

(3) Four physicians appointed by the New Hampshire Medical Society, who shall be from the following specialties:

- (A) Internal medicine.
- (B) Pediatrics.
- (C) Family practice.
- (D) Psychiatry.

(4) Two pharmacists, one of whom shall be a Pharm.D, appointed by the New Hampshire ~~[Pharmacists Association]~~ **pharmacy board**.

(5) An advanced registered nurse practitioner (A.R.N.P.) with a specialty in mental health, appointed by the New Hampshire board of nursing.

(b) In determining which medications shall be subject to prior authorization and in establishing the criteria for approving prior authorization or any changes thereto, the committee shall hold a public hearing to be scheduled at a time and place chosen to afford opportunity for the public to present its views. The committee shall give public notice of any hearing at least 30 days in advance of the hearing. Public notice shall include a public notice advertisement in a publication of daily statewide circulation.

VII.(a) The commissioner of health and human services shall report quarterly to the legislative oversight committee established in subparagraph (b) with respect to the Medicaid prescription drug benefits management program, including:

(1) The cost savings to the state realized from the operation of a pharmacy benefits management program. To the extent possible, the savings shall be allocated to each pharmacy benefits management initiative.

(2) The direct costs of a pharmacy benefits management program including costs associated with any pharmacy benefits management contract. To the extent possible, the savings shall be allocated to each pharmacy benefits management initiative.

(3) An analysis of any cost shifting associated with the implementation of each pharmacy benefits management initiative including additional prescriptions, hospital admissions, psychiatric hospital admissions, emergency room visits, long-term care admissions, physician visits, laboratory tests, skilled nursing care, and the underlying data to support such analysis.

(4) A report on the volume of claims paid for preferred versus non-preferred drugs, prior authorizations as a percentage of total claims, average call waiting time, and any issues that the state's pharmacy benefits administrator is required to comply with under the terms of the pharmacy benefits management contract.

(5) A report of the effectiveness of the department of health and human services' pharmacy lock-in program.

(6) An analysis of the impact of the pharmacy benefits management program on patient outcomes and quality of care.

(7) Recommendations for other opportunities to improve the management of pharmacy services or to expand pharmacy benefits to additional populations.

(b) For the purpose of legislative oversight of the Medicaid prescription drug benefits management program administered by the department, including a preferred drug list which may be established pursuant to paragraph II, there is established a legislative oversight committee consisting of 3 members of the house of representatives appointed by the speaker and 3 senators appointed by the senate president. The committee shall meet as needed and shall elect a chairperson from among the members. The committee shall review the reports of the commissioner under subparagraph (a) and may request additional information as needed. The department shall provide to the oversight committee a report of actions taken by the pharmacy and therapeutics committee since the last meeting of the oversight committee, including a list of any medications made subject to prior authorization, the criteria for approving such prior authorization, and minutes of the pharmacy and therapeutics committee meetings. The oversight committee may request the assistance of the legislative budget assistant in auditing the program and in reviewing its performance and effectiveness. The committee may make recommendations for proposed legislation, and shall report any findings or recommendations, including the commissioner's report under subparagraph (a), to the speaker of the house, the president of the senate, the governor, and the chairperson of the joint legislative committee on administrative rules by January 1 of each year.

VIII. The commissioner of the department of health and human services shall conduct an independent audit not less than once per biennium of the premises, operations, and data from any entity providing pharmacy benefits management services to the state. The results of such audit shall be reported to the legislative fiscal committee, established in RSA 14:30-a, and members of the legislative oversight committee, established in subparagraph VII(b), and shall be made available to the public upon request.

IX.(a) The commissioner, or designee, may negotiate with pharmaceutical companies for the payment to the department of supplemental rebates or price discounts for Medicaid in addition to those required by Title XIX of the Social Security Act.

(b) The commissioner, or designee, may negotiate supplemental rebates, price discounts, and other mechanisms to reduce net prescription drug costs by means of any negotiation strategy which the commissioner determines will result in the maximum economic benefit to the program while maintaining access to high quality

prescription drug therapies. The provisions of this subparagraph shall not authorize agreements with pharmaceutical manufacturers whereby financial support for medical and disease management services is accepted in lieu of cash supplemental rebate payments as consideration for placement of one or more drugs on the preferred drug list.

