

State of New Hampshire HOUSE RECORD

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

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Friday, February 18, 2005

No. 16

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

HOUSE CALENDAR

NOTICE

The Chief Justice of the New Hampshire Supreme Court, John T. Broderick, Jr., will address a Joint Session of the Legislature on the State of the Judiciary on Wednesday, **February 23rd** at 1:00 p.m.

Chairmen and Vice Chairmen will meet on **Tuesday, February 22nd** at 9:00 a.m. in Room 201, LOB.

W.
Douglas
Scamman,
Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **February 23** at **12:15 p.m.** in Representatives Hall.

Rep.
Michael
O'Neil,
Majority
Leader

NOTICE

There will be a Democratic Caucus on Tuesday, **February 22** at **3:00 p.m.** in Representatives Hall.

Rep.
James W.
Craig,
Democratic
Leader

NOTICE

Because of vacation and no legislative meetings the week of February 28 - March 4 the

deadline for all calendar scheduling, reports and notices is extended to Friday, February 25th. There will be no calendar next week. Please note that normally the Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at 1:00 p.m. on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O.
Wadsworth,
Clerk of the
House

SHUTTLE SERVICE

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

The shuttle will operate **Tuesdays, Wednesdays and Thursdays from 8:00 a.m. to 10:00 a.m. and again from 2:00 p.m. until 4:00 p.m.** or until session is over. The van will drop-off and pickup on North State Street between the State House and LOB. If you have any questions or need any assistance please feel free to call my office or Protective Services at 271-3321.

W. Douglas Scamman, Speaker

HOUSE DEADLINES

Friday, January 21, 2005, 12:00 p.m.	Last day to sign-off all House bills, including re-draft requests.
Thursday, February 3	Last day to introduce House bills.
	Last day to amend House rules by majority vote.
Thursday, February 24, 2005	Last day to report House bills going to a second committee
Wednesday, March 9, 2005	Last day to act on House bills going to a second committee.
Thursday, March 24, 2005	Last day to report all House bills not in a second committee, except budgets.
Wednesday, March 30, 2005	Last day to act on all House bills not in a second committee, except budgets.
Thursday, April 7, 2005	Last day to report all House bills for action in 1 st year session
	Last day to hold public hearing on retained House bills
	Last day to report list of retained House bills
Wednesday, April 13, 2005	Last day to act on House bills. CROSSOVER
Thursday, May 5, 2005	Last day to report Senate bills going to a second committee
Wednesday, May 11, 2005	Last day to act on Senate bills going to a second committee
Thursday, May 26, 2005	Last day to report all Senate bills for action in 1 st year session
	Last day to hold public hearing on retained Senate bills
	Last day to report list of retained Senate bills
Wednesday, June 8, 2005	Last day to act on Senate bills
Thursday, June 16, 2005	Last day to form Committees of Conference
Wednesday, June 22, 2005 at 3 pm	Last day to sign Committee of Conference reports

Wednesday, June 29, 2005	Last day to act on Committee of Conference reports
Monday, September 12, 2005	First day to file legislation for the 2006 session
Friday, September 23, 2005	Last day to file legislation for the 2006 session

WEDNESDAY, FEBRUARY 23

CONSENT CALENDAR

COMMERCE

HB 313-FN, relative to registration of business entities. **OUGHT TO PASS**

Rep. Stephen B. Stepanek for Commerce: Last session a number of housekeeping measures were enacted related to registration of corporations. Also, fees were adjusted to properly cover the costs incurred by the Secretary of State in the registration of corporations. This bill makes the same changes and fee adjustments for limited liability corporations. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 128-FN, relative to reckless or negligent operation of a carnival or amusement ride. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill specifically deals with the negligent operation of a carnival, or amusement ride in a manner that places or may place a bystander or passenger in danger of bodily injury. The committee heard testimony of instances where ride operators became distracted while operating these rides and the committee was unanimous in its opinion that there need to be safeguards in place. There was no testimony in opposition to this bill. **Vote 16-0.**

HB 204-FN, relative to unauthorized video surveillance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill adds “the interior of one’s dwelling” to RSA 644:9, II which deals with violation of privacy. Specifically, this adds the aforementioned words to the definition of “private place” as currently contained in the statute. Testimony was presented that some judges do not consider one’s dwelling as being a private place because the legislature did not include it in the definition. This addition will clarify our intent that one’s dwelling is a private place. **Vote 13-3.**

HB 439, relative to registration requirements for criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: During the last session, the House passed legislation requiring people charged with sex crimes who were found not guilty by reason of insanity to register as sex offenders. The Senate made a slight change in a definition which the House agreed to, but we were unaware the important text of the bill was eliminated. This bill is an attempt to get everything right this time. **Vote 15-0.**

EDUCATION

HB 127, establishing a committee to study the creation of a satellite campus of the regional community-technical college system in the city of Franklin. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: While the committee agrees that a satellite campus in Franklin is a laudable goal, the prime sponsor indicated that the intent of the bill can be achieved without legislation. **Vote 20-0.**

HB 150, defining truancy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill is a request from the Department of Education to create a uniform definition of truancy state wide, which is required in reporting under the No Child Left Behind Act. “Truancy” means unexcused absence from school or class and “unexcused absence” is an absence without parental or administrative permission. **Vote 18-0.**

ELECTION LAW

HB 227, relative to undeclared voters at primary elections. **INEXPEDIENT TO LEGISLATE**

Rep. Jane A. Clemons for Election Law: This bill would eliminate the requirement that an undeclared voter must register as a member of a party to vote in a primary election. Our multi-party system encourages debate and criticism. Presently, both parties allow all undeclared voters to

vote in primary elections. RSA 654:34 Change of Registration states in II-a, "Any legal voter who has been registered as an undeclared voter may register as the member of the party of the voter's choice by appearing before the supervisors of the checklist and stating to them under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case the voter shall be registered as a member of such party." With this protection in statute, the majority of the committee felt that there was no impediment to undeclared voters changing registration. **Vote 14-1.**

HB 241-FN-L, relative to removal of political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra J. Reeves for Election Law: The bill sought to amend RSA 664:17 regarding placement and removal of political advertising on public property so as to create certain rights to the abutters of such public property and further to assess a fine to the candidate or its fiscal agent provided affirmative notice is given in advance as to the illegal placement of political signs and further provided the enforcement officer has affirmative evidence as to the property boundaries. The committee felt the intent of the current RSA was already clear and that this amendment would create more controversy than it would eliminate. Additional burden to the state, city or town would not be in the public interest. **Vote 14-0.**

HB 277, relative to special elections for executive councilor, state senator, and state representative. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Forsing for Election Law: This bill would prohibit special elections for executive councilor, state senator and state representative after March 15 of the second year of the biennium. The time line governing special elections would preclude the newly elected person from providing effective representation for more than a brief period prior to the ensuing regular election cycle. **Vote 14-0.**

HB 402, relative to filling certain vacancies in multi-member representative districts. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: Elected representation remains the constant to delivering representation to our constituents. Special elections may impose a financial burden on the affected communities but this committee did not believe that filling a vacancy with the candidate receiving the next highest vote total would be appropriate. Elective representation won over cost savings. **Vote 14-0.**

HB 516, relative to general qualifications for elective office. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: This bill modifies the law requiring persons holding elective office in the state to be citizens of the United States. The committee felt that the existing RSA 655:1, dealing with citizenship is clean and concise without adding verbiage to state the obvious. U.S. citizenship requirements, by birth right or naturalization, to hold public office are clear. The sponsor added residency which is addressed in other sections of the law. Thus the conclusion of the committee is this change is unnecessary. **Vote 14-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 319-FN-L, requiring the department of environmental services to arbitrate certain disputes between municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: While the committee understands the current problems with resolving disputes between municipalities, we do not believe this to be the right vehicle. Additionally, the Department of Environmental Services clearly stated that they are not trained in mediation/arbitration and question how effective this would be. The sponsor felt that since this is the first time this type of legislation has come forward, it was clear that additional study was needed to develop the final form. **Vote 14-0.**

HB 434-FN, requiring state agencies using automated answering systems to provide a method of access to a human being. **OUGHT TO PASS**

Rep. Hector M. Velez for Executive Departments and Administration: This bill requires state agencies that use automated answering systems to provide a method of access to a human being during the agency's business hours. The committee believes this bill allows residents of this state the right to access their government in a timely fashion without being on hold for a long period of time. Presently, there are several state agencies that do not have the capability to provide this service. However, this bill will require all state agencies to have a live person available to access phone calls. **Vote 15-1.**

HB 464, relative to the construction of a substance abuse treatment facility in Unity, New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill seeks to preempt potential hurdles to the building of a “for-profit” substance treatment facility on county owned land. The committee felt that it is entirely within the purview of the county management to proceed with planning for such a facility with input from county commissioners and the county delegation and in collaboration with town officials. **Vote 14-0.**

HB 472, relative to the definition of recreational program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard testimony that the Department of Health and Human Services was requiring day care licensing for some recreational programs in towns, churches, etc. that the department had to do under current RSA’s. The committee felt that municipalities, YMCA’s, Boys & Girls Clubs, churches, etc. should be able to offer programs without being licensed for day care. **Vote 16-0.**

HB 701-FN, establishing a citizen complaint review commission. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Coburn for Executive Departments and Administration: This bill establishes a citizen complaint review commission to review and investigate citizen complaints regarding actions by agencies of the State of New Hampshire. Each county would elect a member of the commission at the general election beginning with the November, 2006 general election. While the committee appreciates the efforts of the sponsor to bring a solution forward, after hearing the testimony and discussion, the committee felt that resolution belongs at the agency level. **Vote 18-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 474, establishing a commission to study the accessible housing needs and available financial assistance resources for individuals with disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. MacKay for Health, Human Services and Elderly Affairs: The committee felt that the goals and duties of this bill are credible and timely. There was no opposition to the need for study of the housing needs for individuals with disabilities. The vast majority favored an approach that would allow for the study to begin now, rather than wait for the legislative process that could take several months. The committee recommended a study committee operating under the authority of the Oversight Committee on Health and Human Services. That would give the committee credibility based on the authority and resources of the Oversight Committee. The committee was nearly unanimous in its support for this approach. **Vote 12-1.**

