

# State of New Hampshire HOUSE RECORD

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Calendar and Journal of the 2004 Session

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Contains: Reports and Amendments for April 29, 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 29**, Wednesday, May 5, Thursday, May 6 and Wednesday, May 26 at 10:00 a.m. Please reserve Thursday, May 13, and Tuesday, May 25, as possible session days depending on the workload.

Please be reminded of accepted debate etiquette that does not permit using another member's name in debate. A member, in referring to another member, should avoid using the member's name. Instead identify that member by district, by seat, as the member who last spoke or by describing the member in some other manner, ie: *the member from Alton; the Deputy Speaker; or the chairman of the Election Law Committee.*

Senate messages that are received by the Clerk's Office will be posted on the website, [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us), for members' convenience in determining what issues may be coming before us in subsequent sessions.

Chairmen and Vice Chairmen will meet on Tuesday, April 27, at 9:00 a.m. in Room 201, LOB.

Speaker Gene G. Chandler

## NOTICE

There will be a Republican Caucus on Thursday, **April 29** at 9:15 a.m. in Representatives Hall.  
Rep. David W. Hess, Majority Leader

## NOTICE

There will be a Democratic Caucus on Thursday, **April 29** at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.  
Rep. Peter H. Burling, Democratic Leader

## NOTICE OF RECONSIDERATION

This day, Thursday, the 22<sup>nd</sup> day of April, 2004, at 1:00 p.m., Representative Henry P. Mock, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action

whereby, on a roll call vote of 183 to 159, it found **SB 452**, relative to testimony of expert witnesses, Ought to Pass.

Karen O. Wadsworth  
Clerk of the House

## 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

## THURSDAY, APRIL 29 CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**SB 386**, relative to the guardian ad litem board and providing for certification of guardians ad litem. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill as amended allows the Guardian ad Litem Board to make comprehensive rules concerning oversight of court appointed guardians ad litem. Provisions include screening, training, review and discipline. **Vote 12-0.**

**SB 520**, relative to modification of child support obligation. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill as amended provides that modification of a child support order shall not be effective prior to the date of notice of the petition. The amendment also defines notice and allows a change in amount of child support to be more closely set when a change in income occurs. It keeps New Hampshire in compliance with federal law while allowing parents to better reflect increases and decreases in income. **Vote 10-0.**

### COMMERCE

**SB 314**, relative to access to medical records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald H. Flanders for Commerce: This bill clarifies the medical record law so that “all” medical information in the possession of any health care provider is the property of the patient who shall be entitled to a copy of such records upon request. **Vote 14-0.**

**SB 348**, relative to the sale of manufactured housing and the management of manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This bill will regulate certain practices by manufactured housing park owners including tenant application fees, repairs and improvements required prior to the sale or, inside the home, compliance with an aesthetic standard, and written notice if an application for tenancy is denied. This bill also provides the circumstances in which a prior decision of the board of manufactured housing relative to the reasonableness of park rules shall be binding on the parties in a future proceeding. There was no opposing testimony to SB 348. **Vote 15-0.**

**SB 371**, relative to certain technical changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: As amended, this legislation extends the denial of coverage with any insured motor vehicle operator whose driver’s license has been suspended or revoked. This bill allows the insurance company, through the high-risk pool, to offer new types of products beyond the four that are currently required by statute. It also reduces health care insurance pre-existing condition exemptions from 12 to 9 months in accordance with the federal law. It changes the title of Assistant Insurance Commissioner to Director of Operations. It disallows alteration to any written application of life or annuity contracts without the written consent of the policyholder. Authority may be granted to a health plan to use the company’s own health status forms to collect health information. It allows employees who are submitting health status forms the option to convey the information directly to the broker or insurer, thereby passing the employer to insure confidentiality. It allows large employers to request claims data from the current insurer. It requires health insurers who delete a drug from its formulary to notify those subscribers who have used the drug in the previous 12 months since its deletion. **Vote 15-0.**

**SB 389**, relative to certain insurance contracts. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would have further extended the period of “continued access” so that affected

members would have more time to make alternative arrangements for covered health care. It also would have required that the Insurance Commissioner declare the duration of this discretionary extension of continued access at the beginning of the continued access period and have it communicated to affected members, rather than leaving them unaware of his intention to exercise, or its duration. This proposed legislation was supported by only a few community hospitals and it was strenuously opposed by health insurance carriers and Dartmouth Hitchcock, and failed to gain the support of the Medical Society or the New Hampshire Hospital Association. The committee found the member impact issues to be substantial, even enough to warrant a study of either mandatory or voluntary mediation. The committee felt that this additional safeguard of mediation would need further study, and should be woven into the entire response to the issues raised. Additionally, the Insurance Commissioner has now committed to an earlier exercise of his up to 60 day continued access discretion in order to maximize member awareness of the time available to make other plans for health insurance. Significantly, the committee feels that an existing Statutory Joint Committee (the SB 470 Committee) should examine the effects of such disputes, the mediation approach, and other responses in depth. That committee is already charged with examining the accelerating points of conflict between insurance carriers and health care facilities, their impacts upon affected third parties, particularly consumers and current insurance market trends, pricing, physician contracting, and impacts upon access to health care. **Vote 15-0.**

**SB 448-FN**, relative to consumer guaranty contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation was introduced as a result of a statutory study committee's efforts following the 2003 legislative session. This proposed legislation accomplishes many things relative to consumer guaranty contracts. A consumer guaranty contract is an agreement for consideration, promises to pay, indemnity, provide specified or determinable amount or benefit, or to do some act of value for another party based upon a determinable risk. In layman's terms these are extended warranties or service contracts. Typically auto dealers and appliance stores sell them. Contained in the bill is a definition of contingency or peril, which is not insurance and does not warrant full application of the state insurance statutes or rules. Contained in SB 448 are those agreements that are covered services including extended warranties, prepaid legal contracts, debt correction or debit suspension and contracts by the commissioner by rule or order subject to this chapter. This bill contains a plethora of business transactions that are and are not covered by SB 448. Another section includes current law, which defines what is considered covered under the general definitions of what constitutes pre-paid legal services followed by a section as to what is not considered pre-paid legal services. The bill endeavors to identify products delivered by insurers but products that are not traditional and not sold by traditional insurance producers. Further it develops protection for consumers from insurance related exposures associated with these products. The insurance department supported this legislation because of increased complaints regarding service contractors that have gone out of business, and that only some repairs were covered under the previous law (actually a rule) including requirements to meet a deductible or denial of a claim. It attempts to minimize the risk of insolvency, or market abuses. SB 448 will require accountability and stability of obligors. The department has restitution power to order sellers to compensate harmed consumers. It contains fiscal requirements, record keeping and contract disclosures. The legislation contains prohibitions against such issues as false misleading statements or making a contract mandatory. The committee's amendment changes the minimum bonding requirement from \$100,000 to \$25,000 and eliminates the 2% premium tax. **Vote 11-0.**

**SB 461**, relative to the regulation of gift certificates under the consumer protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: The current law states that expiration dates are prohibited on all gift certificates. Gift certificates with a value of \$100 or more, however, must be escheated to the state as abandoned property after five years. This bill, as amended by the Senate would continue the prohibition on expiration dates on all gift certificates, but would eliminate the abandoned property process to the state. The committee believes that the certificate, when purchased, is the property of the holder and as such it would be an unjust enrichment to the retailer to expire or retain any gift certificate over \$100. We recognize that this places a burden on the retailer to account for and report on outstanding certificates. That is why the law draws a distinction between small and large certificates. The committee has amended the Senate bill to make one minor change in the existing law. This change will allow the issuance of gift certificates up to \$100 without being escheated. All certificates in excess of \$100 would fall under the protection of the abandoned property statute. This will allow the issuance of evenly denominated certificates of \$100 without the requirement for accounting for and reporting to the state. **Vote 15-0.**

## EDUCATION

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

Rep. Stephen R. L'Heureux for Education: This bill enables the Hanover school district to adopt and implement a method of voting on warrant articles similar to the procedures used by the Dresden, Vermont school district. Additionally, it allows the voters of the Hanover school district to hold school district elections to coincide with voting in the Dresden school district. An amendment to the original bill detailed the specific language to be placed on the ballot and added a provision for cases in which the operating budget not be approved. **Vote 17-0.**

**SB 421**, relative to charter schools. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark S. Carter for Education: The committee supports the concept of the "new authorizer" charter school law passed by the

House during the last session by maintaining and confirming that the State Board of Education shall have wide latitude in their charter approval review process. Further, the committee amendment makes other important corrections/improvements to the existing statutes as requested by the State Board of Education, the Department of Education and charter community. **Vote 17-0.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 356**, relative to the powers and duties of the community development finance authority. **OUGHT TO PASS**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill is primarily a housekeeping technical correction to insure that as a result of transferring the functions, authority to make final grants, accept federal funds and adopt rules all move seamlessly from the Office of State Planning to the Community Development Finance Authority. This also provides that personnel involved retain their status as state employees with all benefits. **Vote 12-0.**

**SB 403**, relative to the board of medicine. **OUGHT TO PASS**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill makes technical changes to license renewal requirements for physicians and surgeons. There are provisions in the bill to: (1) change the date on which the Board of Medicine sends out an application for renewal of license to each licensee; (2) provide the validity of the license “until the board has taken final action” upon timely submission of an application for renewal; (3) establish a 90 day window after expiration when double renewal fees would be required for license renewal; and (4) provide for a reinstatement fee as established by the board for a license which has lapsed for more than 90 days. **Vote 12-0.**

**SB 459**, making certain changes to the real estate practice act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill (1) redefines the definition of “associate broker” as a person “employed by ... or under contract, expressed or implied, to a principal broker”; (2) mandates that 40 hours of approved study for a salesperson’s license and 60 hours of approved study for a broker’s license be completed prior to the date of the applicant’s examination.; (3) spells out that the real estate license of a salesperson or associate broker shall be retained by the broker and returned to the commission when the salesperson or associate broker changes his or her affiliation from one broker to another.; (4) makes provision for the expiration of a license if not renewed within six months (renewable with late fee) and lapse of license when not renewed within the 1 year period (must qualify anew as an original applicant), unless the person is ordered to active duty in which case the time window and late fee shall be waived. The amendment deletes section 7 of the bill, which proscribed the submission of personal identifying information “beyond that necessary for property identification to any electronic database or multiple listing service.” **Vote 16-1.**

**SB 492**, relative to registration requirements for home inspectors. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill calls for the State Building Code Review Board to maintain a register of home inspectors who conduct business within the state. Testimony revealed that there are currently no professional standards, qualifications or requirements for becoming a building inspector in this state. Having the ability to cite that one is registered with the state may convey a misleading impression to a potential home buyer that the individual performing the inspection is qualified by training and/or education and is committed to continued education. The committee is convinced that the best course of action would be the introduction of legislation with appropriate training and enforcement provisions in the next legislative session. **Vote 12-0.**

## FISH AND GAME

**SB 341-FN**, relative to prohibited methods of taking wildlife in certain fish and game laws. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Laflam for Fish and Game: This bill is exactly the same as HB 440 that the House concurred with last week. Therefore, this bill is unnecessary. **Vote 14-0.**