(c) The commissioner and the department shall prohibit the public disclosure of information revealing company-identifiable trade secrets, including rebate and supplemental rebate amounts and manufacturer's pricing, obtained by the department in the course of negotiations conducted pursuant to this paragraph.

X. The commissioner shall:

(a) Develop mechanisms to educate and assist primary care physicians in efficacy and cost-effective practices for psychotropic medications; and

(b) A procedure to provide pharmacists with information concerning the availability of an ombudsman for seriously mentally ill persons who need assistance in obtaining medications.

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

AMENDED ANALYSIS

This bill clarifies certain provisions of the pharmacy benefits management program, including procedures for requiring prior authorization for certain medications to treat severe mental illnesses. This bill adds a member to the pharmacy and therapeutics advisory committee. This bill also allows the commissioner of the department of health and human services to negotiate supplemental rebates, price discounts, and other mechanisms to reduce prescription drug costs.

2004-1062h

Amendment to SB 392

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

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

1 Criminal Responsibility; Immaturity. Amend the introductory paragraph of RSA 628:1, II to read as follows:

II. ***Except as provided in paragraph III,*** a person 13 years of age or older may be held criminally responsible for the following offenses if the person's case is transferred to the superior court under the provisions of RSA 169-B:24:

2 Criminal Responsibility; Immaturity. RSA 628:1, III is repealed and reenacted to read as follows:

III. If a person is charged after his or her 17th birthday for an offense set forth in paragraph II which is alleged to have been committed when such person was 13 years of age but less than 15 years of age, and the statute of limitations has not expired, and no juvenile petition based on the acts constituting the offense has been filed, the provisions of RSA 169-B:24 shall not apply. In such cases, the superior court shall hold a hearing prior to trial to determine, based on a preponderance of the evidence, whether the defendant may be held criminally responsible. In making such determination, the court shall consider, but shall not be limited to, the following criteria:

- (a) The seriousness of the alleged offense to the community;
- (b) The aggressive, violent, premeditated, or willful nature of the alleged offense;
- (c) Whether the alleged offense was committed against persons or property;
- (d) The prosecutorial merit of the charge;
- (e) The sophistication and maturity of the defendant at the time of the alleged offense; and
- (f) The defendant's prior record and prior contacts with law enforcement as of the date of the hearing.

3 Repeal. RSA 169-B:24, V, relative to criminal offenses committed by an individual before the age of 17 which are not charged until after the individual has reached the age of 17, is repealed.

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

AMENDED ANALYSIS

This bill sets forth circumstances under which a person charged after his or her 17th birthday for an offense committed between the ages of 13 and 15 may be held criminally liable.

2004-0998h

Amendment to SB 399-FN

Proposed by the Committee on Ways and Means - R

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

1 Sale of Animals; License. Amend RSA 437:1 to read as follows:

437:1 License Required. No person, firm, corporation or other entity shall engage in the business of selling or the business of placing or giving away, with or without a fee or donation required, to the public, live animals or birds customarily used as household pets unless the premises on which they are housed, harbored or displayed for such purposes are duly licensed and inspected by the department of agriculture, markets, and food of the state of New Hampshire. ***This section shall also apply to commercial kennels.***

2 New Paragraph; Commercial Kennel Definition. Amend RSA 437:2 by inserting after paragraph I the following new paragraph:

I-a. "Commercial kennel" means any person, business, corporation, or other entity that sells or transfers 10 or more

litters or 50 or more puppies in any 12-month period.

3 Licensing Fees; Increase. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of ~~[\$50]~~ **\$200**. After January 1, the license fee shall be ~~[\$25]~~ **\$100**. If after inspection the department finds that the premises, cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of ~~[\$50]~~ **\$200**. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them and adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than every 6 months. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.

4 Sale of Animals; Penalty. RSA 437:9 is repealed and reenacted to read as follows:

437:9 Penalty.

I. Any person who violates any provision of this subdivision shall be guilty of a misdemeanor.

II. In addition, any person or owner who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

III. Once a license has been revoked under the provisions of RSA 437:3, the department may require that all animals and birds located on the premises for which such license was revoked shall be removed by the licensee from said premises within 3 working days after said revocation and be relocated to a safe and sanitary place approved by the department.