HB 488, establishing a task force on mental health costs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill establishes a task force to study the costs incurred by mental illness as it relates to all areas of state services. The task force will study the cost impact of mental illness, including drug and alcohol addiction, on the budgets of health, corrections, law enforcement, prosecution, public defender, education, and alcohol and drug programs. The study will allow state agencies and other interested parties to talk with one another, compare costs, and find more effective ways to spend budget dollars. The task force report will provide valuable guidance for future legislation. **Vote 16-0.**

HB 492, relative to health standards for food service handlers. **INEXPEDIENT TO LEGISLATE**

Rep. MacKay for Health, Human Services and Elderly Affairs: No one spoke in support of this bill. This bill appears to contain an unfunded mandate under New Hampshire law. In addition, the bill was opposed by the New Hampshire Lodging and Restaurant Association. Specifically, the bill requires food service workers to be tested for hepatitis. New Hampshire generally has a low level of incidence of hepatitis. It was felt that a public health approach including education and training would be more appropriate. **Vote 13-0.**

JUDICIARY

HB 155, relative to bail conditions. **INEXPEDIENT TO LEGISLATE**

Rep. Richard W. Morris for Judiciary: A recent Supreme Court decision (State v Kidder) raised several issues relative to the ability of counsel for the defendant to directly contact a victim or opposing party in certain cases. There have been three bills filed with the legislature this year to address this issue. HB 155, which deals with conditions of bail, is one of these bills. The committee feels this issue should be addressed in other legislation on this matter which is currently before the committee on Criminal Justice and Public Safety. **Vote 20-1.**

HB 452, relative to champerty in actions to quiet title and to extinguish mineral rights. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would amend RSA 498:5-a by allowing a person with no claim of title to or interest in real or personal property, whose ownership is disputed, to aid in or carry on litigation to establish its ownership in exchange for a share of the property or its value. The class of persons authorized by the statute to litigate such claims is already broad. The committee saw no reason to enlarge this class by inviting strangers to initiate or carry on litigation on behalf of potential claimants who do not care to do so themselves. **Vote 18-1.**

HB 694-FN, relative to interference with service of process. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would subject persons having nothing to do with the litigation concerned to criminal contempt for failing to cooperate to the satisfaction of process servers in locating the persons to be served. It fails to define with specificity the elements of the offense of “interference with service of process”. It places the burden upon the persons charged to prove their innocence. It punishes by contempt of court behavior that neither occurred in the presence of a judge nor violated a court order. The committee was not unsympathetic to the sponsor’s objective of streamlining the administration of justice, but concluded that until these deficiencies could be overcome, process servers will have to continue to rely upon their resourcefulness in difficult cases. **Vote 17-0.**

LEGISLATIVE ADMINISTRATION

HB 43, clarifying the penalty provision of the law relative to lobbyists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Legislative Administration: This bill with its amendment repeals the penalties for state employees appearing and testifying before a legislative committee without wearing their name tags. The amendment moves the citation for this paragraph from RSA 15:5, relative to lobbyists, to RSA 98-F: 1, relative to state employees. **Vote 10-0.**

HB 182, establishing a committee to study campaign contributions and lobbying practices. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Smith for Legislative Administration: The bill attempted to create a study committee to study the issue of campaign contributions and lobbying. The question arose as to whether the topic was too broad. The sponsor expressed a willingness to have the issue studied with regard to other issues. Given the plethora of bills before other committees with more specific language, the committee felt that there are more prudent avenues we can follow to achieve the same goals. **Vote 10-0.**

HB 213, relative to nomination of officers in the house of representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Legislative Administration: This bill would require that the nomination of a majority leader for the New Hampshire House be by the members of that majority party and then approved by the Speaker. The sponsor of this bill requested that the committee ITL as he will attempt to go through other channels to accomplish what is proposed in this bill. The committee as a whole complied with his request. **Vote 10-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 45, relative to combining water department funds and sewer department funds. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Theberge for Municipal and County Government: Current statute requires that water fees and sewer user fees are to be kept as separate and distinct funds to ensure the fiscal ability to independently operate, maintain and replace water and sewer infrastructure and to ensure that the funds are dedicated to their separate purposes. The statute also reflects the preferred standard industry practice so that either the water or sewer operations are allocated proportionate to service. Although enabling, the committee believes that is the practice was changed to allow the commingling of funds the some rates could become distorted relative to actual user costs by expenditures skewed towards one type of user. It was also noted that the proposed bill did not specify which governing body – water or sewer commission – would have final control of the commingled funds. There was a question about how federal grant money, if applied for, could be affected if the funds were commingled. The committee felt there were enough uncertainties about the proposal, even though enabling or possibly just for one town, that a change such as this was not appropriate. **Vote 14-1.**

HB 52, allowing municipalities to grant an additional exemption amount to disabled persons for their dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Harry Gale for Municipal and County Government: This bill is requesting an additional \$1000.00 exemption for the disabled taxpayer for each dependent child. The statutes regarding exemptions put the local community in charge of what income and asset levels will be allowed. The governing body in the municipalities also has the flexibility to give local property tax abatements for "just cause" determined by the governing body. The committee believes that the local community can already address this issue by voting to increase the income and asset level if they choose. **Vote 13-0.**

HB 144-L, relative to special elections for municipal charter amendments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill extends the time period to place amendments to a municipal charter to no more than 365 days after the municipal officials order such placed on the ballot. This allows for charter amendments to be voted on at the next annual municipal election, thus preventing the necessity of a special election during the year. Special elections have historically smaller turnouts, thus not allowing for a greater number of the electorate to vote on these important changes to the charter. Additionally, there is a cost to the municipality in holding a special election. These costs can be avoided by having the amendment voted on at a regular municipal election. **Vote 13-0.**

HB 198, allowing municipalities to adopt a property tax credit for persons aged 65 and older calculated by freezing their property assessments. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: Currently the present law allows municipalities to grant property tax exemptions up to and including 100% of their property tax based on income level and age. The committee heard testimony on this bill which wished to freeze an owner's property assessments if that person was 65 years old or older. A further stipulation in the bill required that the owner shall have resided for at least 20 years at that residence. Once the assessed value is frozen, there can not be any further increase in the assessed value passed on to the owner. The municipality is to continue to update and report the true assessed value, therefore creating a tax exemption to the property owner for the difference. The committee feels that this bill is not needed due to the fact that municipalities are allowed to grant an elderly exemption for this age class of taxpayers already. **Vote 13-1.**

HB 236, relative to the time for filing a motion to rehear a zoning decision. **OUGHT TO PASS**

Rep. Peter Schmidt for Municipal and County Government: This bill addresses the disparity between the treatment of motions to rehear a zoning decision and the general practices under state law. Specifically, the general rule of the state excludes the date of a decision from calculation of the period for filing a motion to rehear. This bill conforms zoning decision motions to the general state rule. **Vote 13-0.**

HB 265, relative to minutes of land use board meetings involving developments of regional impact. **OUGHT TO PASS**

Rep. Nancy K. Johnson for Municipal and County Government: This bill increases the amount of time from 72 hours to 144 hours following a decision on a development of regional impact to provide plans and minutes to the regional planning commission and other affected communities. This would make the minutes of land use board meetings of regional impact consistent with other land use times. **Vote 17-0.**

HB 266, relative to the procedure for dismissal or suspension of a police chief. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: This bill simply lengthens the period of time within which a police chief who is dismissed or suspended by a municipality may request a superior court hearing on the merits of the case. Presently, the law allows only 10 days for a police chief to petition the court for a hearing. This bill changes the time frame from 10 days to 45 days. Due to the limited number of attorneys that specialize in these issues, the 10 day period created a hardship in obtaining legal counsel; especially due to the fact that a weekend is included within this time. An additional benefit to this expansion is allowing the superior court more time to move cases around to accommodate their busy schedules. The bill also provides language to make the law gender neutral **Vote 17-0.**

PUBLIC WORKS AND HIGHWAYS

HB 263, relative to the use of design build and construction management methods for state capital projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill clarifies existing law by defining “design” build as a method of contracting utilizing the professional services of a single entity designer/builder who is responsible for the design and construction of a project. The bill further adds construction management to existing law and defines construction management as a method of contracting where the state engages the services of a contractor to work with an architect, or engineer. The contractor assumes risk for construction and is required to provide design consultation including valuation of costs, schedules, alternative design, systems and materials. The amendment allows for the statewide transportation improvement projects using the design build concept to be expanded from “not to exceed \$1,000,000” to “not to exceed \$5,000,000.00.” **Vote 14-0.** **HB 528-FN-L**, relative to acquisitions of state surplus real property by municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. David B. Campbell for Public Works and Highways: The committee unanimously felt that the proposed legislation would unwisely reduce state highway and general funds by eliminating the state’s ability to realize revenue through the fair market value sale of surplus property owned by the state of New Hampshire. **Vote 17-0.**

HB 559-FN, establishing a preference for New Hampshire vendors in state procurement contracts. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill would establish a state procurement preference for purchases of materials, equipment, supplies and services by the director of the division of plant and property management. At the request of both the bill’s sponsors, the committee voted to recommend ITL because of concerns from the state Attorney General’s office that its passage might interfere with a present court case. Also, there were parts of bill as now written that would be in violation of federal immigration laws. Other than the sponsors, there was no one else at the hearing to testify either for or against the bill. **Vote 14-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 47, regulating the use of computer spyware. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Garrity for Science, Technology and Energy: This bill provides that using spy ware or other similar computer programs to knowingly alter, take control of, or damage a consumer’s computer or internet access, will be a violation of the Consumer Protection Act under the provisions of RSA 358-A and 359-G:2. **Vote 15-0.**