## LEGISLATIVE ADMINISTRATION

**SB 526**, relative to sexual harassment complaint procedures for public employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Legislative Administration: The committee is pleased to present an amendment to the Legislative Ethics Committee statute relative to sexual harassment procedures for complaints against elected members of the General Court.. The bill was produced through the great efforts of House Counsel, the Attorney General’s Office, and the staff of the Commission on the Status of Women. The committee unanimously recommends passage. **Vote 12-0.**

## SCIENCE, TECHNOLOGY AND ENERGY

**SB 433-FN**, establishing a committee to study utility rate review by the public utilities commission. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Science, Technology and Energy: This bill establishes a committee to study utility rate review by the Public Utilities Commission (PUC). To familiarize the newer members of the Science, Technology & Energy Committee as to the full duties of the PUC, the commissioners and division heads of the commission gave a presentation. The commission outlined their duties and statutory requirements as regulators of the various utilities. The most important aspects learned by

the committee were that the PUC could institute a rate case whenever they deem necessary on any regulated utility. There have been 23 full-blown rate cases over the last decade, 16 on the telephone industry alone. These do not include desk and field audits of those cases initiated by FERC or the FCC. Three of those cases on Verizon resulted in lower rates. It was also found that a full rate case could cost \$500,000 to \$1,500,000 each. That cost is passed directly to the ratepayer. The committee felt the PUC is doing what it was designed to do and another study committee is not needed. The committee did feel that with three oversight committees and the Science, Technology & Energy Committee, to which the PUC responds, we might find this legislation would be needed in the future. **Vote 11-0.**

**SB 443**, relative to rural electric cooperatives. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill delineates the authority and jurisdiction of the Public Utilities Commission (PUC) under the electric utility restructuring laws with respect to rural electric cooperatives. The commission shall exercise its authority on deregulated electric cooperatives having a certificate of deregulation on file to the extent that the commission finds that such action is required to ensure that such cooperatives do not act in a manner that is inconsistent with the restructuring principles of RSA 374-F: 3. The commission shall also have the authority to require the deregulated cooperative participate in required proceedings. The bill also establishes an energy advisory board to monitor and assist in the implementation of the New Hampshire Energy Plan prepared by the governor's Office of Energy and Community Services pursuant to 2001, chapter 121. The primary duties of the board shall be to discuss energy planning and development at the state level and develop strategic planning for the state's energy plan. **Vote 11-0.**

## TRANSPORTATION

**SB 495-FN**, relative to original and youth operators' licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill re-institutes the authority of the Department of Safety to suspend or revoke any original license upon a conviction of a violation. Before suspension, the convicted party will be given a hearing by a hearing officer. The periods of suspension are: first offense – 20 days; second offense – 45 days; third offense – 90 days. This is a program that was in effect for many years before it was repealed two years ago. It is felt by most in the highway safety field that this law is one of the most effective ways to control the overzealous driving habits of many of our youth. The fear of losing their licenses may well be one of the only methods that keeps them alive, or from being seriously injured. **Vote 12-0.**

**SB 530**, relative to the duties of public safety responders and the expeditious clearance of a roadway. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This establishes the duties of a motorist approaching a highway emergency or blockage and adds the requirement of motorists to avoid blocking highways whenever possible. Additionally, the bill requires drivers of vehicles involved in an accident to move the vehicle to an untraveled portion of the highway, if possible. The amendment only adds 2 words to the statute, "non-emergency", at the request of the fire chiefs to be clear that only non-emergency vehicles are subject to removal. **Vote 12-0.**

## WAYS AND MEANS

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

Rep. Susan W. Almy for Ways and Means: The policy of this bill was already passed by the House. The committee, realizing that the fee in question is actually raised by the Medical Society itself, accepted the fee increase. The fund is not now recognized in the statutory dedicated fund list, and the amendment puts it there. **Vote 15-0.**

## THURSDAY, APRIL 29 REGULAR CALENDAR

## JUDICIARY

**SB 427**, relative to the definition of marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for the **Majority** of Judiciary: This bill, as amended by the committee, will apply a uniform standard to all marriages regardless of the location where the marriage was celebrated. The bill also treats New Hampshire residents the same as non-New Hampshire residents for the purposes of legally recognized marriages. Finally, the bill establishes a commission to study the issue of same sex unions and legal implications of such partnership. A decision issued by the supreme court of another state has mandated same sex marriages. This act prompted an examination of New Hampshire laws. The legislature discovered a significant loophole in our laws. Currently New Hampshire recognizes all marriages entered into by non-New Hampshire residents, so long as the marriage was legal where celebrated, even though the marriage would be prohibited for New Hampshire residents and could not legally be performed in this state. This creates a double standard where residents are treated significantly different from non-residents. The law is also a substantial abrogation of New Hampshire's right to establish its own public policy through our elected representatives. The majority amendment plugs a legal loophole,

asserts New Hampshire's authority to establish public policy as to what may constitute a marriage within this state, treats residents and non-residents equally and finally establishes a study commission to examine all aspects of same sex unions. This is an issue which is at the forefront of social discourse and deserves meticulous and detailed examination. Until the issue is thoroughly examined, it is the responsibility of the New Hampshire legislature to ensure that our public policy is not governed by out-of-state courts, executives or legislatures. **Vote 13-8.**

Rep. James W. Craig for the **Minority** of Judiciary: This bill puts the cart before the horse. It changes New Hampshire law that has existed since 1965 and then mandates a study. New Hampshire law, since 1965, gives full faith and credit to any marriage legally contracted outside of this state. The minority believes that the changes made in RSA 457:3 by this bill prior to any study discriminates against same sex couples no matter how you spin it.

## CHILDREN AND FAMILY LAW

**SB 335**, relative to access to birth records. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas I. Arnold, Jr. for the **Majority** of Children and Family Law: This bill is modeled after an Oregon law enacted in 2000. It allows any adult adoptee to obtain a copy of their original birth certificate in the same manner as all other non-adopted adults. Oregon and Alabama have passed similar laws while in Alaska and Kansas certificates have always been available. The committee heard hours of testimony and a majority came to the decision that it was time to re-open access to birth certificates to all adults, regardless of the circumstances of their birth. The committee also received many e-mails from birth mothers who were in favor of this bill. Many birth mothers testified that the contact preference form within this bill would given them a voice where they never had one before. **Vote 9-3.**

Rep. Karen McRae for the **Minority** of Children and Family Law: This bill gives adult adoptees access to their original birth certificates without regard to the wishes or expectations of anonymity of the birth parents. Society has changed its judgment of unwed mothers and illegitimate children, but for most of the twentieth century there was a stigma attached to these mothers and the children given up for adoption; hence, the assurance that the identifying information regarding these births would remain closed, sealed and private. SB 335 would have the state of New Hampshire break faith with all those birth parents who gave up their children for adoption, with the understanding of anonymity. This bill attempts to rectify a perceived inequity by perpetrating a further inequity.

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**SB 454-FN**, relative to carrying a concealed weapon without a license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. George D. Winchell for the **Majority** of Criminal Justice and Public Safety: This bill would repeal RSA 159:4 which requires a license to carry a loaded pistol or revolver in any vehicle or concealed upon any person in this State. There was testimony by those supporting this bill that by doing away with the license to carry, more law-abiding citizens would carry concealed, thereby making New Hampshire a safer state to live in because the criminals would not know who would be carrying a weapon. We were reminded numerous times that the United States and New Hampshire Constitutions guarantee its citizens the right to bear arms. We know that New Hampshire was recently rated the safest state in which to live. Further, applying for a license to carry concealed, which we now have, in no way infringes on anyone's right to "bear arms". There are currently only two states that do not require such license, Vermont and Alaska. The committee received a letter from the Vermont Chiefs of Police, urging us not to repeal our law, stating they would support a concealed weapons law in that state if one were introduced. The NH Chiefs of Police also is in strong opposition to this bill. The state added \$136,620 to the general fund in 2003 as a result of issuing out- of-state concealed carry licenses which would be lost with the passage of this bill. This revenue currently pays for all application and license forms which are distributed at no cost to the local issuing authorities. **Vote 16-3.**

Rep. Elbert I. Bicknell for the **Minority** of Criminal Justice and Public Safety: SB 454 as introduced, if enacted into law today would change nothing. It is a fact today that in New Hampshire one may carry a firearm openly upon his person. This bill only puts the citizens of New Hampshire back in line with our NH Constitution Part One Art 2-a and the U.S. Constitution, the 2nd Amendment of our Bill of Rights. The possession and the purchase of firearms is strictly controlled by the U.S. Code. The criminal is prohibited from buying or possessing a firearm, and passage of this bill would give the criminal nothing. The citizen of New Hampshire is the only benefactor of this bill. Police by their very nature, and limited manpower, are re-active not pro-active to crimes of violence. The best and in most cases the only deterrent to a crime of violence is the armed citizen. In fact, it takes place 2 million times a year, according to statistics. Some would attempt to categorize the ordinary citizens as incompetent to deal with the responsibility for carrying a concealed weapon. Some even indicate by their discourse on this subject that (1) the police will protect us and (2) government (police) know best who can and should exercise our constitutional rights. But, we all know the police cannot be in all places at all times and to quote President George Washington, "It will be found unjust and unwise to deprive a man of his natural liberty upon the supposition that he may abuse it." The amendment would provide that the bill would only apply to New Hampshire residents.

## FISH AND GAME

**SB 487**, relative to lead sinkers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J. L'Heureux for the **Majority** of Fish and Game: This bill had a lot of support during the public hearing. The legislation prohibits the use of lead sinkers or lead jigs in any fresh body of water which includes lakes, ponds, brooks, rivers, and streams. The bill also prohibits the sale of lead sinkers or lead jigs within the state of New Hampshire. There are plenty of alternative sinker types, e.g. steel and sand weighted plastic, that are more environmentally friendly to use. Lead sinkers are sinkers which have a mass of one ounce or less and a lead weighted hook that measures less than one inch along its longest axis. This bill promotes the continued removal of lead in our waters. It is the proper thing to do for the vitality of our water, the fishing industry, sportsmen and the protection of our loons, ducks, fish and all wildlife. The amendment extends the time for the ban of sales until January 1, 2006 to allow the small sporting goods shop to dispose of their inventory and to phase in their new supplies. **Vote 9-5.**

Rep. Thomas A. Varrell for the **Minority** of Fish and Game: The first portion of this bill is self-evident. We must do our best to save the loons. However the second part is absolutely unnecessary. By banning the sale of these lead sinkers throughout New Hampshire, we have put the onus on the seller and not the user and are, in effect, making it a crime to sell something that is legal to use in salt water. Since the Fish and Game Department have difficulty enforcing the existing law they have abrogated their responsibility to an undefined enforcement agency.