5 Effective Date. This act shall take effect January 1, 2005.

AMENDED ANALYSIS

This bill clarifies that the standards that apply to the retail sales of animals also apply to commercial kennels. The bill increases certain licensing fees and changes the penalty for violations of laws regarding sale of animals.

2004-1037h

Amendment to SB 402

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing all after section 1 with the following:

2 Referendum. At the election to be held in the city of Manchester in September or November, 2004, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2004, amending section 12 of the city of Manchester employees contributory retirement system to provide for an optional retirement annuity benefit?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective July 1, 2005, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

3 Effective Date. Section 2 of this act, relative to the referendum, shall take effect upon its passage. If the provisions of section 1 of this act shall be adopted as provided in section 2, said provisions shall be declared adopted and shall become effective July 1, 2005.

2004-1083h

Amendment to SB 409-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 188-D:19, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) "Physical presence" means any physical location or place of contact, including a New Hampshire telephone exchange or a New Hampshire mail drop, and if an individual is conducting one or more of the following activities within this state:

- (1) Advertising.
- (2) Solicitation of potential students.
- (3) Enrollment of students.
- (4) Providing student services.
- (5) Student mentoring.
- (6) Instruction of students.

Amend RSA 188-D:19, II as inserted by section 2 of the bill by inserting after subparagraph (i) the following new subparagraph:

- (j) A person with fewer than 5 students per calendar year.

Amend RSA 188-D:20 as inserted by section 2 of the bill by replacing it with the following:

188-D:20 Licenses and Fees.

I. Prior to registering a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the postsecondary education commission to determine if the entity requires a license. The executive director, in consultation with the postsecondary education commission, shall establish procedures to accomplish this review.

II. If the postsecondary education commission determines that a license is required, a private postsecondary career school maintaining a physical presence in this state shall register to obtain a license or license renewal from the postsecondary education commission. The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director, in consultation with the postsecondary education commission. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees. In no case shall a license or license renewal be issued to any school, which has not met the requirements of RSA 188-D:20-a or RSA 188-D:20-b.

III. The executive director, in consultation with the postsecondary education commission, may establish reasonable fees for administration of this subdivision, including fees for licenses, renewals, penalties, reimbursement for consultants, complaint investigation, and enforcement.

2004-1069h

Amendment to SB 413-FN

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 commission to study the construction time frame and financing for the expansion of Interstate Route 93.

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

1 Commission Established. There is established a commission to study the construction time frame and financing for the expansion of Interstate Route 93.

2 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) One member from the financial field, appointed by the president of the senate.
- (d) One member from the construction field, appointed by the speaker of the house of representatives.
- (e) One member from the business field, appointed by the governor.
- (f) The commissioner of the department of transportation, or designee.

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

3 Duties. The commission shall study the construction time frame and financing for the expansion of Interstate Route 93.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the 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 commission to study the construction time frame and financing for the expansion of Interstate Route 93.

2004-0921h

Amendment to SB 418

Proposed by the Committee on Education - C

Amend the bill by replacing section 2 with the following:

2 Hanover School District; Ballot Question.

I. The school district clerk shall include on the regular ballot for the election of officers at the first election, occurring at least 30 days after the effective date of this act, a question in the following form:

“Shall the provisions of an act of the 2004 legislative session entitled “An act relative to the voting procedures in the Hanover school district” be adopted, enabling the Hanover school district to adopt a modified method of official ballot voting similar to the official ballot procedures used by the Dresden school district including the following provisions:

- (a) The method of voting shall be the same as the official ballot method used by the Dresden school district to the

following extent:

- (1) Each district meeting shall consist of 2 sessions, a discussion session held on the first meeting day and a voting session to take place during designated hours in the second meeting day.
- (2) The discussion session of the meeting shall consist of explanation, discussion, and debate of each warrant article.
- (3) Articles shall not be amendable at the discussion session.
- (4) All warrant articles shall be proposed in the form of a question to the voters and shall be placed on the official ballot.
- (5) All voting to fill elected positions and all voting on warrant articles shall be conducted by secret written ballot during the voting session on the second day of the district meeting.
- (6) All requirements pertaining to absentee voting shall apply.
- (b) Approval of all warrant articles shall be by simple majority except for questions which require a 2/3 vote by law, contract, or written agreement and except that the issue of notes or bonds shall be authorized by a vote of 3/5.
- (c) The warrant for any annual or special meeting shall prescribe the date, place, and hour for the first and second session of the meeting.
- (d) Votes taken at the second session shall be subject to recount under RSA 671:32.
- (e) Votes taken at the second session shall not be reconsidered.
- (f) Notwithstanding RSA 197:1, the 2 sessions of the annual meeting may be held before March 1 or after March 25 to allow for voting in coordination with the Dresden school district.
- (g) The first session of all district meetings shall be deemed the district meeting date for the purposes of budget hearings under RSA 32:5, bond hearings under RSA 33:8-a, the "budget submission date" as defined under RSA 273-A:1, III, submission of petitioned articles under RSA 197:6, and the posting of warrants and budgets under RSA 197:7.
- (h) Notwithstanding RSA 671:2, the second session of the annual meeting shall be deemed the annual election date for the purposes of all applicable election statutes including, but not limited to, RSA 671:15, RSA 671:19, and RSA 671:30-32.
- (i) Except as set forth above, voting at the second session shall conform to the procedures for the non-partisan ballot system as set forth RSA 669:19-25 and RSA 671:20-27, RSA 671:28, and RSA 671:30, including all requirements pertaining to polling place and polling hours.
- (j) Except as set forth in this section, the provisions of general law relative to school district meetings, their warning, the right for petitioned articles, and the conduct of district meetings shall apply."

II. Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word in which the voter may indicate his or her choice.

III. A 3/5 majority of those voting on the question shall be required for adoption. Only affirmative or negative votes shall be included in the calculation of the 3/5 majority.

IV. The Hanover school district clerk shall, within 10 days after the election, certify to the secretary of state the result of the vote on the question.

2004-0987h

Amendment to SB 432-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing sections 8-11 with the following:

8 Department of Safety; Advisory Council on Emergency Preparedness and Security. Amend RSA 21-P:48, I(f) to read as follows:

(f) The ~~[state fire marshal]~~ **director of the division of fire safety.**

9 Compensation of State Officers. Amend RSA 94:1-a, I(b), as follows:

I. By deleting in Grade EE:

EE Department of safety, bureau
of emergency management assistant bureau chief

II. By deleting in Grade FF:

FF Department of safety, bureau
of emergency management bureau chief

10 Compensation of Director and Assistant Director of the Division of Emergency Services, Communications, and Management.

I. If HB 1364 of the 2004 legislative session becomes law and the joint committee on compensation of state officers is established, the unclassified salaries of the director and the assistant director, division of emergency services, communications and management shall be adopted after the review and allocation approval by the joint committee on compensation of state officers pursuant to the procedure in RSA 94:1-d and RSA 94:10.

II. If HB 1364 of the 2004 legislative session does not become law, the unclassified salaries of the director and the assistant director, division of emergency services, communications and management shall be adopted after the review and

allocation approval by the fiscal committee pursuant to the procedure in RSA 94:1-d and RSA 14:30-a.

II Director and Assistant Director of the Division of Emergency Services, Communications, and Management; Retirement System. Amend RSA 21-P:36-a to read as follows:

21-P:36-a Assistant Chief of Bureau of Emergency Management; Retirement System. For purposes of classification under the provisions of RSA 100-A, the ~~[assistant chief of the bureau of emergency management]~~ **the assistant director of the division of emergency services, communications, and management** shall be *eligible to be* a group II member if the ~~[assistant chief]~~ **assistant director** was a member of group II for at least 10 years prior to *his or her* appointment ~~[as the assistant chief of the bureau of emergency management under RSA 21-P:3]~~.

Amend the bill by replacing section 24 with the following:

24 Department of Safety; Remove References to Division and Bureau of Fire Safety. Amend the introductory paragraph of RSA 21-P:12 to read as follows:

21-P:12 Division of Fire Safety ~~[and Emergency Management; Bureau of Fire Safety]~~. There is established within the department a division of fire safety ~~[and emergency management under the supervision of the assistant commissioner]~~. Such division shall be ~~[composed of the bureau of fire safety and the bureau of emergency management. The bureau of fire safety shall be]~~ under the supervision of an unclassified ~~[chief of the bureau of fire safety]~~ **director** who shall be known as the state fire marshal. The state fire marshal shall be nominated by the commissioner of safety, after consultation with the state advisory board of fire control, for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. If no successor has been appointed with the consent of the council within 6 months of the expiration of the term, the governor shall appoint a successor with the consent of the council. The state fire marshal shall be academically and technically qualified to hold the position. The state fire marshal shall be a citizen of this state or become a citizen of this state within one year of his or her appointment. He or she shall devote his or her entire time to the duties of the ~~[bureau]~~ **division** of fire safety and shall receive the salary specified in RSA 94:1-a for the state fire marshal. The state fire marshal shall be responsible for the following functions, in accordance with applicable law:

Amend RSA 21-P:12-a, I as inserted by section 26 of the bill by replacing it with the following:

I. There is established within the department a division of fire standards and training **and emergency medical services** under the supervision of an unclassified director of fire standards and training **and emergency medical services** who shall administer and supervise a fire **and emergency medical** service training and research program throughout the state. The director of fire standards and training **and emergency medical services** shall be nominated by the commissioner of safety, after consultation with the fire standards and training commission **and the emergency medical and trauma services coordinating board**, for appointment by the governor, with consent of the council, and shall serve a term of 4 years until a successor is appointed. The commission shall take a recorded vote regarding its concurrence or non-concurrence in the commissioner's nomination decision. If the commission votes not to concur in the decision, it shall submit a letter to the commissioner so stating, and the commissioner shall in turn submit that letter to the governor and council. The director of fire standards and training **and emergency medical services** shall be academically and technically qualified to hold the position, and shall receive the salary specified in RSA 94:1-a.

Amend RSA 21-P:12-d as inserted by section 27 of the bill by replacing it with the following:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training **and emergency medical services**, under RSA 21-P:12-a, ~~[the division of emergency medical services, under RSA 21-P:12-b, and]~~ the division of fire safety ~~[and emergency management]~~, under RSA 21-P:12, **and the bureau of emergency management in the division of emergency services, communications, and management under RSA 21-P:36**. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training~~[- the division of]~~ **and emergency medical services**, ~~[or]~~ the division of fire safety ~~[and emergency management]~~, **or the bureau of emergency management in the division of emergency services, communications, and management**, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards.

Amend the bill by replacing section 31 with the following:

31 New Hampshire Retirement System; Membership. Amend RSA 100-A:3, III-c to read as follows:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, II(c) who has 10 years' fire service experience, who is or becomes the ~~[state fire marshal, the administrator of the fire standards and training commission]~~ **director of the division of fire safety, the director of the division of emergency services, communications, and management, the director of the division of fire standards and training and emergency medical services**, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, firefighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a

permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of service in that capacity with the fire standards and training commission.

2004-1001h

Amendment to SB 451

Proposed by the Committee on Education - C

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

AN ACT giving degree-granting authority to the Hellenic American University and the St. Joseph School of Nursing.

Amend the bill by replacing section 2 with the following:

2 St. Joseph School of Nursing. St. Joseph School of Nursing, located in Nashua, New Hampshire, is hereby authorized to confer degrees upon its graduates, subject to the authority of the postsecondary education commission under RSA 188-D:8, IV. The degrees shall be specified by the postsecondary education commission as provided in RSA 292:8-h, III.

AMENDED ANALYSIS

This bill gives degree-granting authority to the Hellenic American University.

This bill also give degree-granting authority to the St. Joseph School of Nursing.

2004-1043h

Amendment to SB 455

Proposed by the Committee on Judiciary - R

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

1 Place and Time of Detention. Amend RSA 594:20-a to read as follows:

594:20-a Place and Time of Detention.

I. When a person is arrested with or without a warrant he *or she* may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody; provided, however, that he *or she* shall be taken before a district [~~or municipal~~] court without unreasonable delay, but not exceeding 24 hours, **Saturdays**, Sundays, and holidays excepted, to answer for the offense.

II. Notwithstanding the provisions of paragraph I, defendants detained under RSA 173-B shall have timely access to a bail hearing by telephonic means or otherwise as determined by the district court.

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

2004-1056h

Amendment to SB 465

Proposed by the Committee on Judiciary - C

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

1 New Section; Confidential Settlement Agreements. Amend RSA 516 by inserting after section 33 the following new section:

516:33-a Confidential Settlement Agreements. For purposes of testimony, confidential settlement agreements in prior court actions shall not prevent a person from disclosing information other than the amount of the settlement, if the court finds the information is relevant to the pending action.