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill limits reimbursement to providers of mobile phone services by the 911 emergency communications bureau for expenses incurred after April 1, 2005. Current law allows for reimbursement for phase 1 and phase 2 reasonable costs incurred by cellular telephone companies based on FCC guidelines. In 1996, the FCC required all cellular telephone companies to provide emergency 911 services in two phases. The FCC also allowed for reimbursement for part of these costs. In 2002, the FCC removed the requirement to reimburse companies for these 911 services. The committee determined that the minimal re-occurring costs associated with providing 911 services should be the responsibility of the mobile carriers and not all telephone subscribers including land line customers. The committee also added language in session law stressing the timely payment for outstanding expenses submitted by wireless carriers. **Vote 15-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 146, establishing a commission to study health care delivery at the Veterans Administration Hospital. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The intent of the sponsors’ bill is commendable. Over 20,000 veterans are enrolled in the Veterans Administration in New Hampshire and are provided care in facilities located in Manchester, Portsmouth, Tilton, Conway and Wolfeboro. The level of care provided to our veterans has been deemed excellent, not only by the sponsor of this bill but also by the awards given to the VA Medical Center in Manchester as proof of that quality care. For complaints about care by any veteran, a system is presently in place to field those complaints through the Director of the Veterans Administration in New Hampshire. Other issues or medical complaints can also be directed to the director or any of the staff at the NH Veterans Council. Furthermore, through our United States Senators or Congressmen are sounding boards for medical or any other complaints. The committee felt,

therefore, that the veteran has a number of avenues that are presently in place to submit a complaint or gain a hearing. The Veterans Administration is a federal agency under federal jurisdiction spending federal funds. No state committee comprised of elected NH representatives can have a direct input over the VA that does not presently exist. The committee felt that the formation of this new committee would institute a duplication of services. **Vote 12-2.**

HB 189, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. **INEXPEDIENT TO LEGISLATE**

Rep. Lars T. Christiansen for State-Federal Relations and Veterans Affairs: The New Hampshire Legislature in 1991 established RSA 12-A:30 (Advisory Committee on International Trade) which addresses this issue. The committee felt that all international trade is controlled by Article VI Section 2 of the United States Constitution. Therefore this bill is not necessary. **Vote 13-1.**

TRANSPORTATION

HB 242, relative to falsification of motor vehicle applications filed with the department of safety. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Transportation: This bill adds to the suspension or revocation of a license or registration issued by the Division of Motor Vehicles based on an application made with any false statement or fraudulent document. The committee felt that this was a good change in the law. The bill also cleans up a couple of minor issues: one changes "him" to "him or her" and changes "motor vehicle laws" to "motor vehicles." **Vote 12-0.**

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

Rep. Sherman A. Packard for Transportation: This bill revises and updates certain motor vehicle laws. Changes RSA 21-P: 9 III to read "a financial responsibility supervisor" instead of "administrator." It allows eligible non-profit corporations operating transportation services for elderly or disabled persons to purchase from the state motor fuel inventory. It allows a non-profit corporation that uses the vehicles exclusively for the transportation of the elderly or disabled to a refund of any road tolls paid. It allows the Director of Motor Vehicles to issue a license for less than five years. It requires any car affixed with a dealer plate to have a current state inspection sticker. It allows for the use of white cab lights on pickup trucks. New Hampshire law allows trucks to carry loads up to 99,000 pounds on state roads. This amendment is needed to conform with federal law that allows trucks with loads up to 99,000 pounds to travel on our interstates. It bars the counterfeiting or duplication of number plates. **Vote 11-0.**

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

Rep. Stephen H. Nedeau for Transportation: This bill increases the fees charged by the Department of Safety for replacement number plates, as well as validation stickers. The bill will increase the fee for replacement number plates by 50 cents, \$3.50 to \$4.00, and also establishes a new \$1.00 fee for the replacement of validation stickers that are lost or illegible. The committee felt that this was not an unreasonable request. **Vote 12-0.**

HB 286, prohibiting the operation of pocket bikes and motorized scooters upon ways. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill will prohibit the operation of pocket bikes and motorized scooters upon any way. These transporters are described as any 2 or 3 wheel motorized device that has handlebars and is designed to be stood or sat upon by the operator and is smaller than a conventional moped, motorcycle or motor-driven cycle, or any 2 or 3 wheeled motorized device, other than an antique motorcycle, that does not have a 17-character vehicle identification number. For registration purposes, any vehicle must meet the safety standards to the satisfaction of the federal government. Because these vehicles are small and low to the ground and are being operated by children, the committee feels they are a danger to the motoring public. Also, there is a concern that these vehicles are a seasonable use item and more along the lines of a recreational vehicle. Call them what you want, but the committee knows they don't belong on our highways. **Vote 13-0.**

HB 461-FN, establishing number plates supporting New Hampshire public higher education. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill does not ask for one plate but wants to create three new specialty license plates. One each for UNH, Keene and Plymouth universities. Going on the experience we have with the conservation plate and veteran plate, there would not be enough of

these plates sold to make any money. If we were to allow issuance of these plates we would be compelled to allow the issuance of plates for any other college or university in the state. This would open the door to service clubs like the Lions, Kiwanis and Rotary to seek plates. License plates are for identification. Let us not go down the road that states like Florida have done and create a plate for every group that wants a plate. **Vote 13-0.**

HB 507, establishing a commission to study noise and hours of operation of motor vehicle racetracks. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill would have set up a commission, made up of one representative from each of the 10 racetracks in the state of New Hampshire. Members of the House and Senate would be included. The commissions' job would be to study noise at existing racetracks. As long as there are racetracks there will be noise that someone does not like. But local governing bodies, where these tracks are located, have control and have exercised it on noise, days of operation, lighting, traffic control, crowds and just about anything else that is involved in running a racetrack. Tracks are a permitted business; they follow the rules that are put before them. **Vote 13-0.**

WEDNESDAY, FEBRUARY 23

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 46-FN, relative to penalties for first-time DWI offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Welch for Criminal Justice and Public Safety: During the 2004 Session, SB 478 passed the House with a vote of 211-119. During the floor debate, questions arose about a provision that would allow a person convicted of a Class B misdemeanor for driving while intoxicated who had successfully completed all alcohol and/or drug treatment and counseling programs and who had no other alcohol related offenses, to petition the court to reduce the conviction to a violation. The section read that "the court in which the person was convicted may reduce the conviction to a violation upon a motion filed by either party". It was discussed at that time that if all conditions had been met, the court should reduce the conviction and this bill changes "may" to "shall" so that those persons convicted for the first time of driving while intoxicated, who have successfully completed the above programs, will not have a criminal record. **Vote 14-2.**

EDUCATION

HB 76, revising the process of charter school approval by the state board of education. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for the **Majority** of Education: This bill makes two clarifications in the charter school funding law. The first clarification addresses the payment to be made for the student's fiscal year of attendance. The second clarification eliminates the reference to the Department of Education regarding payment of tuition to the charter school. The committee voted ought to pass 11-8. **Vote 11-8.**

Rep. Claire D. Clarke for the **Minority** of Education: Although public charter schools for specific education exist, the funding procedure in this bill is flawed. The state funds charter schools with adequacy money. There is a two year delay in adequacy aid and this bill requires the school district to immediately give the charter school an adequacy amount for students who may not have been in the school district's count. Some students may have been home schooled or in a private school and now choose to enroll in a charter school, thus the district never received state funds for these students. The minority therefore believes that public schools should not have to use their adequacy money to pay charter schools in advance.

JUDICIARY

CACR 2, relating to the appointment of judges. Providing that judges shall be appointed to 5-year terms of office which may be renewed. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: Numerous objections to this resolution were expressed by witnesses that the committee found persuasive: A five-year term would barely be long enough for a judge to learn the craft and would be so short as to discourage many qualified lawyers from leaving private practice for judicial office. Judicial retirement benefits do not vest until a judge has served

for ten years. A three-term governor could, in theory, appoint every judge in the state. The administrative task to vet, nominate and confirm judicial appointments would be burdensome to the governor, executive council and their staffs. High turnover would lead to trial scheduling problems and greatly increased training expenses. Worst of all, judgeships would become objects of a political spoils system, and judges would be subjected to the very temptation to avoid controversial issues and to subordinate their judgments to political pressure that it was the objective of the British Parliament to end, when, in 1689, it created the Anglo-American concept of judicial independence; that is, tenure in office during good behavior. **Vote 17-1.**

HB 427, repealing common law marriage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the **Majority** of Judiciary: New Hampshire does not recognize common law marriage, as that term is generally known. However, for the limited purpose of establishing inheritance rights, New Hampshire does have a Cohabitation statute that dates back to our original 1842 revised statutes. It reads: Persons cohabitating and acknowledging each other as husband and wife, and generally reputed to be such, for the period of 3 years, and until the decease of one of them, shall thereafter be deemed to have been legally married.” To qualify as a spouse for purposes of inheritance, the survivor must prove all three elements set forth in the law. Clearly the requirements of this law ensure that it is rarely used today but its original intent is still applicable. No surviving spouse should be deprived of inheritance rights if his or her spouse were to die and they were not lawfully married. The committee heard no evidence that this ancient law was being abused. **Vote 17-5.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: When the original predecessor of RSA 457:39 was enacted in the nineteenth century, under the mores of the time cohabitation was relatively rare, and cohabitating couples overwhelmingly would wish to be, and would be, reputed as married. Now, however, that it is normal and accepted for couples to live together without benefit of marriage, the nature of a couple’s commitment to each other can be ambiguous, not just to the community, but even to themselves and their families. This is an invitation to confusion and discord over the administration of the estate of the first one of them to die, with that first one no longer available to testify. The minority believes that the concept known as common law marriage has outlived its usefulness and should be abolished. If couples desire the advantages of marriage, they should get married.