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**SB 316**, relative to the payment of salaried employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jarvis M. Adams for Labor, Industrial and Rehabilitative Services: This bill allows an employer to prorate the salary of an employee who is terminated to withhold certain items from an employer's wage when the employee requests the withholding in writing. This amendment is a common-sense solution with a broad base of support. **Vote 14-3.**

**SB 390**, relative to liability of third person under workers' compensation. **WITHOUT RECOMMENDATION**

## PUBLIC WORKS AND HIGHWAYS

**SB 429**, relative to state and municipal contracting practices for public works. **REFER FOR INTERIM STUDY.**

Rep. John A. Graham for Public Works and Highways: The committee heard hours of testimony, both pro and con, on this bill. Additionally, the committee heard a lengthy executive session discussing the points raised during the testimony. During the discussion it was apparent that there were still many unanswered questions, such as the "federal fund", or whether the legislation would apply to county government. The majority of the committee felt that the most effective way to gather the necessary information to answer these unresolved questions is through Interim Study. **Vote 15-4.**

## SCIENCE, TECHNOLOGY AND ENERGY

**SB 342-FN**, relative to payment of utility assessments and relative to regulation of electric generation companies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Harrington for Science, Technology and Energy: This bill, as amended, addresses three issues relating to the Public Utilities Commission (PUC). First, it allows the PUC to assess a late penalty fee for payments not received within 30 days within receipt of the original bill. This fee is similar to all late fees charged in conjunction with payments not received within the established grace period. Second, it corrects an oversight from previous deregulation legislation. It removes facilities exempted from public utility regulation from having to comply with general or facility specific safety and reliability standards established by the commission. These facilities are no longer regulated by the PUC and therefore these standards are no longer germane. Thirdly, it brings New Hampshire law into compliance with federal rules regarding gas pipeline safety. It allows the fines for violation of the Natural Gas Pipeline Safety Act to match those found in the federal regulations. This allows the maximum daily fine per violation to go from \$10,000 to \$100,000 and the maximum total fine to go from \$500,000 to \$1,000,000. This however, only applies when the violation is knowing or willful. In all other cases the maximum fines remain at the present level. Additionally, language is included to ensure that the degree of culpability of the person, the history of prior violations, the effect of the penalty on the person and any other identifiable factors related to the circumstances of the person and the nature and circumstances of the violation, shall be considered when determining the amount of any fine. Failure to bring New Hampshire law into compliance with the federal regulations will most likely result in a loss of approximately \$18,000 per year in federal funding to the PUC. The committee also considered a late Senate amendment that would allow the PUC to assess electric utilities for attorneys and expert witness fees associated with regional intervention proceedings as deemed necessary by the commission. The committee rejected this amendment. We feel that the commission should instead adjust its workload and priorities as we move forward with electric deregulation and also modify its telephone oversight as we advance with the newly emerging and highly competitive telephone industries. **Vote 10-1.**

**SB 397**, requiring the department of environmental services to adopt certain rules and to opt out of the reformulated gasoline program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill, as amended, strengthens our position to opt out of MtBE additives in gasoline by directing the Department of Environmental Services (DES) to adopt consumer product rules relating to air quality and then seek federal approval through revisions in the state implementation plan to opt out of the Reformulated Gasoline Program (RFG). In the late 1980's gasoline refiners developed reformulated gasoline containing MtBE in response to worsening air quality related to auto emissions. The Federal Clean Air Act Amendments of 1990 established performance standards for RFG and required the Environmental Protection Agency (EPA) to mandate its use in certain metropolitan areas. The EPA developed rules governing its use and allowing certain areas to voluntarily opt into the RFG program. Any area classified as marginal, moderate, or serious non-attainment areas by the EPA could opt into the program as part of a State Implementation Plan. New Hampshire opted-into the RFG program via a letter from Governor Gregg in 1991. RFG use commenced in four non-attainment counties (Merrimack, Hillsborough, Rockingham and Strafford) of New Hampshire in 1995. This was done in part to avoid tailpipe testing for motor vehicles in the state. Soon thereafter, first-time detection of MtBE contamination in public and private drinking water supplies in these counties increased dramatically. EPA's regulations also required that, after 1998, states that opted-in to the RFG program could not opt-out until 2004. HB 758 passed in 2001 authorized DES to request an opt-out of RFG on 1-1-04. This request has received favorable recommendations by the regional EPA office and is currently being evaluated in Washington. Senate sponsors and the Science, Technology and Energy Committee felt that this legislation, which addresses specific clean air enhancements to the state SIP, will be looked on favorably by the EPA and allow them to make a positive decision for New Hampshire. **Vote 11-0.**

## THURSDAY, APRIL 29

Occasionally, a committee is unable to obtain a majority vote for any of the possible committee report options and the bill is then reported to the House "Without Recommendation."

In an attempt to provide the membership with as much information as possible when this occurs, I have asked the committee chairmen to provide brief statements indicating the pertinent issues contained in the bill. In some cases, more than one perspective will be offered. When received in a timely manner, these statements will be printed in the House Calendar.

Gene G. Chandler, Speaker

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**SB 390**, relative to liability of third person under workers' compensation.

In support of Ought to Pass:

This bill codifies in statute the long time settlement practices of third party recoveries under workman's compensation. Simply stated, the employer's insurance carrier and the employee who wins an award share the legal costs involved in obtaining the award from the negligent party. These costs have been historically shared "pro rata". Passing SB 390 may contain possible future increases in insurance rates in New Hampshire.

Opposed to Ought to Pass:

We believe this bill places an extra burden on the injured worker and attempts to dictate to the judiciary how to handle workers compensation cases. SB 390 strikes from the statute the judge's ability to handle cases "as justice may require". This bill effectively boxes the judge in and doesn't allow him or her the flexibility or discretion needed as workers compensation cases often need because they all have different circumstances and should be dealt with on a case-by-case basis. This bill is the result of one court case where an insurance company lost and didn't agree with the unanimous decision of our Supreme Court. The bill is the insurance company's attempt to remedy their loss through legislation. We feel this one case does not merit legislation. In the case of Richard Knapp vs. Tennessee Gas Pipeline Co. (Coos No. 2002-637), the NH Supreme Court unanimously upheld the Superior Court's ruling. We should not be considering introducing legislation nor should we be passing legislation every time a powerful interest group loses a court case. SB 390 is the beginning of a slippery slope.

## 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.                                                          |

## LAI D 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 53**, relative to the sale of salvage and rebuilt vehicles. (House Concurred 4/22/04)

**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. (House Concurred 4/15/04)

**HB 243**, relative to motor vehicle exhaust noise standards. (House Nonconcurrent; C-of-C 4/22/04)

**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. (House Nonconcurrent; C-of-C 4/22/04)

**HB 403**, requiring a person found not guilty of certain sexual offenses by reason of insanity to register as a criminal offender. (House Concurred 4/15/04)

**HB 440**, relative to the discharge of firearms on or across highways in pursuit of wild birds or animals. (House Concurred 4/15/04)

**HB 444**, relative to summoning witnesses from another state in certain actions involving children. (House Concurred 4/15/04)

**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. (House Concurred 4/15/04)

**HB 532**, relative to notice and filing of divorce petitions. (House Concurred 4/22/04)

**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. (House Nonconcurrent; C-of-C 4/22/04)

**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. (House Concurred 4/15/04)

**HB 652-FN**, relative to qualified wellness or disease management programs. (House Concurred 4/15/04)

**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. (House Concurred 4/15/04)

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

**HB 761**, enabling towns to adopt subdivision and site plan review regulations that require innovative land use controls on certain lands when supported by the master plan, making a change in an innovative land use control, and relative to the preliminary review of subdivisions. (House Concurred 4/22/04)

**HB 1131**, establishing a committee to study exotic aquatic weeds and species. (House Concurred 4/22/04)

**HB 1133**, relative to disclosures required prior to a condominium sale. (House Concurred 4/22/04)

**HB 1136**, relative to homeowner exemptions from certain environmental permitting and relative to certification as a wetland scientist. (SJ 4/15/04)

**HB 1155**, clarifying alternative budget adoption procedures in school administrative units. (House Concurred 4/22/04)

**HB 1161**, relative to solicitation and marketing of insurance products. (House Concurred 4/15/04)

**HB 1212**, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18. (House Concurred 4/22/04)

**HB 1227**, relative to land assessed for current use which is taken by eminent domain. (House Nonconcurrent; C-of-C 4/22/04)

**HB 1254-FN**, relative to the postsecondary education vocational school licensing fund and the forgivable loan fund in the workforce incentive program. (House Concurred 4/22/04)

**HB 1262**, establishing a commission to study ways to encourage municipal recycling efforts. (House Nonconcurrent; C-of-C

4/22/04)

- HB 1276-FN**, relative to special number plates for veterans and establishing a committee to study establishing special number plates for veterans who were awarded the Bronze Star or Silver Star. (House Nonconcurrent; C-of-C 4/22/04)
- HB 1293**, relative to emission control equipment for certain vehicles. (House Nonconcurrent; C-of-C 4/22/04)
- HB 1296**, establishing a committee to study the authority to inspect food by the department of health and human services and the department of agriculture, markets and food. (House Nonconcurrent; C-of-C 4/22/04)
- HB 1298**, establishing a committee to study local dispute resolution for public employee labor relations. (SJ 4/8/04)
- HB 1301**, relative to extension to the intent to cut. (House Concurred 4/22/04)
- HB 1309**, relative to noise pollution from shooting ranges. (House Concurred 4/22/04)
- HB 1311**, establishing a committee to study decreasing the insurance premium tax. (House Concurred 4/22/04)
- HB 1348-FN**, relative to registration of business organizations. (SJ 4/15/04)
- HB 1355**, changing the name of the sweepstakes commission to the lottery commission. (House Concurred 4/22/04)
- HB 1363**, establishing a policy for naming state highways, bridges, and buildings. (House Nonconcurrent 4/22/04)
- HB 1370**, establishing a committee to study property tax relief. (House Concurred 4/22/04)
- HB 1408-FN**, relative to reporting requirements for certain nonprofit organization, including health care charitable trusts. (House Nonconcurrent; C-of-C 4/22/04)
- HB 1410**, relative to the release of information to persons receiving a child for placement. (House Concurred 4/22/04)
- HB 1414**, establishing a commission to study issues regarding the women’s prison facility. (House Concurred 4/15/04)

COMMITTEES OF CONFERENCE

- HB 243**, relative to motor vehicle exhaust noise standards. (Reps. Packard, Letourneau, Artz and Ferland)
- HB 384**, relative to financial affidavits in domestic relations cases. (Reps. Hunt, Holden, Stepanek and DeStefano)
- 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. (Reps. Itse, Arnold, McRae and Gile)
- HB 1227**, relative to land assessed for current use which is taken by eminent domain. (Reps. Babson, Ahern, Philbrick and P. Allen)
- HB 1262**, establishing a commission to study ways to encourage municipal recycling efforts. (Reps. Olimpio, Rous, Patten and Stohl)
- HB 1276-FN**, relative to special number plates for veterans and establishing a committee to study establishing special number plates for veterans who were awarded the Bronze Star or Silver Star. (Reps. Packard, Letourneau, J. Flanders and Ferland)
- HB 1293**, relative to emission control equipment for certain vehicles. (Reps. Thomas, Hunt, Artz and Kaen)
- HB 1296**, establishing a committee to study the authority to inspect food by the department of health and human services and the department of agriculture, markets and food. (Reps. Olimpio, Cernota, P. LaFlamme and Diamond)
- HB 1408-FN**, relative to reporting requirements for certain nonprofit organization, including health care charitable trusts. (Reps. Hunt, Spiess, Stepanek and Meader)

COMMITTEE MEETINGS

MONDAY, APRIL 26

- COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH Higher Education Assistance Foundation, 4 Barrell Court, Concord**  
10:00 a.m. Regular meeting.
- EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House**  
1:00 p.m. Executive session on pending legislation.
- EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Room 100, State House**  
9:30 a.m. Subcommittee work session on **SB 534-FN-A**, relative to the reorganization of certain functions and duties of state agencies.
- FINANCE, Rooms 210-211, LOB**  
11:00 a.m. Public hearing on proposed amendment to **SB 376-FN-A**, relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals. The amendment is relative to rural hospitals. Copies of the 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 JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 210-211, LOB**

10:00 a.m. Public hearing on proposed amendment to ***SB 329-FN***, relative to the recovery by the retirement system of the overpayment of benefit amounts. The proposed amendment is relative to judicial retirement. Copies of the 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 JOINT WITH WAYS AND MEANS, Rooms 210-211, LOB**

10:30 a.m. Public Hearing on proposed amendment to ***SB 302-FN-L***, making technical corrections to the education funding formula. The proposed amendment is relative to sources of education funding. Copies of the 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 IV), Rooms 210-211, LOB**

Work and executive session on the following bills:

1:00 p.m. ***SB 302***, making technical corrections to the education funding formula.  
***SB 411-FN-L***, relative to liability for special education transportation costs.  
***SB 324-FN-A-L***, relative to the calculation of the commissioner's warrant for the statewide enhanced education tax to be raised by a municipality.