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

AMENDED ANALYSIS

This bill allows a person to disclose certain information from a prior legal action, even if there is a confidentiality agreement.

2004-0908h

Amendment to SB 469

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 157-A:7, II as inserted by section 1 of the bill by replacing it with the following:

II. A license shall be issued by the commissioner to an inspector for a [~~2-year~~] **1-year** period. A fee of \$30 shall be charged for the license. A license may be renewed every [~~2-years~~] **year** upon payment of a fee of \$20. Employees of the department of labor shall not be charged for the issuance or renewal of a license.

2004-1074h

Amendment to SB 488

Proposed by the Committee on Resources, Recreation and Development Joint With Science, Technology and Energy - C

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

(b) Six members of the house of representatives, appointed by the speaker of the house:

- (1) One of whom shall be a member of the finance committee;
- (2) One of whom shall be a member of the fish and game committee;
- (3) Two of whom shall be members of the science, technology and energy committee; and
- (4) Two of whom shall be members of the resources, recreation and development committee.

2004-0573h

Amendment to SB 494
Proposed by the Committee on Fish and Game - C

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

AN ACT relative to the prohibition on taking conch and winkles; licensing requirements for taking lobsters and crabs; and changing the name of the advisory committee on shore fisheries to the advisory committee on marine fisheries.

Amend the bill by replacing all after section 6 with the following:

7 Fish and Game Commission; Reference to Advisory Committee on Shore Fisheries Changed. Amend RSA 206:2, II to read as follows:

II. Sporting clubs in each county may form a county sporting club board. Whenever an appointment is to be made to the commission, each board may nominate one to 3 persons and submit such recommendations to the governor for the governor's consideration. Whenever an appointment is to be made to the commission from the tidewater towns, the advisory committee on ~~[shore]~~ **marine** fisheries may nominate one to 3 persons and submit such recommendations to the governor for the governor's consideration.

8 Name Change; Advisory Committee on Marine Fisheries. Amend RSA 211:60 to read as follows:

211:60 Advisory Committee on ~~[Shore]~~ **Marine** Fisheries.

I. There is established an advisory committee on ~~[shore]~~ **marine** fisheries to recommend programs and policies regarding ~~[shore]~~ **marine** fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, all of whom shall be residents of the seacoast region, appointed by the governor and council.

II. The term of office of each member shall be for 3 years and until a successor is appointed and qualified. The alternate member shall attend all meetings of the advisory committee, and shall act in the place of a member to make a quorum for the transaction of business, and may then vote on any motion with the powers granted to members. Members of the committee shall serve without compensation.

III. The duties of the advisory committee shall be to review and make recommendations as seems advisable relative to marine species. The committee shall have authority to hold hearings in the coastal towns on marine species.

9 Clams, Lobsters; Name Change. Amend RSA 211:61 to read as follows:

211:61 Clams, Lobsters. The advisory committee on ~~[shore]~~ **marine** fisheries as appointed under RSA 211:60 may recommend to the fish and game commission such rules and regulations as may be necessary for the propagation, preservation, and taking of clams, clam worms, lobsters, crabs, oysters, and other marine species. All laws and regulations relative to the taking, sale, possession, and transportation of lobsters, crabs, clams, clam worms, oysters, and other marine species shall remain in full force and effect until such time as they are changed under the authority contained in this section.

10 Marine Species; Reference to Advisory Committee on Shore Fisheries Changed. Amend RSA 211:62, I to read as follows:

I. Rules relating to the taking, inspection, and processing of marine species may be made by the executive director of the fish and game department with the approval of the fish and game commission, and upon the advice and cooperation of the advisory committee on ~~[shore]~~ **marine** fisheries.

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

AMENDED ANALYSIS

This bill:

I. Repeals the prohibition on taking conch and winkles.

II. Amends the nonresident licensure requirements for taking lobsters and crabs.

III. Changes the name of the advisory committee on shore fisheries to the advisory committee on marine fisheries.

2004-0938h

Amendment to SB 503-FN-LOCAL
Proposed by the Committee on Municipal and County Government - C

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

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

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be a member of the science, technology and energy committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of resources and economic development, or designee.

(d) A representative from the New Hampshire ISP Association, appointed by the association.

(e) A representative from the New Hampshire Municipal Association, appointed by the association.