MUNICIPAL AND COUNTY GOVERNMENT

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Buhlman for the **Majority** of Municipal and County Government: Town clerks have been required to supply three DHHS brochures to couples applying for a marriage license: one on family planning, one on fetal alcohol syndrome, and one on HIV prevention. In addition to handing these brochures to the couples, the town clerks are required to get an affidavit, signed by the couple, acknowledging that they have received and discussed the information in the brochures. The Majority of the committee felt that this requirement puts an unnecessary burden on already busy town clerks, and that there are any number of other worthy brochures that could be handed out to marriage license applicants, such as prevention of various types of cancer, and financial planning. All such guidance-related information is readily available from sources other **Vote 14-4.**

Rep. Jessie L. Osborne for the **Minority** of Municipal and County Government: The minority believes that this bill should be amended to only repeal the part of RSA 457:23 Section II which requires an affidavit to be signed and a discussion of the brochure for Fetal Alcohol Syndrome be affirmed before a marriage license is issued by the clerk of the municipality. The minority feels that important medical and prevention information regarding fetal alcohol syndrome and HIV should continue to be handed out to help prevent these diseases which harm infants and adults. Fetal alcohol syndrome and HIV cause the state to expend large amount of funds to treat and take care of the victims of these diseases. Prevention through information and education is the best way to begin to eliminate these preventable diseases. The state provides these brochures in an envelope and the discussion and the signing of an affidavit are not necessary to ensure the dissemination of vital information to those of child bearing age who might not have had health education classes in school.

HB 407-FN-L, relative to licensing of dogs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for the **Majority** of Municipal and County Government: This bill increases dog licensing fees by \$2.00. This fee has not been increased in a number of years. In 1995, laws were changed to require veterinarians to notify the city/town clerk when a dog receives a rabies vaccination. The clerk then has to check records and keep track of who has and who has not got a license. The change has created a more labor intensive process for the clerk. The majority of the committee felt that this small fee increase was reasonable. **Vote 12-4.**

Rep. Andrew Renzullo for the **Minority** of Municipal and County Government: The minority believes that an increase in a license fee is a tax by another name. In addition, this increase is mandated by the state without a local option. Finally, this bill places the burden totally on dog owners. Presently, \$2.00 of the dog licensing fee goes to the spay/neutering program. Yet cats use the program at a 3 to 1 ratio. Thus dog owners are, in effect, forced to subsidize cat owners. Passage of this bill would only exacerbate this inequity.

PUBLIC WORKS AND HIGHWAYS

HB 304-FN-A, relative to federal highway grant anticipation bonds. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James B. Rausch for the **Majority** of Public Works and Highways: This bill is enabling legislation that will allow the state to issue federal highway grant anticipation bonds, sometimes known as “Garvee Bonds”, for the purpose of financing costs relating to the widening of I-93. The bonds are secured with federal transportation grants and allow the Department of Transportation to receive funds in anticipation of the federal grants. The bonds will be incrementally issued for the difference between the allocated dollars in the 10-Year Transportation Plan, as enacted into law in HB 2004, of the 2004 legislative session and the amount required to construct the project under an accelerated six year construction plan as recommended by the Department of Transportation. The aggregate bonding cannot exceed 195 million dollars. This bill further allows for the resale of surplus property, purchased for the widening of I-93, to pay for the 22 million dollar expense related to the issuance of the bonds. As a result, the ten-year highway plan will not be materially affected by the utilization of these grant anticipation bonds. The committee recognized the severe safety issue involved in delay of the I-93 project and passed the bill with strong bipartisan support. **Vote 14-1.**

Rep. Candace C.W. Bouchard for the **Minority** of Public Works and Highways: The minority respects the laudable goal to accelerate the construction time frame of I-93 from Salem to Manchester. However, Garvee Bonds is a significant change in the state transportation funding policy, from pay as you go bonding using federal transportation grant dollars to bonding against the future anticipated federal grant. The 10-Year Transportation Plan is currently under funded pushing projects out 14 – 16 years. The minority is concerned that the cost of the Garvee Bonds \$22 million interest due at maturity in 10 years could potentially delay other much needed transportation projects. Currently, NH DOT does not know how much the state will be receiving in Federal Transportation Grant Funds. The state will receive the grant, but it is unknown if the dollars received will be more, the same or less. Allowing Garvee Bonds to be used for this major construction project sets a precedent for future use of other transportation projects. The issuance of Garvee Bonds is a policy change to accept risk over the long term for short term gain from a major project, a shift from New Hampshire’s conservative fiscally sound approach.

HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: This bill appropriates \$1 for the purchase of the Laconia District Courthouse building and associated land. This is an historic building first used as a high school. Since 1978, the state has leased the first floor and basement from the city for use as a district court. A renovation project is being considered in the capital budget. If the building is no longer used for state-related offices, the city has the right to purchase it for fair market value minus the fair market value as of July 1, 2005. **Vote 11-2.**

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 22

CHILDREN AND FAMILY LAW, Room 206, LOB

- 9:15 a.m. Subcommittee work session on **HB 220**, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood.
- 10:00 a.m. **Rescheduled** public hearing on **HB 398**, removing judicial discretion to include life insurance in a child support order.
- 11:15 a.m. **HB 327**, relative to enforcement of support orders.
- 1:00 p.m. **Continued** public hearing on **HB 207-FN**, relative to the appointment of a guardian ad litem in adoption proceedings.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

COMMERCE, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 109**, requiring notification of federal tax requirements in the sale of a principal residence and limiting the disclosure of social security numbers in real estate transfers.
- 10:00 a.m. **HB 714-FN**, adopting the Uniform Partnership Act
- 11:00 a.m. **HB 716-FN**, relative to securities regulation.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:30 p.m. Insurance Department briefing.
- 2:30 p.m. **HB 703-FN**, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law.
- 3:30 p.m. **Continued** public hearing on **HB 374**, establishing a commission on economic independence.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 468**, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.
- 11:00 a.m. **HB 475**, relative to access to certain criminal records.
- 1:30 p.m. **HB 497**, relative to stolen checks.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 9:00 a.m. **Continued** public hearing on **HB 448-FN**, relative to the collection of certain fees by the postsecondary education commission.
- 10:00 a.m. **Rescheduled** public hearing on **HB 684-FN-LOCAL**, relative to education funding and the distribution of targeted aid and transition education grants.
- Executive session on pending legislation will be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:00 p.m. Education funding subcommittee.

ELECTION LAW, Room 308, LOB

- 9:30 a.m. **Rescheduled** public hearing on **HB 362**, relative to statutes to be posted at polling places.
- 10:15 a.m. **Rescheduled** public hearing on **HB 363**, relative to parking at polling places.
- 11:00 a.m. **Rescheduled** public hearing on **HB 365**, relative to recount fees.
- 1:00 p.m. **Rescheduled** public hearing on **HB 483**, relative to instructions to be placed on the general election ballot.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **HB 293**, establishing a commission to study the development of a materials resource and recovery facility in Sullivan County.
- 11:00 a.m. **HB 371**, relative to mercury reduction.
- 1:00 p.m. **HB 432-FN**, relative to the septage handling and treatment facilities grant program.
- 2:00 p.m. **HB 479**, relative to tax bills for land use change taxes.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

- 2:30 p.m. Subcommittee work session on **HB 386**, relative to agricultural best management practices.
- 2:45 p.m. Subcommittee work session on **HB 477-FN**, increasing registration fees for pesticides and commercial feeds.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 644-FN**, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.
- 9:30 a.m. Subcommittee work session on **HB 715-FN-A**, relative to the regulation of bingo and lucky 7.
- 10:30 a.m. Subcommittee work session on **HB 708-FN**, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan.
- 11:00 a.m. Executive session on pending legislation.

FINANCE JOINT WITH SENATE FINANCE, Rooms 210-211, LOB

Agency Budget Presentations

- 9:00 a.m. - 12:00 p.m. Department of Health and Human Services
- 1:00 p.m. Department of Resources and Economic Development
- 1:30 p.m. Department of Education

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

- 10:00 a.m. **HB 704-FN**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund.
- 1:00 p.m. **SB 39**, relative to disinterment of dead bodies.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 2:30 p.m. Subcommittee work session on **HB 691-FN-LOCAL**, relative to the medicaid program.

HISTORICAL COMMITTEE (RSA 17-I), Room 104, LOB

- 3:00 p.m. Regular meeting.

IMPLEMENTING A RECOMMENDATION OF THE NEW HAMPSHIRE ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws of 2003), Barrington Town Hall, 41 Province Lane, Barrington

- 9:30 a.m. Regular meeting.

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

- 3:15 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 267**, relative to requests for services other than counsel for indigent defendants.
- 10:45 a.m. **HB 543**, establishing a commission to study probate court processes and probate law.
- 11:15 a.m. **HB 471**, relative to probate requirements for small estates.
- 1:00 p.m. **HB 608-FN**, establishing a right to trial by jury prior to a nonemergency involuntary admission.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

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

LEGISLATIVE ADMINISTRATION, Room 307, LOB

- 1:15 p.m. **HB 288-FN**, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire.
- 2:30 p.m. **HB 421**, establishing a committee to study effective dates on legislation.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. **Rescheduled continued** public hearing on **HB 90**, relative to private driving instruction and exhibition facilities.
- 1:30 p.m. **HB 695-FN**, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 658-FN-A**, requiring the department of transportation to make certain improvements to New Hampshire Route 3 in the town of Tilton and making an appropriation therefor.

Public Works Committee will hold public hearings on the following items contained in the Governor's Capitol Budget proposal:

- 1:00 p.m. Adjutant General
1:30 p.m. Cultural Resources
2:00 p.m. Liquor Commission
2:30 p.m. Christa McAuliffe Planetarium
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **HB 491**, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses.
11:00 a.m. **SB 23**, relative to membership on the public water access advisory board.
1:00 p.m. Executive session on pending legislation.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Subcommittee work session on **HB 57**, relative to the burning of construction and demolition debris, **HB 190**, relative to the installation of continuous emission monitoring systems on stationary air pollution sources and devices, **HB 315**, relative to best available technology for air pollution control, **HB 414**, relative to regulation of municipal waste combustors and **HB 438**, relative to emissions requirements for municipal waste combustion units.

Room 104, LOB

- 11:00 a.m. Subcommittee work session on **HB 152-FN**, requiring heating oil sellers to purchase biodiesel.