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

1:00 p.m. Regular meeting.

**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.

**WAYS AND MEANS, Room 202, LOB**

1:00 p.m. Full committee work and executive session on pending legislation, if needed.

**TUESDAY, APRIL 27**

**CHILDREN AND FAMILY LAW, Room 206, LOB**

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

**COMMERCE, Room 302, LOB**

2:00 p.m. Executive session on pending legislation, if needed.

**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

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

**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.

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

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House**

1:00 p.m. Executive session on pending legislation.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Room 100, State House**

10:00 a.m. Subcommittee work session on ***SB 534-FN-A***, relative to the reorganization of certain functions and duties of state agencies.

**FINANCE – (DIVISION I), Room 209, LOB**

Work and executive session on the following bills:

10:00 a.m. ***SB 329-FN***, relative to the recovery by the retirement system of the overpayment of benefit amounts.  
***SB 436-FN-L***, relative to the Claremont and Newport district courts.

**FINANCE – (DIVISION II), Room 212, LOB**

Work and executive session on the following bills:

- 10:00 a.m. **SB 333-FN**, establishing a unique pupil identification system.
- SB 352-FN-L**, relative to computing school building aid grant amounts.
- SB 409-FN**, revising the vocational school licensing statutes.

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

Work and executive session on the following bill:

- 9:30 a.m. **SB 376-FN-A**, relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals.

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

Work and executive session on the following bills:

- 1:00 p.m. **SB 302**, making technical corrections to the education funding formula.
- SB 411-FN-L**, relative to liability for special education transportation costs.
- SB 324-FN-A-L**, relative to the calculation of the commissioner’s warrant for the statewide enhanced education tax to be raised by a municipality.

**JUDICIARY, Room 208, LOB**

- 10:00 a.m. Executive session on pending legislation.
- 1:00 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.

**WAYS AND MEANS, Room 202, LOB**

- 10:00 a.m. Full committee work and executive session on pending legislation, if needed.

**WEDNESDAY, APRIL 28**

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

- 1:00 p.m. Subcommittee meeting of the State Office Park South Advisory.

**COMMERCE, Room 302, LOB**

- 2:00 p.m. Executive session on pending legislation, if needed.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House**

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

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Room 100, State House**

- 9:30 a.m. Subcommittee work session on **SB 534-FN-A**, relative to the reorganization of certain functions and duties of state agencies.

**FINANCE, Rooms 210-211, LOB**

- 1:00 p.m. Executive session on pending legislation.

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

Work and executive session on the following bills:

- 9:00 a.m. **SB 302**, making technical corrections to the education funding formula.
- SB 411-FN-L**, relative to liability for special education transportation costs.
- SB 324-FN-A-L**, relative to the calculation of the commissioner’s warrant for the statewide enhanced education tax to be raised by a municipality.

**JUDICIARY, Room 208, LOB**

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

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

- 1:00 p.m. Interim study subcommittee work session on **HB 681-FN-LOCAL**, relative to the allocation of a municipality’s share of county taxes.

**WAYS AND MEANS, Room 202, LOB**

- 9:00 a.m. Full committee work and executive session on pending legislation, if needed.

**MONDAY, MAY 3**

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

- 10:00 a.m. Regular meeting.

**TUESDAY, MAY 4**

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

3:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

**MEDICAID PRESCRIPTION DRUG BENEFITS MANAGEMENT PROGRAM OVERSIGHT COMMITTEE (HB 1218, Chapter 281:9, Laws of 2002), Room 205, LOB**

3:30 p.m. Regular meeting.

**WAYS AND MEANS, Room 202, LOB**

10:00 a.m. DRA Revenue Reviews.

**WEDNESDAY, MAY 5**

**LEGISLATIVE ADMINISTRATION, Room 307, LOB**

Immediately following the House session, interim study subcommittee work session on **SB 350**, relative to access by the legislative budget assistant to confidential information maintained by the department of revenue administration.

**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.

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

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

**TUESDAY, MAY 11**

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

10:00 a.m. Ad hoc committee on resident hours and medical errors.

**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.

**WAYS AND MEANS, Room 202, LOB**

10:00 a.m. Non-DRA Revenue Reviews

**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.

**OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 207, LOB**  
9:30 a.m. Regular 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.

**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.

**TUESDAY, MAY 18**

**WAYS AND MEANS**  
10:00 a.m. Full committee tour of the Department of Revenue Administration building.

**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.

**LONG-TERM CARE BOARD (RSA 126-L), Rooms 210-211, 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**

**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  
**COUNTY DELEGATION NOTICE**

**Rockingham** County Delegation will meet on Wednesday, **May 5**, immediately following the House session in Rooms 202-204, LOB, to vote elected officials salaries for the upcoming term of office and to consider petitions to abate interest penalties.

Rep. David A. Welch, Clerk  
Rockingham 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

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**REVISED FISCAL NOTES**

The following HBs have revised fiscal notes: HBs 85, 243, 258, 369, 444, 511, 516, 520, 612, 618, 620, 622, 640, 643, 645, 651, 652, 656, 698, 712, 713, 727, 729, 730, 781, 803, 1136, 1153, 1162, 1188, 1202, 1207, 1213, 1225, 1241, 1254, 1248, 1251, 1276, 1290, 1308, 1311, 1317, 1325, 1339, 1344, 1345, 1348, 1352, 1353, 1365, 1378, 1380, 1387, 1388, 1399, 1401, 1411, 1416, 1418, 1421, 1423, 1424, 1426, 1428 and 2004. SBs 126, 205, 303, 312, 348, 361, 367, 376, 383, 401, 407, 429, 430, 433, 442, 448, 450, 463, 478, 494, 498, 500, 503, 505, 509, 510, 525, 532 and 534.

Karen O. Wadsworth, Clerk of the House

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

Joseph D. Harris, 43 Ridge Avenue, Claremont, New Hampshire 03743-3166.

Benjamin E. Moore, 81 Railroad Avenue, Apt. 307, Seabrook, New Hampshire 03874-4273.

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

Members, staff and friends of Representative Sandy Harris may bring cards and notes of good wishes to the Speaker's office where they will be collected for delivery to her.

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.

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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:

State of NH Home Care for Children with Sever Disabilities Performance Audit

Gene G. Chandler, Speaker

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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

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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

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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

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**April** is Autism Awareness Month: Autism is a developmental disorder that has grown significantly during the past several years. While research is ongoing, the cause of this disorder is still unknown. This disorder affects an estimated 1,200 families in New Hampshire alone. Please take the time to review the website of the Autism Society of New Hampshire (ASNH): <http://www.autism-society-nh.org/>

Rep. John DeJoie

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UNH President Ann Weaver Hart invites all legislators to Legislators Day on Wednesday, **April 28** from 8:30 a.m. – 4:00 p.m. at the Elliot Alumni Center – UNH.

Rep. Marjorie K. Smith

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All legislators are cordially invited to attend the First Annual Profile Award Ceremonies. The Profile Award is given to individuals and communities that best represent the spirit of the Old Man Of The Mountain. The awards will be given on the first anniversary of the falling of the Old Man during a reception on Monday, **May 3** at 5:00 p.m. at the Center of New Hampshire.

Gene G. Chandler, Speaker

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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

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On Thursday, **May 6**, during the noon break from the legislative session, members are invited for lunch at the Upham Walker House. The Task Force on Deafness and Hard of Hearing will present brief presentations to inform members about current developments and dilemmas facing the deaf and hard of hearing community.

Rep. James R. MacKay

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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

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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

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The Healthcare Decisions Coalition has scheduled several meetings to discuss the End-of-Life Care bill being drafted for presentation to the legislature in 2005. The meetings will take place in Room 205, LOB on Friday, **May 14** from 9:00 a.m. to 11:00 a.m. and Friday, June 4 from 9:00 a.m. to 11:00 a.m.

Rep. Hilda W. Sokol

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The Annual Lilac Luncheon will be held on Monday, **May 17** at 11:00 a.m. at the Center of New Hampshire, Manchester. Honored guest will be former Governor and EPA Director Christy Todd Whitman. Tickets are \$35. See Rep. Gail Barry or call 625-8174.

Rep. J. Gail Barry

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There will be an informational program put on by the Rockingham Area Committee on Aging. This program will give an overview on what the new Medicare bill means to you. There will be staff from Health and Human Services to explain where you fit into this newly passed legislation. The date is **May 18** from 10:00 a.m. to noon. Location will be the auditorium at the Rockingham County Nursing home in Brentwood. Light refreshments will be served at this very interesting session. Question and answer session will follow presentation.

Rep. Robert K. Dodge

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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 Gargasz. 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](http://www.volunteernh.org) or call 271-7200.