(f) A representative from the New England Cable Television Association, appointed by the association.

(g) A representative from the Telephone Association of New Hampshire, appointed by the association.

(h) One attorney who serves as a bond counsel to local government, appointed by the New Hampshire Bar Association.

(i) A member of the telecommunications planning and development advisory committee established under RSA 12-

A:46, appointed by the chair of the committee.
(j) A representative of open video suppliers, identified and appointed by the president of the senate.
2004-0694h

Amendment to SB 511-FN
Proposed by the Committee on Criminal Justice and Public Safety - C

Amend RSA 644:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Riot is a class B felony if, in the course of and as a result of the conduct, any person suffers physical injury, or substantial property damage or arson occurs, or the defendant was armed with a deadly weapon, *or knowingly throws or causes to propel any object or substance of any kind at any uniformed law enforcement officer or uniformed emergency responder, regardless of whether such object actually strikes the uniformed law enforcement officer or uniformed emergency responder*, except that if the deadly weapon was a firearm, he *or she* shall be sentenced in accordance with RSA 651:2, II-g. Otherwise, it is a misdemeanor.

AMENDED ANALYSIS

This bill adds the act of throwing or propelling any object or substance at a uniformed law enforcement officer or emergency responder as a class B felony under the riot statute.
2004-1066h

Amendment to SB 525-FN-A
Proposed by the Minority of the Committee on Resources, Recreation and Development - R

Amend the title of the bill by replacing it with the following:
AN ACT relative to the electricity consumption tax and the land and community heritage investment program.
Amend the bill by replacing all after the enacting clause with the following:

1 Electricity Consumption Tax; Definition of Consumer. Amend RSA 83-E:1, II to read as follows:
II. "Consumer" means any person, including governmental units, receiving electrical energy for consumption in *or out of* this state and includes any person receiving electrical energy for the use of such person's tenants.

2 Electricity Consumption Tax; Liability for Tax. Amend RSA 83-E:4, I to read as follows:
I. Except as provided in paragraph III, every consumer *of New Hampshire generated electricity, whether located in New Hampshire or not*, shall be liable for the tax and such liability shall not be extinguished until the tax has been paid to the state, except that payment to a provider required to collect the tax pursuant to RSA 83-E:3 is sufficient to relieve the consumer from further liability for the tax.

3 Operating Budget Footnote Deleted; Land and Community Heritage Investment Program Trust Fund. Amend 2003, 318.1. 01, 08, 06 to read as follows:
01 GENERAL GOVERNMENT
08 TREASURY DEPARTMENT
06 LCHIP
90 LCHIP [x] 1,000,000 500,000
[x]
~~THE AMOUNTS APPROPRIATED SHALL ONLY BE USED FOR LAND PRESERVATION PURPOSES. LAND PRESERVATION PURPOSES SHALL INCLUDE, BUT NOT BE LIMITED TO, LAND ACQUISITIONS AND LAND EASEMENTS.]~~

TOTAL	1,000,000	500,000
ESTIMATED SOURCE OF FUNDS FOR LCHIP		
GENERAL FUND	1,000,000	500,000
TOTAL	1,000,000	500,000

4 Administrative Fund. Amend RSA 227-M:7-a, I to read as follows:
I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. ~~[For the biennium ending June 30, 2005]~~ There shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. The total revenues generated to the administrative fund from these 2 sources for each year ~~[of said biennium]~~ shall not exceed \$335,000.

5 Program Administration; Financial Assistance. Amend the introductory paragraph of RSA 227-M:8, III to read as follows:
III. Financial assistance to eligible applicants shall be provided through grants and block grants (grants to another organization for re-granting) *and loans*. Financial assistance may only be expended on eligible resources for the following purposes:

6 Effective Date. This act shall take effect July 1, 2004.

AMENDED ANALYSIS

This bill extends the application of the electricity consumption tax to out-of-state consumers of New Hampshire generated electricity.

The bill deletes a footnote in the operating budget restricting the use of funds appropriated in the land and community heritage investment program trust fund to land preservation purposes.

This bill also permits interest income generated on appropriations made in any biennium to the land and community heritage investment trust fund to be deposited, on a monthly basis, in the land and community heritage investment program administrative fund. The bill also allows loans to be made to eligible applicants for financial assistance under the land and community heritage investment trust program.