Room 304, LOB

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

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **Rescheduled** public hearing on **HB 298**, relative to consolidating statutes relating to driving while intoxicated.
10:30 a.m. **Rescheduled** public hearing on **HB 326**, relative to motorcycle noise levels.
1:00 p.m. **Rescheduled** public hearing on **HB 513**, relative to motor vehicle inspection stations.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HB 676-FN**, exempting agricultural buildings from the education property tax.
10:30 a.m. **HB 675-FN**, exempting agricultural tower silos from the education property tax.
11:00 a.m. **HB 602-FN-A**, relative to the unbundling of communications services for purposes of the application of the communications services tax.
1:00 p.m. **HB 707-FN-A**, establishing a credit against the business enterprise tax for certain borrowed and invested money.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, FEBRUARY 23

CHILDREN AND FAMILY LAW, Room 206, LOB

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

COMMERCE, Room 302, LOB

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 558**, relative to the circumstances constituting sexual assault.

10:30 a.m. **HB 533-FN**, relative to penalties for aggravated felonious sexual assault.

11:00 a.m. **HB 556-FN**, requiring registration of drug offenders.

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

EDUCATION, Rooms 205-207, LOB

10:00 a.m. **HB 100-FN-A-LOCAL**, establishing an education equity index to provide state education assistance to municipalities.

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

ELECTION LAW, Room 308, LOB

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. **HB 560**, relative to timber harvesting.

9:30 a.m. **HB 580**, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district.

11:00 a.m. **HB 562**, relative to eliminating certain mercury-added products.

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

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

9:30 a.m. **Rescheduled** regular business.

FISH AND GAME, Room 307, LOB

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

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

. Immediately following the House session, executive session on pending legislation, if needed.

JUDICIARY, Room 208, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:30 a.m. **HB 338**, allowing municipalities to adopt a low income property tax credit.

10:15 a.m. **HB 367**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence.

11:00 a.m. **HB 410**, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Public Works Committee will hold public hearings on the following items contained in the Governor's Capitol Budget proposal:

9:30 a.m. Secretary of State

10:15 a.m. Fish and Game Department

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

9:00 a.m. Subcommittee work session on **HB 185**, establishing a committee to study the unique nature of geothermal properties capable of supporting energy for production.

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

TRANSPORTATION, Room 203, LOB

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

WAYS AND MEANS, Room 202, LOB

9:30 a.m. **HB 693-FN**, making the low and moderate income homeowners property tax relief program a tax cap and applicable to current year tax liability.

10:15 a.m. **HB 554-FN-A**, establishing a state property tax relief program for seniors and the disabled.

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

THURSDAY, FEBRUARY 24

COMMERCE, Room 302, LOB

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 609-FN**, establishing the protection of liberty act.

10:30 a.m. **HB 531**, relative to application for a writ of habeas corpus.

11:00 a.m. **HB 645-FN**, relative to fire-safe cigarettes.

1:00 p.m. **HB 627-FN**, relative to raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.

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

EDUCATION, Room 207, LOB

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

ELECTION LAW, Room 308, LOB

9:30 a.m. **CACR 20**, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate.

10:30 a.m. **CACR 21**, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor.

1:00 p.m. **HB 289-FN**, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists.

1:45 p.m. **CACR 19**, relating to representation in cities and towns whose population is equal to, or greater than, the minimum number of persons per house district. Providing that a city or town shall have at least one representative from the city or town if its population is equal to or greater than the apportionment figure for house districts.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. **HB 578**, relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

10:00 a.m. **HB 544**, relative to the land and community heritage program.

11:00 a.m. **HB 573**, establishing a committee to study automobile disposal fees.

1:00 p.m. **HB 632-FN-LOCAL**, creating an environmental policy for New Hampshire.

2:00 p.m. **HB 634-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail.

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

3:00 p.m. Subcommittee work session on **HB 275**, defining farmers' market.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 594-FN**, relative to retirement system classification for correctional line personnel.
- 1:00 p.m. **HB 652-FN**, relative to the retirement system classification for the director of juvenile justice services, department of health and human services.
- 2:00 p.m. **HB 455-FN**, relative to establishing a board of private investigation and security services.
- 2:30 p.m. **HB 383**, relative to vital records administration.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FISH AND GAME, Room 307, LOB

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

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

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

JUDICIARY, Room 208, LOB

- 10:00 a.m. **Rescheduled** public hearing on **HB 334**, relative to consistency of notices in court proceedings.
- 10:30 a.m. **Rescheduled** public hearing on **HB 368**, relative to limiting the sworn testimony of witnesses.
- 11:15 a.m. **Rescheduled** public hearing on **HB 508**, relative to ex parte hearings.
- 1:00 p.m. **Rescheduled** public hearing on **HB 413**, relative to the appointment of the chief justice of the superior court.
- 2:00 p.m. **Rescheduled** public hearing on **CACR 12**, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judicial branch.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

- 2:30 p.m. Organizational meeting with regular business to follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. **HB 437**, relative to the disposition of municipal records.
- 10:30 a.m. **HB 323-FN**, relative to excluding social security numbers and other information from documents filed with registries of deeds.
- 11:30 a.m. **HB 311-LOCAL**, enabling towns to establish revolving funds for certain purposes.
- 1:00 p.m. **HB 358**, establishing a committee to study the efficacy of the municipal budget committee and cooperative school district budget committee processes.
- 1:45 p.m. **HB 394**, relative to real estate tax lien procedures for tax collectors.
- 2:30 p.m. **HB 408**, relative to the sale of town-owned land.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Public Works Committee will hold public hearings on the following items contained in the Governor's Capitol Budget proposal:

- 9:30 a.m. Department of Corrections
- 10:15 a.m. Department of Resources and Economic Development
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

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

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. Subcommittee work session on **HB 91-FN**, repealing the local property tax exemption for wooden poles and conduits.
- 10:00 a.m. **Continued** public hearing on **HB 613-FN**, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax.

10:30 a.m. **Continued** public hearing on *HB 601-FN*, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FRIDAY, FEBRUARY 25

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

10:00 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. *HB 643-FN*, establishing an integrated criminal justice information system.

10:45 a.m. *HB 654-FN-LOCAL*, prohibiting the sale or resale of goods or services produced using inmate labor.

11:15 a.m. *HB 667-FN*, relative to reckless conduct.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:30 a.m. *HB 425-FN-LOCAL*, increasing fees paid to municipalities for registering current model year vehicles.

10:15 a.m. *HB 318-FN-LOCAL*, relative to providing municipal water supply services.

11:00 a.m. *HB 411*, relative to the North Conway water precinct.

1:00 p.m. *HB 416*, relative to billing for the semi-annual collection of property taxes.

1:45 p.m. *HB 467*, relative to naming private roads.

2:30 p.m. *HB 519-LOCAL*, relative to the authority to accept dedicated streets and to subdivision roads.

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

MONDAY, FEBRUARY 28

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration Community Services Training Room, 57 Regional Drive, Concord

9:30 a.m. Regular meeting.

TUESDAY, MARCH 1

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), American Legion Post 79, 35 West Brook Street, Manchester

5:00 p.m. Regular meeting.

WEDNESDAY, MARCH 2

EDUCATION, Room 207, LOB

2:00 p.m. Education funding subcommittee.

FRIDAY, MARCH 4

EDUCATION, Room 207, LOB

10:00 a.m. Education funding subcommittee, if needed.

MONDAY, MARCH 7

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

1:00 p.m. Complaint hearing.

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 205, LOB

2:00 p.m. Regular meeting.

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 206, LOB

9:30 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **HB 547-FN**, changing the funding limit for on-premise-use fuel oil storage facilities.

10:30 a.m. **HB 638-FN**, relative to county liability for payment of nursing home costs.

11:00 a.m. **HB 649-FN-A-LOCAL**, relative to the medical examiner's duty to investigate medicolegal cases and the fees for and costs of such investigations.

11:30 a.m. **HB 711-FN-A-LOCAL**, making an appropriation for kindergarten in the town of Merrimack.

12:00 p.m. **HB 539-FN-A-LOCAL**, relative to land and community heritage investment program administration.

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

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

9:00 a.m. Regular meeting.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

9:30 a.m. **HCR 7**, urging the United States Congress to establish and revise the current drug policy.

10:30 a.m. **HCR 8**, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States.

11:30 a.m. **HR 11**, urging the department of defense to establish a military presence on the New Hampshire seacoast to ensure a rapid response to any threat to domestic security.

12:30 p.m. **Rescheduled** public hearing on **HCR 3**, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, MARCH 9

EDUCATION, Room 207, LOB

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

THURSDAY, MARCH 10

EDUCATION, Room 207, LOB

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

FRIDAY, MARCH 11

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 294**, relative to criminal records and evidence.

10:30 a.m. **HB 706-FN**, relative to the cost of storage of firearms which are voluntarily surrendered to local law enforcement agencies.

11:00 a.m. **HB 696-FN**, relative to enhanced penalties for crimes against the elderly and persons with disabilities.

11:30 a.m. **HB 489-FN**, relative to disclosing an ownership interest in certain health care

facilities and businesses.

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

EDUCATION, Room 207, LOB

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

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

1:00 p.m. **HB 297-FN**, relative to charter schools.

2:00 p.m. **HB 301-LOCAL**, relative to parent advisory councils for pupils with educational disabilities.

3:00 p.m. **HB 346-LOCAL**, relative to the procedures for withdrawal from a multi-town school district.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. **Rescheduled** public hearing on **HB 388**, establishing a commission to study the retirement system medical benefits subsidy for retired teachers.

10:00 a.m. **Rescheduled** public hearing on **HB 499**, relative to participation in and administration of the Manchester employees' contributory retirement system.

11:00 a.m. **Rescheduled** public hearing on **HB 502-FN**, allowing certain surviving spouses to receive a retirement system death benefit.

1:00 p.m. **Rescheduled** public hearing on **HB 521**, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system.

2:00 p.m. **Rescheduled** public hearing on **HB 481**, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651: 8-b, RSA 135-C, and RSA 171-B.

2:30 p.m. **Rescheduled** public hearing on **HB 465-FN**, authorizing the board of medicine to take non-disciplinary remedial action against physicians.

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

MONDAY, MARCH 14

EDUCATION, Room 207, LOB

10:00 a.m. **HR 12**, proclaiming the first week of each school year as "Dictionary Week."

11:00 a.m. **HB 557**, relative to the submission of data to the department of education.