Rep. Carolyn Gargasz

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The Department of Transportation will hold the following meeting:

**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

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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 and May 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 |
|-------------|------------------------|--------------------------------------------------|------------|
| 4-23-04     | 12:00                  | Antrim Elementary School                         | 4/32       |
| 4-26-04     | 9:30 & 11:00<br>SH/SC  | Lancaster Elementary School                      | 4/52       |
| 4-27-04     | 9:00                   | UNH Social Work Department – Durham              | College/32 |
| 4-27-04     | 9:30 & 11:00<br>SH/HM  | Towle Elem – Newport                             | 4/60       |
| 4-28-04     | 9:30 & 11:00<br>SH/HM  | Towle Elem – Newport                             | 4/40       |
| 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<br>SH/HM | Ray School – Hanover                             | 3/85       |
| 4-30-04     | 9:30 & 11:00<br>SH/HM  | Seminary Hill Elementary School-<br>West Lebanon | 4/76       |
| 4-30-04     | 10:00 & 11:30<br>SH/SC | Hanover Street School - Lebanon                  | 4/75       |
| 5-3-04      | 9:30 & 11:00           | Ben Franklin Elem – Keene                        | 4/46       |
| 5-3-04      | 12:30                  | Greenfield Elementary School                     | 4/25       |
| 5-4-04      | 9:30 to 11:00<br>SH/HM | Bartlett Elem – Goffstown                        | 4/50       |
| 5-4-04      | 12:30                  | Salem Christian School                           | 4/12       |
| 5-5-04      | 10:00                  | Salisbury & Webster Elementary Schools           | 4/32       |
| 5-5-04      | 11:00 & 12:30<br>SH/HM | Chesterfield Elem                                | 4/50       |
| 5-6-04      | 9:00                   | New Hampton Community School                     | 4/40       |
| 5-6-04      | 9:30                   | Jennie D. Blake Elem School – Hill               | 4/15       |
| 5-6-04      | 11:00                  | Campton Elem                                     | 4/40       |
| 5-7-04***** | Unkwn*****             | Fuller Elem School – Keene*****                  | 4/44 ***** |
| 5-7-04      | 9:30                   | Ed Fenn Elem – Gorham                            | 4/45       |
| 5-7-04      | 11:00 & 12:00<br>SH/FG | Peterborough Elem                                | 4/75       |
| 5-10-04     | 9:00                   | Conant Elementary School – Concord               | 4/24       |
| 5-10-04     | 10:00 & 11:30<br>SH/FG | Canaan Elem                                      | 4/60       |
| 5-10-04     | 12:30                  | Concord High School                              | HS/25      |
| 5-11-04     | 9:30 & 11:00<br>SH/HM  | Maple Ave. School – Goffstown                    | 4/75       |
| 5-11-04     | 12:30                  | Warren Village School                            | 3 & 5 /27  |
| 5-12-04     | 9:30 & 11:00<br>SH/HM  | Maple Ave. School – Goffstown                    | 4/50       |
| 5-12-04     | 12:15 & 1:00<br>SH/TH  | Maple Ave. School – Claremont                    | 4/58       |
| 5-13-04     | 9:30 & 11:00<br>SH/HM  | Epsom Central School                             | 4/50       |
| 5-13-04     | 10:00                  | Rumford School – Concord                         | 4/35       |
| 5-14-04     | 9:00                   | Conant Elementary School - Concord               | 4/24       |
| 5-14-04     | 10:00                  | St.Elizabeth Seton – Rochester                   | 4/36       |
| 5-14-04     | 1:00                   | Conway Elem                                      | 4/38       |
| 5-17-04     | 9:00 & 10:15<br>SH/SC  | New Boston Elem                                  | 4/80       |
| 5-17-04     | 12:30                  | Mason Elementary School                          | 4/17       |
| 5-18-04     | 9:30 & 11:00<br>SH/HM  | Interlakes School – Meredith                     | 4/90       |
| 5-18-04     | 10:00                  | Bartlett Elem - Berlin                           | 3/45       |
| 5-19-04     | 10:00 & 11:00<br>SH/HM | Little Harbor School – Portsmouth                | 4/60       |
| 5-20-04     | 9:30 & 11:00<br>SH/HM  | DJ Bakie School – Kingston                       | 4/86       |
| 5-21-04     | 9:00                   | Bow Elementary School                            | 4/25       |
| 5-21-04     | 10:00                  | Linwood Elem – Lincoln                           | 4/28       |
| 5-21-04     | 10:30                  | Wentworth Elem School                            | 3,4,5/30   |
| 5-21-04     | 11:00                  | Stark Village School                             | 4/7        |

|         |                      |                                                      |        |
|---------|----------------------|------------------------------------------------------|--------|
| 5-21-04 | 11:00                | St. Mary’s School – Claremont                        | 4/16   |
| 5-24-04 | 10:00 & 11:00 SH & ? | Lincoln-Akerman School – Hampton                     | 3&4/45 |
| 5-24-04 | 11:00                | Acworth School                                       | 4/8    |
| 5-24-04 | 10:00                | Russell School – Rumney                              | 4/20   |
| 5-25-04 | 9:30 & 11:00 SH/HM   | St. Anthony’s School – Manchester                    | 4/50   |
| 5-25-04 | 10:45                | Charlestown Primary School Rescheduled From March 17 | 4/46   |
| 5-26-04 | 10:30 & 12:00 SH/FG  | Enfield Village School                               | 4/40   |
| 5-26-04 | 9:00                 | Fall Mountain High-Langdon                           | HS/40  |
| 5-26-04 | 10:30                | The Well School - Peterborough                       | 4/11   |
| 5-27-04 | 9:00                 | Andover Elementary                                   | 4/34   |
| 5-27-04 | 10:30                | Mtn.Shadows School – Dublin                          | 6/8    |
| 5-27-04 | 10:30 & 12:00 SH/FG  | Enfield Village School                               | 4/40   |
| 5-28-04 | 9:30 & 11:00 SH/HM   | Gossler Park School – Manchester                     | 4/75   |
| 5-28-04 | 12:30                | Bethlehem Elementary School                          | 4/22   |

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.

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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**

**\*\*\*Please Print\*\*\***

REP/SEN/NAME \_\_\_\_\_

AGENCY/BUSINESS \_\_\_\_\_

CONTACT \_\_\_\_\_

PHONE/EXT. \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

**2003** \_\_\_\_\_ COPY(IES)                      **2004** \_\_\_\_\_ COPY(IES)

SIGNED \_\_\_\_\_

**THURSDAY, APRIL 29**  
**AMENDMENTS**  
**(LISTED IN NUMERICAL ORDER)**

2004-1167h

**Amendment to SB 314**  
**Proposed by the Committee on Commerce - C**  
Amend RSA 332-I:1, I as inserted by section 1 of the bill by replacing it with the following:  
I. ~~[The]~~ **All** medical information contained in the medical records in the possession of any health care provider shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records upon request. The charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.  
**AMENDED ANALYSIS**

This bill clarifies the medical record law.  
2004-1343h

**Amendment to SB 316**  
**Proposed by the Committee on Labor, Industrial and Rehabilitative Services - R**  
Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:  
2) Withholding of Wages; Employee Authorized Deductions. Amend RSA 275:48, I to read as follows:  
I. No employer may withhold or divert any portion of an employee's wages unless:  
    (a) The employer is required or empowered to do so by state or federal law~~[, or]~~.  
    (b) The employer has a written authorization by the employee for deductions for a lawful purpose accruing to the benefit of the employee as provided in regulations issued by the commissioner[;] ***or as provided in subparagraph (d).***

(c) The deductions are pursuant to any rules or regulations for medical, surgical, or hospital care or service, without financial benefit to the employer and openly, clearly, and in due course recorded in the employer's books.

**(d) Upon an employee's written request, an employer may deduct the following items from the employee's wages provided that the employer shall provide a written itemized accounting of such requested deductions to the employee at least once per month:**

**(1) Voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code.**

**(2) Voluntary payments by the employee for the following:**

**(A) Child care fees by a licensed child care provider.**

**(B) Parking fees.**

**(C) Pharmaceutical items, gift shop, and cafeteria items purchased on site of a hospital by hospital employees.**

AMENDED ANALYSIS

This bill allows an employer to prorate the salary of an employee who is terminated for cause. This bill also allows an employer to withhold certain items from an employee's wage when the employee requests the withholding in writing.

2004-1245h

Amendment to SB 342-FN

**Proposed by the Committee on Science, Technology and Energy - R**

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

AN ACT relative to payment of utility assessments, relative to regulation of electric generation companies, and relative to violations of gas pipeline and liquefied petroleum gas system regulation.

Amend the bill by replacing all after section 2 with the following:

3 Gas Pipeline Regulation; Liquefied Petroleum Gas Systems Added; Violations. Amend RSA 374:7-a to read as follows:  
374:7-a Violation.

I. Any person who **knowingly or willfully** violates any provision of RSA 370:2 or any standards or rules adopted under it by the public utilities commission, relative to gas pipelines **and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act**, shall be subject to a civil penalty of not exceeding ~~[\$10,000]~~ **\$100,000** for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed ~~[\$500,000]~~ **\$1,000,000** for any related series of violations.

II. **Any person who otherwise violates any provision of RSA 370:2 or any standards or rules adopted under it by the public utilities commission, relative to gas pipelines and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act, shall be subject to a civil penalty of not exceeding \$10,000 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$500,000 for any related series of violations.**

III. Any civil penalty assessed under ~~[paragraph I]~~ **this section** may be compromised by the public utilities commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, ~~and~~ the good faith of the person charged in attempting to achieve compliance, after notification of a violation, **the degree of culpability of the person, the history of prior violations, the effect of the penalty on the person, and any other identifiable factor related to the circumstances of the person and the nature and circumstances of the violation**, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the state to the person charged or may be recovered in a civil action in the state courts.

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

AMENDED ANALYSIS

This bill authorizes the public utilities commission to charge a late penalty fee to a utility that does not timely pay its assessment for expenses of the commission. This bill clarifies the scope of the exemption for certain electric generation companies from regulation as public utilities.

This bill also increases penalties for violations of the regulation of gas pipelines and liquefied natural gas systems.

2004-1295h

Amendment to SB 348

**Proposed by the Committee on Commerce - C**

Amend RSA 205-A:2, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Impose a non-refundable fee for processing an application for tenancy that exceeds \$125 unless the park owner provides the applicant with an itemized breakdown of the application fee. An application fee may exceed \$125, provided that it is reasonable.

2004-1242h

Amendment to SB 371

**Proposed by the Committee on Commerce - C**

Amend the bill by replacing all after section 3 with the following:

4 Accident and Health Insurance; Preexisting Conditions. Amend RSA 415-A:5, I to read as follows:

I. If an insurer or a nonprofit hospital or medical service association elects to use a simplified application form for a policy other than a Medicare supplement policy, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy, ~~[12]~~ **9** months after date of issuance, must cover any loss occurring from any preexisting condition not specifically excluded from coverage by terms of the policy and, except as so provided, the policy shall not include wording that would permit a defense based upon preexisting conditions.

5 Medical Utilization Review Entities; Medical Director. Amend RSA 420-E:2-a to read as follows:

420-E:2-a Medical Director. Every medical utilization review entity licensed by the department under this chapter shall employ a medical director licensed under RSA 329 **or, in the case of a dental utilization review entity, a dentist licensed under RSA 317-A.**

6 Insurance Department Positions; Director of Operations. Amend RSA 400-A:6, III-a to read as follows: III-a. There shall be ~~[an assistant commissioner of insurance]~~ **a director of operations** who shall be appointed by the commissioner of insurance. He **or she** shall serve at the pleasure of the commissioner during good behavior. When the offices of the commissioner and deputy commissioner are vacant, or when the commissioner or deputy commissioner is unable to perform his **or her** duties because of mental or physical disability, the ~~[assistant commissioner of insurance]~~ **director of operations** shall be acting commissioner. The ~~[assistant commissioner]~~ **director of operations** shall perform such duties and exercise such powers of the commissioner pursuant to RSA Title XXXVII as the commissioner from time to time may authorize.