1:00 p.m. **HB 442**, establishing a committee to study the feasibility and need for a vocational technical education program at Mascoma Valley regional high school.

2:00 p.m. **HB 564**, permitting the limited use of alcohol in high school culinary arts programs.

3:00 p.m. **HB 687-FN**, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty.

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

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

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 656-FN**, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

1:00 p.m. **HB 463**, relative to evidence of admissions in medical injury actions.

2:00 p.m. **HB 584**, relative to evidence of admissions of liability in medical injury actions.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

- 9:30 a.m. **HCR 5**, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution.
- 10:30 a.m. **HCR 6**, urging Congress to enact legislation to make English the official language of the United States.
- 11:30 a.m. **Rescheduled** public hearing on **HCR 4**, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 12:30 p.m. **Rescheduled** public hearing on **HB 328**, relative to jurisdiction over land occupied by or ceded to the United States.
- 1:00 p.m. **Rescheduled** public hearing on **HB 520**, relative to the USA Patriot Act.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

TUESDAY, MARCH 15

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 586**, relative to the periodic review of child support guidelines.
- 10:45 a.m. **HB 592**, relative to the child support guidelines.
- 11:30 a.m. **HB 591**, relative to the calculation of health and dental insurance costs as part of the child support obligation.
- 1:30 p.m. **HB 590**, excluding stepchildren from the definition of "child" in the context of support orders.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

COMMERCE, Room 302, LOB

- 10:00 a.m. **HB 611-FN**, relative to small group insurers.
- 11:00 a.m. **HB 77-FN**, relative to geographic location for small group insurance coverage.
- 1:15 p.m. **HB 515**, relative to group health insurance coverage for certain entities.
- 2:00 p.m. **HB 337**, establishing a committee to study small group health insurance and the small brokerage health insurance community.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 10:00 a.m. **CACR 14**, relating to tax money and religious schools or institutions. Providing that the language in article 83 of the second part of the New Hampshire constitution which states that "": *Provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article.
- 11:00 a.m. **HB 356**, relative to the presentation of a budget in a joint maintenance agreement.
- 1:00 p.m. **HB 389**, relative to the duties of the postsecondary education commission.
- 2:00 p.m. **HB 390**, relative to the review and approval of individualized education plans.
- 3:00 p.m. **HB 395**, relative to the adoption of a long-term contract by a school district.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 415**, excepting installation of fuel gas equipment from regulation by the electrician's board.
- 11:00 a.m. **HB 420**, relative to licensing by the board of mental health practice.
- 1:00 p.m. **HB 532**, relative to the licensure of dentists by the board of dental examiners.
- 2:00 p.m. **HB 582**, relative to the policy for records management.
- 2:30 p.m. **HB 552**, proclaiming March as New Hampshire Irish American Month.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 496**, relative to limits on non-economic damages in medical injury actions.
11:00 a.m. **HB 648-FN**, relative to reducing frivolous medical injury actions.
1:00 p.m. **HB 473**, relative to the creation of screening panels for medical injury claims.
2:30 p.m. **HB 702-FN**, relative to the screening of medical malpractice claims.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, MARCH 16

CHILDREN AND FAMILY LAW, Room 206, LOB

- 9:30 a.m. **Rescheduled** public hearing on **HB 485**, relative to the basis for awarding custody to a stepparent or grandparent.
10:30 a.m. **Rescheduled** public hearing on **HB 476**, revising the definition of adultery.
1:00 p.m. **Rescheduled** public hearing on **HB 640-FN**, relative to parental rights and responsibilities.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 10:00 a.m. **CACR 17**, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state.
11:00 a.m. **HB 396**, relative to tuition contracts between schools.
1:00 p.m. **HB 406**, revising certain provisions of the home education statutes.
2:00 p.m. **HB 435**, establishing a separate high school civics graduation requirement.
3:00 p.m. **HB 441**, relative to the publication of honor rolls and academic awards.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:30 a.m. **HJR 2**, declaring February 12 to be Thaddeus Andrzej Bonawentura Kosciuszko day.
11:00 a.m. **HB 555**, establishing February 6 as Ronald Reagan Day.
1:00 p.m. **HB 546**, relative to the status of the board of trustees of the retirement system.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY, Room 208, LOB

- 9:00 a.m. **HB 541**, relative to repealing the incorporation of the New Hampshire Bar Association.
9:30 a.m. **HB 495**, relative to court records in civil cases involving taxpayer money.
10:15 a.m. **CACR 16**, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts.
1:00 p.m. Executive session on pending legislation.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 9:30 a.m. **HB 665-FN-LOCAL**, relative to the applicable minimum wage for hourly employees.
1:00 p.m. **HB 246**, establishing a committee to study the classification of employees as independent contractors.
1:30 p.m. **HB 217**, relative to liability of third persons under workers' compensation.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

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

THURSDAY, MARCH 17

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 529**, establishing a presumption in favor of shared parental rights and responsibilities.
- 11:30 a.m. **HB 585**, relative to grounds for termination of parental rights.
- 1:00 p.m. **HB 587**, relative to child abuse and neglect investigations by the department of health and human services.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

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

JUDICIARY, Room 208, LOB

- 9:00 a.m. **HB 542**, making technical corrections to the uniform trust code.
- 10:00 a.m. **HB 619-FN**, relative to skier safety and ski area responsibility.
- 1:00 p.m. **HB 713-FN**, relative to a process for the request and disclosure of social security numbers.
- 2:00 p.m. **HB 530**, relative to an informed jury.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. **Rescheduled** public hearing on **HB 305**, relative to amended warrant articles on official ballots.
- 10:15 a.m. **Rescheduled** public hearing on **HB 336**, relative to the use of secret ballots at town meetings.
- 11:00 a.m. **Rescheduled** public hearing on **HB 360**, relative to the amendability of warrant articles requesting appropriations in official ballot towns.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FRIDAY, MARCH 18**ADMINISTRATIVE RULES (RSA 541-A:2), Room 100, State House**

- 9:00 a.m. Regular meeting.

TUESDAY, MARCH 22**EDUCATION, Room 207, LOB**

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

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

WEDNESDAY, MARCH 23**EDUCATION, Room 207, LOB**

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

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

THURSDAY, MARCH 24**EDUCATION, Room 207, LOB**

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

OFFICIAL NOTICES

COUNTY DELEGATION NOTICES

Merrimack County Delegation will hold a public hearing on Monday, **March 7** at 10:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is: Information/presentation on the proposed new Merrimack County Nursing Home.

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

COUNTY DELEGATION NOTICES

Rockingham County Executive Committee will meet on Tuesday, **February 22** at 5:30 p.m. to finalize any unfinished business prior to the Delegation meeting.

Rep. David
A. Welch,
Clerk
Rockingham
County
Executive
Committee

COUNTY DELEGATION NOTICES

Rockingham County Delegation will meet to adopt the County Budget for 2005 on Tuesday, **February 22** (storm date February 24) at 6:00 p.m. at the Hilton Auditorium, Rockingham County Nursing Home.

Rep. David
A. Welch,
Clerk
Rockingham
County
Delegation

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

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

Karen O.
Wadsworth,
Clerk of the
House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 47, 72, 104, 116, 130, 153, 159, 239, 272, 477, 603, 604, 605, 606, 611, 614, 619, 621, 622, 628, 629, 633, 635, 637, 641, 642, 647, 650, 651, 653, 657, 658, 661, 663, 664, 665, 672, 674, 682, 683, 684, 692, 693, 694, 698, 701, 708, 713.

Karen O.
Wadsworth,
Clerk of the

House

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

Rep.
Michael
O'Neil,
Majority
Leader

MEMBERS' NOTICES

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

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

W.
Douglas
Scamman,
Speaker

Legislative Alpine Ski Team. Any legislator interested in forming and participating on an Alpine ski team for the purpose of competing in charitable races are invited to contact the undersigned member.

Rep.
David
W.
Hess

Copies of the Historical novel, *Quest for Liberty*, describing life in New Hampshire at the beginning of the Revolution are available at no cost to legislators, staff and employees. They are for your enjoyment or for you to gift to your library, or school. Copies are located in the office of the House Clerk on a first-come basis.

Rep.
Robert
H.
Rowe

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

Rep.
Paul

Mirski

Greater Concord Chamber of Commerce invites the members of the House to a Legislative Breakfast Reception on Wednesday, **February 23** from 8:00 to 9:00 a.m. at the Barley House, North Main Street, Concord.

Rep. Eric
Anderson

Help support our troops! The State House Activities and Recreation Committee (SHARC) will hold a bake sale on Wednesday, **February 23rd** from 11:00 a.m. to 2:00 p.m. in the LOB basement. All proceeds will go towards care packages for the soldiers.

Reps.
Michael
O'Neil
and
James
W.
Craig

Celebrate Winter in NH! March 6 & 7

Ski NH's 13th annual invitational charitable event will be held at The Mount Washington Resort at Bretton Woods on Sunday, **March 6** and Monday, **March 7**. Entitled ***Celebrate Winter in NH***, this event is not just for skiers! Downhill skiing, cross country skiing, skating, snowshoeing, and other planned activities will be available both days. Some may prefer to take a sleigh ride, take the train up and down (*or ski down!*) the Mount Washington Cog railway on Monday, or sit in front of a fire and enjoy the scenery. Other activities will include a reception on Sunday evening, and on Monday: a luncheon, a Legislative Ski Race and an après-ski awards reception.

Come for a day or come and stay. There will be special room rates for Sunday night, March 6, at The Mount Washington Resort of \$119 per person and \$179 double (plus tax). The rate includes a superior four-course dinner, full breakfast, complimentary "rentals" for many outdoor activities, use of the indoor and outdoor heated swimming pools, sauna, Jacuzzi, and a lot more!

Ski New Hampshire has partnered with the New Hampshire Automobile Dealers Association to sponsor this event, and both groups look forward to hosting legislators again and to raising funds for NHADA's, KEEP KIDS S.A.F.E. Program.

Detailed invitations and registration forms for this charitable event are being sent. If you have any questions, please contact Kim at Ski NH (1-800-887-5464 Ext. 0).

Rep.
John H.
Thomas

The American Red Cross cordially invites all Legislative members and staff to the **FOURTH** Annual State House Complex Blood Drive. The blood drive will take place on Thursday, **March 10th** from 9:00 a.m. to 3:00 p.m.. The American Red Cross state of the art self-contained coach will be parked out in front of the State House for this event.

Appointments are strongly encouraged. To schedule an appointment, please call the State House Health Services, Ext. 2757.

For the past three years this Blood Drive has had overwhelming support – Please help to make this the best year EVER!!

W.
Douglas

Scamman,
Speaker

The New Hampshire Women's Lobby cordially invites all members of the NH Legislature to a Legislative Tea on Tuesday, **March 15th** from 4:00 to 5:30 p.m. at the Upham Walker House.

Rep.
Deanna
P.
Rush

Legislators and staff are cordially invited to attend the 3rd Annual NH Capital St. Patrick's Day Breakfast and Roast on Wednesday, **March 16th** starting at 7:15 a.m. at the Grappone Conference Center-Marriott Courtyard in Concord. To obtain your complimentary ticket contact The Demers Group at 228-1498 or James.Demers@TheDemersGroup.com.

Rep.
Kenneth
L.
Weyler

Mark the Date! **March 16** at the Barley House. Come join the Merrimack County Democrats at their annual St. Patrick's Day dinner. Guest speakers and more details to follow in the upcoming weeks. Everyone is welcome.

Rep.
John
DeJoie

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

Rep.
Kenneth
L.
Weyler

The Department of Transportation will hold the following meeting:

March 8 – Laconia Community Center, 306 Union Avenue, Laconia, 7:00 p.m. Public officials/public informational meeting, Laconia, construction of 5 foot wide sidewalks along both sides of US Route 3 between the intersection with NH 11B and Lake Side Avenue.

Rep. Gene
G.
Chandler,
Chairman
Public
Works and

State House Visitation Schedule 2004 & 2005 School Year

Virginia Drew, Public Information Administrator

Kenneth Leidner, Director

M Feb 21		President's Day State House Closed	
Tu Feb 22	10:00/11:30 SH/HM	Southwick Elementary School – Northfield	4/36
W Feb 23	10:00/11:30S H/HM	Southwick Elementary School - Northfield	4/46
Th Feb 24	10:00 & 11:30 SH/HM	New Searles School-Nashua	4/60
F Feb 25	10:00 & 11:30 SH/HM	Chester Academy	4/90
M Feb 28		History Museum Closed	
M Feb 28	10:30	KA Brett School – Tamworth	4/28

WEDNESDAY, FEBRUARY 23

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2005-0148h

Amendment to HB 43

Proposed by the Committee on Legislative Administration - C

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

AN ACT relative to state employees appearing before the legislature.

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

1 New Chapter; State Employee Appearances Before the Legislature. Amend RSA by inserting after chapter 98-E the following new chapter:

CHAPTER 98-F

STATE EMPLOYEE APPEARANCES BEFORE THE LEGISLATURE

98-F:1 State employees appearing in their official capacity before any legislative meeting or hearing for the purpose of promoting or opposing directly or indirectly any legislation pending or proposed before the general court shall wear their employee identification badges.

2 Repeal. RSA 15:2-a, III, relative to state employees appearing before the legislature, is repealed.

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

AMENDED ANALYSIS

This bill requires state employees who appear before the legislature to wear their employee identification badges.

2005-0183h

Amendment to HB 46-FN

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

Amend the bill by replacing section 1 with the following:

1 Penalties for Intoxication or Under Influence of Drug Offenses; Conviction Classification Reduction. Amend RSA 265:82-b, I(a)(6) to read as follows:

(6) The court in which the person was convicted ~~[may]~~ **shall** reduce the conviction to a violation upon a motion filed by either party at least one year after the date ~~[of the conviction. In deciding whether to reduce the conviction to a violation, the court may consider the person's subsequent driving record, any evidence of drug or alcohol treatment, the hardship that having a criminal record may cause for the person, and any other factors that the court deems relevant]~~ **that**

the person successfully completed all of the requirements of subparagraph I(a), provided that the person has not subsequently been arrested for any alcohol-related or drug-related offense. No person who was convicted under subparagraph I(a) because a second or subsequent offense was reduced to a first offense shall be eligible to have the conviction reduced to a violation.

2005-0219h

Amendment to HB 47

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

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

1 New Chapter; Computer Spyware. Amend RSA by inserting after chapter 359-F the following new chapter:

CHAPTER 359-G COMPUTER SPYWARE

359-G:1 Definitions. In this chapter:

I. "Advertisement" means a communication, the primary purpose of which is the commercial promotion of a commercial product or service, including content on an Internet website operated for a commercial purpose.

II. "Authorized user" means a consumer who owns or is permitted to use a computer.

III. "Computer program" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

IV.(a) "Spyware" means software residing on a computer that:

(1) Employs a user's Internet connection in the background, via a backchannel, without his or her knowledge or explicit permission.

(2) Sends information about the computer's usage to a remote computer or server; or displays or causes to be displayed an advertisement in response to the computer's usage.

(3) Sends or causes to be sent personal information residing on the computer to a remote computer or server.

(b) Notwithstanding subparagraph (a), "spyware" does not include any of the following:

(1) Software designed and installed primarily to prevent, diagnose, or resolve technical difficulties, to protect the security of the user's computer, or to detect or prevent fraudulent activities.

(2) Software or data that solely report to an Internet website information previously stored by the Internet website on the user's computer, including cookies, HTML code, or Java Scripts.

(3) Software that provides the user with the capability to search the Internet.

(4) Software installed with the consent of an authorized user whose primary purpose is to prevent access to Internet content that is inappropriate for minors.

(5) An operating system.

V. "Usage" means:

(a) The Internet websites accessed by a user.

(b) The contents or characteristics of the Internet websites accessed by a user.

(c) A user's personal information, including:

(1) A first and last name of a user, whether given at birth or adoption, assumed, or legally changed.

(2) Any of the following with respect to a user's home or other physical address: the street name, the name of the city or town, or the zip code.

(3) An electronic mail address.

(4) A telephone number.

(5) A Social Security number.

(6) Any personal identification number.

(7) A credit card number.

(8) Any access code associated with a credit card.

(9) A date of birth, birth certificate number, or place of birth.

(10) A password or access code.

(d) A user's submission to forms or Internet websites.

359-G:2 Prohibited Conduct. A person or entity conducting business in this state, who is not an authorized user, shall not knowingly cause a computer program or spyware to be copied onto the computer of a consumer and use the program or spyware to do any of the following:

I. Take control, through intentionally deceptive means, of the consumer's computer by doing any of the following:

(a) Transmitting or relaying commercial electronic mail or a computer virus from the consumer's computer, where the transmission or relaying is initiated by a person other than an authorized user and without the authorization of an authorized user.

(b) Accessing or using the consumer's modem or Internet service for the purpose of causing damage to the consumer's computer or causing an authorized user to incur unauthorized financial charges.

(c) Using the consumer's computer as part of an activity performed by a group of computers for the purpose of causing damage to another computer, including launching a denial of service attack.

(d) Opening multiple, sequential, stand-alone advertisements in the consumer's Internet browser with knowledge that a reasonable computer user cannot close the advertisements without turning off the computer or closing the consumer's Internet browser.

II. Modifying, through intentionally deceptive means, any of the following settings related to the computer's access to, or use of, the Internet:

(a) The page that appears when an authorized user launches an Internet browser or similar program used to access and navigate the Internet.

(b) The default provider the authorized user uses to access or search the Internet.

(c) The authorized user's list of bookmarks used to access Web pages.

(d) An authorized user's security or other settings that protect information about the authorized user, for the purpose of stealing personal information of, or causing harm to, an authorized user.

(e) The security settings of the computer for the purpose of causing damage to one or more computers.

III. Collecting personal information through intentionally deceptive means, such as through the use of a keystroke logging function, and transferring that information from the computer to another person.

IV. Preventing, through intentionally deceptive means, an authorized user's reasonable efforts to block the installation of, or to disable, software by doing any of the following:

(a) Presenting an authorized user with an option to decline installation of software such that, when the option is selected, the installation nevertheless proceeds.

(b) Falsely representing that software has been disabled.

(c) Causing software that the authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer without the authorization of an authorized user.

V. Intentionally misrepresenting that software will be uninstalled or disabled by an authorized user's action, with knowledge that the software will not be uninstalled or disabled.

VI. Inducing, through deceptive means, an authorized user to install a software component onto the computer, including deceptively misrepresenting that installing software is necessary for security or privacy reasons or in order to open, view, or play a particular type of content.

VII. Deceptively installing and executing on the computer one or more additional computer software components with the intent of causing an authorized user to use the components in a way that violates any other provision of this section.

VIII. Through intentionally deceptive means, removing, disabling, or rendering inoperative a security, antispyware, or antivirus technology installed on the computer.

359-G:3 Violations. A violation of RSA 359-G:2 shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A. Any right or remedy provided in RSA 358-A may be used to enforce this chapter. The consumer protection and antitrust bureau may coordinate with the appropriate federal agency to request assistance and federal enforcement.

359-G:4 Limitations on Actions. A person may not bring an action for a violation of this chapter against an Internet service provider for the routine transmission of security information or information that contains an advertisement violating this chapter. No person may bring a class action under this chapter.

359-G:5 Enforcement; Information Gathering. The consumer protection and antitrust bureau shall investigate complaints and make recommendations to the house standing committee responsible for science, technology, and energy issues if the bureau finds a need for additional provisions to this chapter.

359-G:6 Exemption. A provider of software or provider of interactive computer service shall not be held liable under this chapter for any action voluntarily taken in good faith, or any service provided in good faith, to remove or disable programs used to violate RSA 359-G:2 that reside on the consumer's computer if the consumer is a customer of the provider and if the provider notifies the consumer prior to undertaking the action or providing the service.

2 Effective Date.

I. RSA 359-G:3 as inserted by section 1 of this act shall take effect upon certification by the department of justice to the secretary of state and the office of legislative services that federal legislation has passed requiring state attorneys general to enforce federal anti-spyware legislation.