7 Insurance Department; Compensation; Expenses. Amend RSA 400-A:8, I and II to read as follows:

I. COMPENSATION. The salary of the commissioner, deputy commissioner, ~~[assistant commissioner]~~ **director of operations**, director of examinations, actuary, life, accident and health actuary, and assistants to the commissioner shall be as prescribed in RSA 94:1-a.

II. EXPENSES. The commissioner, deputy commissioner, ~~[assistant commissioner]~~ **director of operations**, director of examinations, actuary, life, accident and health actuary, and the assistants to the commissioner shall be allowed their traveling expenses while engaged in the performance of their duties.

8 Soliciting Application. Amend RSA 408:7 to read as follows:

408:7 Soliciting Agent; **Altering Application.**

I. Any person who shall solicit an application for insurance upon the life of another shall, in any controversy between the ~~[assured]~~ **insured**, or his **or her** beneficiary, and the company issuing any policy upon such application, be regarded as the agent of the company and not the agent of the ~~[assured]~~ **insured**.

**II. No alteration of any written application for any life insurance policy or annuity contract shall be made by any person other than the applicant without his or her written consent, except that insertions may be made by the insurer, for administrative purposes only in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant.**

9 Salary; Insurance; Director of Operations.

I. Amend RSA 94:1-a, I(b) by deleting in group EE the following:

EE Insurance department assistant commissioner

II. Amend RSA 94:1-a, I(b) by inserting in group EE the following:

EE Insurance department director of operations

10 Group Life Insurance; Policy Requirement. Amend RSA 408:15, I(b) to read as follows:

(b) The premium for the policy shall be paid by the policyholder, either ~~[wholly]~~ from the employer's funds or funds contributed by him, or ~~[partly from such funds and partly]~~ from funds contributed by the insured employees. ~~[No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75 percent of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions.]~~ A policy on which no part of the premium is to be derived from funds contributed by the insured employees, must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

11 New Paragraph; Insurance; High Risk Pool. Amend RSA 404-G:5-b by inserting after paragraph III the following new paragraph:

III-a. The association, subject to the approval of the commissioner, may from time to time offer such plans, in addition to the 4 plans required under paragraphs II and III, as its board of directors determines would be helpful to advance the purposes of this chapter.

12 Health Insurance; Medical Underwriting. Amend RSA 420-G:5, I to read as follows:

I. Health carriers providing health coverage for individuals or small employer groups may perform medical

underwriting, including the use of health statements or screenings or the use of prior claims history, to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4. ~~[Such underwriting shall be limited to the use of a standardized health statement for use in adjustments to rating pursuant to RSA 420-G:4.]~~ The commissioner ~~[shall, by rule, require]~~ **may allow group** carriers to use standardized health statements.

13 New Paragraph; Small Group Health Insurance; Medical Underwriting. Amend RSA 420-G:5 by inserting after paragraph VI the following new paragraph:

VII. Health carriers and health insurance producers shall ensure that persons seeking coverage through a small employer group who are required to complete a health statement have an option to convey the required information directly to the carrier or the producer through a secure means and bypassing the employer.

14 Group Health Insurance; Health Plan Loss Information. Amend RSA 420-G:12-a, I and II to read as follows:

I. To ensure maximum competition in the purchase of group health insurance, all ~~[private and public]~~ **large** employers ~~[with at least 50 employees enrolled in their group health plan]~~ shall be entitled to receive their specific health plan loss information upon request and without charge. No contract between any health carrier, third-party administrator, employer group, or pool of employers shall abridge this right in any manner.

II. Upon written request from any ~~[private or public]~~ **large** employer ~~[with 50 or more employees enrolled in its group health plan]~~, every health carrier, third-party administrator, pooled risk management program under RSA 5-B, or any other type of multiple employer health plan shall provide that employer's loss information within 30 calendar days of receipt of the request. The loss information shall include all physician, hospital, prescription drug, and other covered medical claims specific to the employer's group plan incurred for the 12-month period paid through the 14 months which end within the 60-day period prior to the date of the request. An employer shall not be entitled by this section to more than 2 loss information requests in any 12-month period; however, nothing shall prohibit a carrier from fulfilling more frequent requests on a mutually agreed-upon basis.

15 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, I(a) to read as follows:

I.(a) Every health benefit plan that provides prescription drug benefits is required to provide prospective enrollees, and ~~[annually to]~~ covered persons, a description of the prescription drug benefit plan. Among the specific items that shall be included in the description are:

(1) The procedure a covered person must follow to obtain drugs and medications that are subject to a plan list or plan formulary.

(2) A description of the drug formulary and the plan's exception process.

(3) A description of the extent to which a covered person will be reimbursed for the cost of a drug that is not on a plan list or formulary.

16 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, III to read as follows:

III. Every health plan that provides prescription drug benefits shall notify covered persons ~~[of changes]~~ **affected by deletions** to the plan list or plan formulary, provide an explanation of the exception process by which a covered person can access nonformulary medically necessary prescription drugs, and provide a toll-free telephone number through which a covered person can request additional information. **For purposes of this paragraph, covered persons affected by deletions to the plan list or plan formulary shall include those covered persons for whom the health plan has provided coverage for the deleted prescription drugs during the 12-month period immediately prior to the deletion.** Upon notification to covered persons, the health benefit plan shall allow at least 45 days before implementation of any formulary ~~[change]~~ **deletions**; provided, however, that advance notice shall not be required if the federal Food and Drug Administration has determined that a prescription drug on the health benefit plan's formulary is unsafe.

17 New Paragraphs; Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b by inserting after paragraph IV the following new paragraphs:

IV-a. Every health benefit plan that provides prescription drug benefits shall provide notice of deletions to the plan list or plan formulary to all covered persons at least annually.

IV-b. Every health benefit plan that provides prescription drug coverage shall also provide notice of additions to the plan list or formulary to all covered persons at least annually. However, the requirements of this paragraph shall not apply to any health benefit plan that adds prescription drugs to its plan list or formulary upon approval by the federal Food and Drug Association.

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

#### AMENDED ANALYSIS

This bill makes certain technical changes in the insurance laws, including but not limited to:

I. Extending the denial of coverage, with certain minimum financial exceptions, to any insured motor vehicle operator whose driver's license has been suspended or revoked.

II. Reducing the pre-existing condition exemption from 12 months to 9 months in accordance with federal law.

III. Changing the name of the assistant commissioner of insurance to the director of operations.

IV. Allowing group health carriers to use standardized health statements.

V. Requiring health carriers to provide a secure means relative to information for persons seeking coverage through small employer groups.

VI. Clarifying prescription drug benefits under the managed care law.

2004-1328h

**Amendment to SB 386**  
**Proposed by the Committee on Children and Family Law - C**

Amend RSA 490-C:4, II as inserted by section 1 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) Accept and expend the fees indicated in subparagraphs I(c), II(a), II(c), and II(d).

2004-1292h

**Amendment to SB 397**  
**Proposed by the Committee on Science, Technology and Energy - R**

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

AN ACT requiring the department of environmental services to adopt certain rules and to eliminate certain substances from gasoline supplies.

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

❑ Consumer Product Rules Relative to Air Quality.

I. The department of environmental services shall commence rulemaking under the authority of RSA 125-C:4, I(n), RSA 125-C:6, XVII, and RSA 485:16-c based upon model rules of the Ozone Transport Commission (OTC) relative to the manufacture, use, or sale of consumer products, as defined in RSA 125-C:2, V-c.

II. Upon adoption of the consumer products rules, the department shall seek federal approval through revision of the state implementation plan to opt out of the federal reformulated gasoline program or to substitute the consumer products rules for the state's oxygen flexible reformulated gasoline rule, Env-A 1611.

III. The department of environmental services shall give the highest priority to accomplishing the provisions of this section.

❒ Rulemaking Authority; Test Methods Incorporated by Reference. Amend RSA 125-C:4 by inserting after paragraph I-a the following new paragraph:

I-b. In adopting rules under subparagraph I(n), the department may incorporate by reference other state test methods and procedures that are referenced in the model rules of the Ozone Transport Commission (OTC) concerning consumer products, as defined in RSA 125-C:2, V-c.

❓ Chapter Title Amended. Amend the title of RSA 146-G to read as follows:

CHAPTER 146-G

GASOLINE REMEDIATION AND ELIMINATION OF ETHERS ~~[FUND]~~

❖ New Subdivision; Elimination of Certain Substances From Gasoline Supplies. Amend RSA 146-G by inserting after section 11 the following new subdivision:

Elimination of Gasoline Ethers and TBA From Gasoline Supplies

146-G:12 Elimination of Gasoline Ethers and TBA from Gasoline Supplies. No person, as defined in RSA 146-A:2, VI, shall sell, deliver for sale, import, or cause to be imported into the state for sale any neat gasoline ethers or gasoline containing MTBE, other gasoline ethers, or tertiary butyl alcohol (TBA) in quantities greater than 1/2 of one percent by volume. Nothing in this subdivision shall be interpreted to prohibit the transshipment of MTBE, other gasoline ethers, or TBA content fuel through the state for disposition outside of the state including storage coincident to such shipment.

146-G:13 Penalties. Any person who violates RSA 146-G:12 shall be subject to administrative fines not to exceed \$2,000 for each violation issued by the department of environmental services and civil penalties not to exceed \$60,000 for each violation. Each day of a continuing violation shall constitute a separate violation. In addition to civil penalties, the attorney general may institute such legal or equitable action as he or she deems necessary, including an action for injunctive relief. ❹ Adoption of Other Air Pollution Control Measures. Amend RSA 485:16-c to read as follows:

485:16-c Adoption of Other Air Pollution Control Measures. In order ~~[to fulfill federal air pollutant emission reduction obligations that may be created by opting out of the federal reformulated gasoline program under RSA 485:16-b or by implementing an alternative regional or federal approach under RSA 485:16-d,]~~ **to reduce air emissions and receive federal credit for such reductions**, the commissioner shall be authorized to establish limits on the manufacture, use, or sale of consumer products in accordance with RSA 125-C: 6, XVII.

❺ Construction. Nothing in this act shall abrogate, limit, or restrict any right to recover damages or other legal, equitable, or administrative relief under any theory of liability that the state or any other entity or person may have under federal or state statutes or common law with respect to methyl tertiary-butyl ether.

❻ Reports. The department of environmental services shall report by November 1 of each year to the house Science, Technology and Energy Committee, the senate Environment Committee, and the air pollution advisory committee on the status of accomplishing the requirements of this act and the need for any additional legislation. The annual reports shall continue

until November 1, 2008.

8 Repeal. Env-A 1611, relative to the state's oxygen flexible reformulated gasoline rule, is repealed.

9 Contingency.

I. Section 4 of this act shall take effect on the later of January 1, 2007 or 6 months after federal approval has been received under paragraph II of section 1 of this act, as certified by the commissioner of the department of environmental services to the director of the office of legislative services.

II. Section 8 of this act shall take effect on the date that the commissioner of environmental services notifies the director of the office of legislative services that federal approval has been received under paragraph II of section 1 of this act.

10 Effective Date.

I. Sections 4 and 8 of this act shall take effect as provided in section 9.

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

#### AMENDED ANALYSIS

This bill requires the department of environmental services to adopt certain rules relative to consumer products and to eliminate certain substances from gasoline supplies.

2004-1290h

#### Amendment to SB 418

#### Proposed by the Committee on Education - C

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

1 Hanover School District; Adoption of Specific Voting Procedures.

I. The Hanover school district shall use a modified method of official ballot voting on all issues before the voters as set forth in this act.

II. The method of voting shall be the same as the official ballot method used by the Dresden school district to the following extent:

(a) 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.

(b) The discussion session of the meeting shall consist of explanation, discussion, and debate of each warrant article.

(c) Articles shall not be amendable at the discussion session.

(d) All warrant articles shall be proposed in the form of a question to the voters and shall be placed on the official ballot.

(e) 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.

(f) All requirements pertaining to absentee voting shall apply.

III. 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.

IV. The warrant for any annual or special meeting shall prescribe the date, place, and hour for the first and second session of the meeting.

V. Votes taken at the second session shall be subject to recount under RSA 671:32.

VI. Votes taken at the second session shall not be reconsidered.

VII. 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.

VIII. 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.

IX. 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.

X. 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.

XI. 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.

XII. If the operating budget article is not adopted under the modified method of official ballot voting, the governing body may hold a special meeting to take up the issue of a revised operating budget only, provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. The warrant for any special meeting shall prescribe the date, place, and hour for both a first and second session.

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.

(k) If the operating budget article is not adopted under the modified method of official ballot voting, the governing body may hold a special meeting to take up the issue of a revised operating budget only, provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. The warrant for any special meeting shall prescribe the date, place, and hour for both a first and second session.”

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.

2004-1294h

#### **Amendment to SB 421**

#### **Proposed by the Committee on Education - C**

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

1 New Paragraph; Charter Schools; Statement of Purpose. Amend RSA 194-B:1-a by inserting after paragraph VIII the following new paragraph:

IX. Encourage the establishment of public charter schools that meet the needs and interests of pupils, parents, communities, regions, and the state as a whole.

2 Charter Schools; Establishment and Application. Amend RSA 194-B:3, II(f) to read as follows:

(f) Curriculum ***that meets or exceeds state standards in the subject areas offered.***

3 Charter Schools; Establishment and Application. Amend RSA 194-B:3, II(r) to read as follows:

(r) Annual budget, including all sources of funding, ***and a projected budget for the next 2 years.***

4 Charter Schools; Charter School Approval by State Board of Education. Amend RSA 194-B:3-a, II to read as follows:

II. The proposed charter school application shall be presented for approval directly to the state board of education by the

applicant for the prospective charter school. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) **and (dd)**. The department of education shall notify an applicant of any missing information within 10 days of the initial filing. The applicant shall file any missing information before the department reviews the application.

5 Charter School Approval by State Board of Education. Amend RSA 194-B:3-a, IV to read as follows:

IV. The state board of education shall either approve or deny an application ~~[based on]~~ **using reasonable discretion consistent with** the criteria set forth in RSA 194-B:1-a. Approval of an application constitutes the granting of charter status and the right to operate as a **public** charter school. The state board of education shall notify all applicants of its decision **in writing**, and shall include in any notice of denial a **written** statement **specifying any areas deemed deficient, the reasons for the denial, and explaining** that the applicant may reapply under RSA 194-B:3, RSA 194-B:4, or under this section in a subsequent year.

6 New Subparagraph; Charter Schools; Establishment and Application. Amend RSA 194-B:3, II by inserting after subparagraph (cc) the following new subparagraph:

(dd) An outline of the proposed accountability plan which clarifies expectations for evaluating the school's program and which contains an acknowledgement that a full accountability plan shall be developed and ready to implement prior to the date of opening.

7 Charter Schools; Authority and Duties of Board of Trustees. Amend the introductory paragraph of RSA 194-B:5, III to read as follows:

III. **Notwithstanding RSA 194-B:1, III**, an established charter school shall be a corporation, **registered with the secretary of state**, with authority necessary or desirable to carry out its charter program including, but not limited to, the following:

8 New Paragraph; Charter Schools; Duties of the State Board. Amend RSA 194-B:17 by inserting after paragraph VII the following new paragraph:

VIII. The state board shall annually report to the joint legislative oversight committee established in RSA 194-B:21 regarding charter school approvals and denials for the preceding 12 months and the reasons for such approvals or denials.

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

2004-1323h

**Amendment to SB 427**

**Proposed by the Majority of the Committee on Judiciary - R**

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

AN ACT relative to legal recognition of out-of-state marriages and establishing a commission to examine all aspects of same sex civil marriage and its legal equivalents.

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

1 Recognition of Out-of-State Marriages. RSA 457:3 is repealed and reenacted to read as follows:

457:3 Recognition of Out-of-State Marriages. Every marriage legally contracted outside the state of New Hampshire, which would not be prohibited under RSA 457:1 or RSA 457:2 if contracted in New Hampshire, shall be recognized as valid in this state for all purposes if or once the contracting parties are or become permanent residents of this state subsequent to such marriage, and the issue of any such marriage shall be legitimate. Marriages legally contracted outside the state of New Hampshire which would be prohibited under RSA 457:1 or RSA 457:2 if contracted in New Hampshire shall not be legally recognized in this state. Any marriage of New Hampshire residents recognized as valid in the state prior to the effective date of this section shall continue to be recognized as valid on or after the effective date of this section.

2 Commission Established. There is established a commission to study all aspects of same sex civil marriage and the legal equivalents thereof, whether referred to as civil unions, domestic partnerships, or otherwise.

3 Membership and Compensation.

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

- (a) Four members of the house of representatives, appointed by the speaker of the house.
- (b) Four members of the senate, appointed by the president of the senate.
- (c) The attorney general, or designee.
- (d) One representative from the department of health and human services, appointed by the commissioner of health and human services.
- (e) One representative of the governor's office, appointed by the governor.
- (f) Four public members, 2 of whom shall be appointed by the speaker of the house and 2 of whom shall be appointed by the president of the senate.
- (g) The chief justice of the superior court, or designee.
- (h) The administrative judge of the probate courts, or designee.

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

4 Duties. The commission shall examine all aspects of same sex civil marriage and the legal equivalent thereof, whether

referred to as civil unions, domestic partnerships, or otherwise. The commission's study shall include, but shall not be limited to:

I. All the legal and policy implications of extending some or all of the rights and responsibilities of marriage to same sex couples.

II. Examination of all issues of civil rights, responsibilities, laws, and legal obligations related to same sex unions, including the applicability of the laws of other states to New Hampshire.

5 Chairperson; Quorum; Notice of Meetings.

I. The commission shall choose a chairperson, vice-chairperson, and clerk at its first meeting. The clerk shall keep a complete record of the proceedings of the commission and may call upon the resources of the legislature for assistance.

II. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. A majority of the members of the commission shall constitute a quorum.

III. Notice of all commission meetings shall be printed in the house and senate calendars. Commission meetings shall be open to the public.

6 Report. The commission shall make a final report 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 December 1, 2005.

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

#### AMENDED ANALYSIS

This bill recognizes any legally contracted out-of-state marriage which would not be prohibited under New Hampshire law.

This bill establishes a commission to examine all aspects of same sex civil marriage and its legal equivalents.

2004-1339h

#### Floor Amendment to SB 427

##### Proposed by Rep. Elliott - R

Amend the bill by replacing section 7 with the following:

7 Effect of Marriage. RSA 457:3 is repealed and reenacted to read as follows:

457:3 Effect of Marriage. Every marriage contracted by parties within the degrees prohibited by RSA 457:1 and 457:2 is incestuous and void, and the issue of such marriage shall be deemed children born of unwed parents; provided, however, that any marriage legally contracted outside of this state by persons not domiciled in this state and valid in the jurisdiction where contracted shall be recognized as valid in this state for all purposes if or once the said contracting parties are or become permanent residents of this state subsequent to such marriage and the issue of any such marriage shall be legitimate.

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2006.

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

#### AMENDED ANALYSIS

This bill recognizes any legally contracted out-of-state marriage which would not be prohibited under New Hampshire law for a 2-year period.

This bill establishes a commission to examine all aspects of same sex civil marriage and its legal equivalents.

2004-1176h

#### Amendment to SB 443

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

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

AN ACT relative to rural electric cooperatives and establishing an energy planning advisory board.

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

2 Energy Planning Advisory Board.

I. There is established an energy planning advisory board. The board is established to monitor and assist in the implementation of the New Hampshire Energy Plan prepared by the governor's office of energy and community services pursuant to 2001, 121.

II.(a) The members of the committee shall be as follows:

(1) The governor, or designee.

(2) One member representing the office of state planning and energy programs.

(3) One member of the senate energy and economic development committee, appointed by the president of the senate.

(4) One member of the house science, technology, and energy committee, appointed by the speaker of the house of representatives.

(5) Two members representing the public utilities commission, appointed by the chairman.

(6) One member representing the department of administrative services, appointed by the commissioner.

(7) One member representing the department of environmental services, appointed by the commissioner.

(8) One member representing the university system of New Hampshire, appointed by the chancellor.

(9) One member representing the department of transportation, appointed by the commissioner.

(10) One member representing the department of resources and economic development, appointed by the commissioner.

(11) The consumer advocate, or designee.

(12) Two members of the business and industry community, appointed by the governor and council.

(b) The legislative members of the committee shall serve for the duration of their legislative term, and shall receive mileage at the legislative rate when attending to the duties of the board. Other members of the board shall serve for 3 years and until a successor is appointed.

### III. Duties.

(a) The primary duties of the board shall be to meet on a regular basis to discuss energy policy and planning at the state level and develop strategic planning for the state's energy policies that include, but shall not be limited to:

(1) Supply and demand for energy resources.

(2) Transmission and distribution infrastructure for electricity, natural gas, and other transportable energy.

(3) Fuel diversity within the state and region.

(4) Supporting the department of transportation's planning efforts.

(5) Deliverable fuels.

(6) Energy efficiency and conservation opportunities.

(7) The state's role as a major energy consumer.

(8) The environmental effects of energy generation, transmission, and distribution.

(9) New Hampshire's role in regional energy issues.

(10) Periodic revision and update of the New Hampshire Energy Plan for currency as circumstances change.

(b) The board may consult and participate with members and groups of the business and residential communities within the state that may have important perspectives on energy planning.

IV. The members of the board shall elect a chairperson from among the members.

V. The board shall report annually to the governor, the speaker of the house of representatives, and the president of the senate.

3 Repeal. Section 2 of this act, relative to the energy planning advisory board, is repealed.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect November 1, 2012.

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

### AMENDED ANALYSIS

This bill delineates the authority and jurisdiction of the public utilities commission under the electric utility restructuring laws with respect to rural electric cooperatives. This bill also establishes an energy planning advisory board.

2004-1155h

### Amendment to SB 448-FN

#### Proposed by the Committee on Commerce - C

Amend RSA 415-C:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Posting a bond in the amount of at least \$25,000 or 5 percent of all consumer guarantee contracts sold in New Hampshire, whichever is greater, up to a maximum of \$250,000 and maintaining a reserve account in an amount no less than 40 percent of the gross consideration received for all contract fees from consumer guaranty contracts issued to New Hampshire residents less claims paid;

Amend the bill by deleting section 3 and renumbering the original sections 4-5 to read as 3-4, respectively.

2004-0939h

### Amendment to SB 454-FN

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

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

1 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. The provisions of RSA 159:3 ~~[and 4]~~ shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

2 New Section; Carrying Without a License for Nonresidents. Amend RSA 159 by inserting after section 4 the following new section:

159:4-a Carrying Without a License for Nonresidents.

I. No nonresident shall carry a loaded pistol or revolver in any vehicle or concealed upon his or her person, except in his or her dwelling, house or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Any nonresident who violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such nonresident shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.

II. For the purposes of this section and for RSA 159:6, a resident is any person who has a valid driver's license issued under RSA 263 or a nondriver's picture identification card issued under RSA 260:21.

3 Full Faith and Credit for Licenses from Other States. Amend the introductory paragraph to RSA 159:6-d to read as follows:

Notwithstanding the provisions of ***RSA 159:4-a and*** RSA 159:6, no nonresident holding a current and valid license to carry a loaded pistol or revolver in the state in which he ***or she*** resides or who is a peace officer in the state in which he ***or she*** resides, shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

4 Repeal. RSA 159:4, relative to the prohibition on carrying a pistol or revolver without a license, is repealed.

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

#### AMENDED ANALYSIS

This bill repeals the statute requiring a license to carry a loaded pistol or revolver in any vehicle or concealed upon his or her person and provides that only nonresidents shall be required to obtain such a license.

2004-0981h

#### Amendment to SB 459

##### Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by deleting section 7 and renumbering the original section 8 to read as 7.

2004-1265h

#### Amendment to SB 461

##### Proposed by the Committee on Commerce - C

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

1 Regulation of Business Practices for Consumer Protection; Acts Unlawful; Expiration of Gift Certificates. Amend RSA 358-A:2, XIII to read as follows:

XIII. Selling gift certificates having a face value of ~~[less than]~~ \$100 ***or less*** to purchasers which contain expiration dates. Gift certificates having a face value ***in excess*** of \$100 ~~[or more]~~ shall expire when escheated to the state as abandoned property pursuant to RSA 471-C. Dormancy fees, latency fees, or any other administrative fees or service charges that have the effect of reducing the total amount for which the holder may redeem a gift certificate are prohibited. This paragraph shall not apply to season passes.

2 Unclaimed and Abandoned Property; Gift Certificates Exempt from Chapter. Amend RSA 471-C:16 to read as follows:

471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift certificates ~~[under]~~ ***of*** \$100 ***or less***, and store credits that were issued for store merchandise credit, regardless of when issued, shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law. All gift certificates and store credits remitted to the state prior to January 1, 1998, and gift certificates and store credits that are properly determined to be reportable in any compliance audits initiated prior to January 1, 1998 and subsequently remitted, shall remain in the custody of the state unless and until returned to the owner. This section shall not apply to season passes or coupons that are nonrefundable and nonredeemable.

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

#### AMENDED ANALYSIS

This bill prohibits expiration dates on gift certificates of \$100 or less.

2004-1288h

#### Amendment to SB 470-FN

##### Proposed by the Committee on Ways and Means - C

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

AN ACT relative to funding for the physician effectiveness program, and establishing a dedicated fund.

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

1 Physician Effectiveness Program; Funding. Amend RSA 329:13-b, V(b) to read as follows:

(b) ***There is established in the office of the state treasurer a nonlapsing fund to be known as the physician effectiveness program fund which shall be kept distinct and separate from all other funds.*** The board shall allocate ~~[\$20]~~ ***\$30*** from each physician license renewal fee it collects to ~~[provide funding]~~ ***the fund*** for the physician effectiveness program as set forth in subparagraph V(a).

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

new subparagraph:

(228) Moneys deposited in the physician effectiveness program fund under RSA 329:13-b, V(b).

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

AMENDED ANALYSIS

This bill raises the contribution to the physician effectiveness program from \$20 to \$30 and establishes a dedicated fund.  
2004-1262h

Amendment to SB 487

Proposed by the Majority of the Committee on Fish and Game - R

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2006.

II. The remainder of this act shall take effect January 1, 2005.

2004-1233

Amendment to SB 487

Proposed by the Minority of the Committee on Fish and Game - R

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill prohibits a person from using a lead sinker or jig while fresh water fishing. The law previously prohibited their use only in fresh water ponds and lakes.

2004-1184h

Amendment to SB 495-FN

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 4 with the following:

4 Original License; Revocation and Suspension. Amend RSA 263:14, III(a)-(b) to read as follows:

III.(a) The director is authorized to revoke or suspend any original license ~~[issued under title XXI]~~ **held by a person under 20 years of age** after a hearing upon a showing by its records or other sufficient evidence that the driver has committed an offense ~~[during the first year following the issuance of an original license or has committed 2 or more offenses during the first 2 years]~~, **excluding the offenses of RSA 261:40, RSA 261:59, and RSA 266:5**, following the issuance of an original license for which the original license holder has been convicted.

(b) The periods of suspension or revocation set forth in subparagraph III(a) of this section shall be as follows:

(1) For a first offense ~~[during the first year following the issuance of an original license]~~ 20 days.

(2) For a second offense ~~[during the first 2 years following the issuance of an original license]~~ 45 days.

(3) For a third or subsequent offense ~~[during the first 2 years following the issuance of an original license]~~ 90

days.

2004-1000h

Amendment to SB 520

Proposed by the Committee on Children and Family Law - C

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

1 Child Support Guidelines; Modification of Order. Amend RSA 458-C:7 to read as follows:

458-C:7 Modification of Order.

**I.** The obligor or obligee may apply to the court or, when the department of health and human services has issued a legal order of support pursuant to RSA 161-C, to the department, whichever issued the existing order, for modification of such order 3 years after the entry of the last order for support, without the need to show a substantial change of circumstances. This section shall not prohibit the obligor or obligee from applying at any time for a modification based on substantial change of circumstances.

**II. Any child support modification shall not be effective prior to the date that notice of the petition for modification has been given to the respondent. "Notice" means:**

**(a) Service as specified in civil actions; or**

**(b) Acceptance of a copy of the petition, as long as the petition is filed no later than 30 days following said acceptance, and as long as the petitioner provides proof of acceptance by a certified mail receipt. Nothing in this subparagraph shall be construed to affect service as required by law.**

2 Support and Custody of Children; Date of Modification. Amend RSA 458:17, VIII to read as follows:

VIII. No modification of a support order shall alter any arrearages due prior to the date of ~~[filing]~~ **notice of the [motion]** **petition for modification as provided in RSA 458-C:7.**

3 Repeal. RSA 458-C:3, IV(c), relative to the effective date of a petition for modification, is repealed.

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

AMENDED ANALYSIS

This bill provides that modification of a child support order shall not be effective prior to the date of notice of the petition for modification.

2004-1335h

## Amendment to SB 526

### Proposed by the Committee on Legislative Administration - C

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

AN ACT relative to sexual harassment complaint procedures.

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

1 Purpose. The general court is committed to creating and maintaining an environment in which all legislative employees, legislative officers, and elected members are free from sexual harassment. Harassment shall not be tolerated. The New Hampshire constitution provides that the house of representatives and senate shall be the final judge of the qualifications of the elected members. The legislative ethics committee is established and structured to investigate complaints of inappropriate conduct by members and to make disciplinary recommendations to the full membership of the house of representatives or senate for action. Therefore, the general court hereby adopts a policy directing the legislative ethics committee to receive and investigate sexual harassment complaints by legislative employees, elected members of the general court, and the public relative to inappropriate conduct by elected members. The legislative ethics committee is also hereby directed to recommend appropriate discipline to the full membership of the house of representatives or senate when it finds that an elected member of the general court has engaged in conduct that constitutes sexual harassment.

2 New Paragraph; Legislative Ethics Committee; Definitions. Amend RSA 14-B:1 by inserting after paragraph I the following new paragraph:

I-a.(a) "Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or other verbal or physical conduct of a sexual nature, provided, that:

(1) Submission to such conduct is made either explicitly or implicitly a term of the individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive working environment.

(b) As used in subparagraph (a), verbal or physical conduct of a sexual nature may include:

(1) Verbal abuse of a sexual nature;

(2) Unwelcome offensive sexual flirtation;

(3) Unwelcome graphic verbal comments about an individual's body;

(4) Sexually degrading words to describe an individual;

(5) Unwelcome brushing, touching, patting, or pinching an individual's body;

(6) Sexually explicit gestures;

(7) The display in the state house complex of sexually suggestive, sexually demeaning, or pornographic objects, pictures, posters, or cartoons; or

(8) Unwelcome inquiry or comment about sexual conduct, sexual orientation, or preference.

3 Legislative Ethics Committee; Duties. Amend RSA 14-B:3, I(d) to read as follows:

(d) Receive sworn complaints, and investigate allegations of improper conduct, ***including sexual harassment against members or retaliation against employees who make good faith allegations of sexual harassment***, which may reflect upon the legislature, relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature, and make appropriate findings of fact and conclusions with respect to such conduct. Deliberations on such sworn complaints shall be conducted in nonpublic session and in accordance with procedures set forth in RSA 14-B:4 and established by the committee under RSA 14-B:5. The committee shall consider any sworn complaint and shall conduct its initial review of each complaint in a confidential manner, unless otherwise requested by the legislator, officer, or employee complained against.

4 New Paragraph; Legislative Ethics Committee; Complaints. Amend RSA 14-B:4 by inserting after subparagraph IV the following new paragraph:

IV-a. In the case of sexual harassment complaints, all work product and committee proceedings shall be non-public. Upon a finding that a member has engaged in sexual harassment, the committee shall make available for public inspection all records relating to the complaint. The committee shall not disclose its work product, internal memoranda, or any other documentation or information that would be considered confidential under RSA 91-A or any other law, except pursuant to a court order.

5 Legislative Ethics Committee; Rules. Amend RSA 14-B:5 to read as follows:

14-B:5 Rules; Procedures and Standards. The committee shall adopt, publish, and make available to the public rules governing its procedures, ***including rules specifically related to sexual harassment complaints***, as well as guidelines referred to in RSA 14-B:3, II consistent with the procedures set forth in RSA 541-A.

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

2004-1136h

**Amendment to SB 530**

**Proposed by the Committee on Transportation - C**

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as 2-5, respectively:

¶ Statement of Intent. It is the intent of the legislature to facilitate, as rapidly as practical, clearance of roadways during traffic collisions, natural disasters, special events, and other emergencies, to the extent that this may be accomplished without endangering emergency responders or the public and without destroying criminal evidence. The legislature finds that roadway clearance will be improved through the use of principles of the national interagency incident command system and by fostering coordination, cooperation, and the use of a unified command among police agencies, fire departments, emergency medical response units, departments of transportation and other public and private entities that respond to such situations.

Amend RSA 154:7-b, II as inserted by section 2 of the bill by replacing it with the following:

II. Police officers at the scene may treat any non-emergency vehicle that is obstructing traffic as abandoned for the purposes of RSA 262:31 through RSA 262:40-c, and may order its immediate removal, with or without the consent of the owner or operator. Any spilled cargo or other property obstructing traffic may be treated as a vehicle for the purposes of RSA 262:32 through RSA 262:37, and may be subject to immediate removal with or without the consent of the owner or carrier.