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

AMENDED ANALYSIS

This bill provides that using spyware or similar computer programs to knowingly alter, take control of, or damage a consumer's computer or Internet access will be a violation of the consumer protection act if/when federal anti-spyware legislation takes effect.

2005-0152h

Amendment to HB 83

Proposed by the Majority of the Committee on Municipal and County Government - R

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

1 Protection for Maternity and Infancy; Brochure on Fetal Alcohol Syndrome. Amend RSA 132:2, XI to read as follows:

XI. Prepare, in conjunction with the office of alcohol and drug abuse prevention, a brochure which provides information relative to fetal alcohol syndrome ~~[to persons applying for a marriage license and make such brochure available to town and city clerks for distribution under RSA 457:23, H].~~

2 Repeal. The following are repealed:

I. RSA 141-F:3, XIII, relative to the informational brochure concerning the human immunodeficiency virus, prepared by the department of health and human services, for persons applying for a marriage license.

II. RSA 457:23, II and III, relative to the requirement that persons applying for a marriage license receive a brochure concerning fetal alcohol syndrome and the human immunodeficiency virus.

III. RSA 457:28-a, relative to the list of family planning services provided by the town clerk to persons applying for a marriage license.

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

AMENDED ANALYSIS

This bill repeals the requirement that the town clerk distribute family planning service lists and brochures on fetal alcohol syndrome and human immunodeficiency virus to marriage license recipients.

2005-0338h

Amendment to HB 83

Proposed by the Minority of the Committee on Municipal and County Government - R

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

AN ACT relative to information provided to persons applying for a marriage license.

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

1 Marriage Requirements; Discussion and Affidavit Not Required. Amend RSA 457:23, III to read as follows:

III. In addition to the requirements under paragraph I, no marriage license shall be issued unless ~~[it includes an affidavit on the back which the bride and groom shall sign affirming that they have received and discussed]~~ the brochure prepared by the department of health and human services, under RSA 141-F:3, XIII **relative to the human immunodeficiency virus, has been given to both parties.** ~~[The affidavit required by this section shall state:~~

AFFIDAVIT

~~—We acknowledge that we have received and discussed the brochure titled _____~~

Signature of Bride Date

Signature of Groom Date]

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

AMENDED ANALYSIS

This bill removes the requirement that marriage license applicants sign an affidavit certifying that they have received and discussed a brochure relative to the human immunodeficiency virus.
2005-0247h

Amendment to HB 128-FN

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

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

AN ACT relative to negligent operation of a carnival or amusement ride.

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

1 New Section; Negligent Operation of a Carnival Ride or Amusement Ride. Amend RSA 631 by inserting after section 3-a the following new section:

631:3-b Negligent Operation of a Carnival Ride or Amusement Ride.

I. A person engages in negligent operation of a carnival ride or amusement ride if such person, or such person's employee or agent:

(a) Negligently operates such ride in a manner that places or may place a bystander or passenger in danger of bodily injury; or

(b) Negligently fails to enforce established manufacturers' guidelines for safe operation of such ride; or

(c) Operates such ride while impaired by intoxicating liquor or a controlled drug. A person operating such ride who is under the age of 21 with a blood alcohol content of .02 percent or more shall constitute prima facie evidence of impairment. A person operating such ride who is 21 years of age or older with a blood alcohol content of .04 percent or more shall constitute prima facie evidence of impairment.

II. Any person who refuses to submit to a blood or breath test, upon request of a law enforcement officer or an employee of the department of safety authorized to enforce carnival and amusement ride regulations who has reasonable suspicion that the operator is impaired, shall be guilty of a violation. Any person who violates any other provision of this section shall be guilty of a misdemeanor if no bodily injury results and guilty of a class B felony if bodily injury to any other person results.

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

AMENDED ANALYSIS

This bill establishes penalties for negligent operation of a carnival ride or amusement ride.
2005-0022h

Amendment to HB 144-LOCAL

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Municipal Charter Amendment Procedures. Amend RSA 49-B:5, IV(c) to read as follows:

(c) Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than ~~[180]~~ **365** days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days ~~[not more than 90 days]~~ from the date of the order for the purpose of voting on the proposed amendments.

AMENDED ANALYSIS

This bill allows greater discretion for a chartered municipality to call a special election.
2005-0052h

Amendment to HB 150

Proposed by the Committee on Education - C

Amend RSA 189:35-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Twenty half days of unexcused absence during a school year shall constitute habitual truancy.

Amend the bill by replacing section 2 with the following:

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

2005-0237h

Amendment to HB 204-FN

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

Amend RSA 644:9, II as inserted by section 1 of the bill by replacing it with the following:

II. As used in this section, "private place" means a place where one may reasonably expect to be safe from surveillance including public restrooms, locker rooms, ***the interior of one's dwelling place***, or any place where a person's private body parts including genitalia, buttocks, or female breasts may be exposed.

2005-0299h

Amendment to HB 260-FN

Proposed by the Committee on Transportation - C

Amend the bill by replacing all after section 10 with the following:

11 New Paragraph; Weight on Interstate and Defense Highway System; Additional Weight.
Amend RSA 266:18 by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraphs I and II, for as long as exemptions exist in 23 U.S.C. section 127 that allow maximum gross weights of up to 99,000 pounds on interstate routes 89, 93, and 95 of the interstate and defense highway system, the provisions of RSA 266:18-a regarding weight on the non-interstate and general highway system shall also apply to vehicles or combination vehicles while being operated on any sections of interstate routes 89, 93, or 95 not posted by the commissioner of transportation for lower weights. Such vehicles shall not exceed the weight limits in paragraphs I and II unless they have been certified pursuant to RSA 266:18-d for the higher weights and paid the required fee the same as vehicles operating on the non-interstate highways as provided in RSA 266:18-d, and police officers shall not be required to allow any tolerance above these limitations on such highways.

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

AMENDED ANALYSIS

This bill:

I. Changes the name of the financial responsibility administrator to the financial responsibility supervisor.

II. Permits certain nonprofit corporations to purchase motor fuel from the motor fuel inventory and to receive road toll refunds.

III. Prohibits counterfeiting or duplication of number plates.

IV. Authorizes drivers' licenses issued for less than 5 years.

V. Requires inspections for vehicles with dealer plates.

VI. Permits white identification lights on certain vehicles.

VII. Authorizes additional vehicle weights on certain highways consistent with federal law.

This bill is a request of the department of safety.

2005-0266h

Amendment to HB 263

Proposed by the Committee on Public Works and Highways - C

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 Major Capital Projects; Transportation Improvement Projects. Amend RSA 228:4, I(g) to read as follows:

(g) Statewide transportation improvement program projects with a cost not to exceed ~~[\$1,000,000 and which are related to transportation enhancement, congestion mitigation and air quality, or intelligent transportation systems,]~~ **\$5,000,000** may be developed and constructed utilizing the design build concept based on a request for proposal, provided that selection is based on an objective standard and measurable criteria for evaluation of the proposals. The commissioner shall report the results of any statewide transportation improvement program project using the design build concept to the capital budget overview committee within 90 days after the completion of the project.

AMENDED ANALYSIS

This bill defines the design build and construction management methods for state major capital projects and establishes procedures for their use. The bill also increases the cost amount for transportation improvement projects eligible for design build.

2005-0286h

Amendment to HB 439

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

Amend RSA 651-B:6, II as inserted by section 6 of the bill by replacing it with the following:

II. Any sexual offender ~~[convicted]~~ **required to register as a result** of a violation or attempted violation of RSA 632-A:4, I(a) or RSA 645:1, II, and any offender against children ~~[convicted]~~ **required to register as a result** of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release ~~[following conviction]~~, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent ~~[conviction]~~ **violation or attempted violation of an offense for which the person is required to register**. Amend RSA 651-B:7, II (a)(3) as inserted by section 7 of the bill by replacing it with the following:

(3) RSA 632-A:3, II, provided that the age difference between the convicted individual and the victim was more than 3 years at the time of the offense.
2005-0321h

Amendment to HB 460-FN

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

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

2 Review of Claims. The enhanced 911 commission shall approve and the bureau, as defined in RSA 106-H:2, III, shall pay, in a timely fashion, all reimbursement claims filed under RSA 106-H:8 by providers of commercial mobile radio service for reasonable expenses incurred prior to April 1, 2005 to which the providers are entitled.

3 Effective Date. This act shall take effect upon its passage.
2005-0298h

Amendment to HB 472

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 170-E:2, XI-a as inserted by section 1 of the bill by replacing it with the following:

XI-a. "Recreational program" means any before and/or after school, vacation, or summer youth program for children 6 years of age or older offered by:

- (a) A municipality; or
 - (b) A school or church group, the Boys and Girls Clubs of America, Girls, Incorporated, the YMCA, or the YWCA, provided that the program does not operate in a private home, notifies parents or guardians that the program is not subject to licensure under RSA 170-E:4, has policies and procedures to address the filing of grievances by parents and guardians, and is a member in good standing and in compliance with the national organization's minimum standards and procedures.
- 2005-0262h

Amendment to HB 488

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

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the task force shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) The administrative justice the of the district courts, or designee.
- (d) A probation and parole officer, appointed by the commissioner of the department of corrections.
- (e) An administrator of a nursing home, appointed by the governor.
- (f) The commissioner of the department of education, or designee.
- (g) The commissioner of the department of corrections, or designee.
- (h) The commissioner of the department of health and human services, or designee.
- (i) The attorney general, or designee.
- (j) The executive director of the governor's commission on disability, or designee.
- (k) The executive director of the governor's council on drug and alcohol abuse, or designee.

(l) A public defender, appointed by the judicial council.

(m) The President of the New Hampshire Association of Chiefs of Police, or designee.

II. The task force shall solicit information from any person or entity the task force deems relevant to its study.

III. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

Amendment to HB 603-FN-A

Proposed by the Committee on Public Works and Highways - R

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Administrative Services. The sum of \$1 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2006, for the purpose of purchasing the Laconia district courthouse building and land appurtenant to the building, as identified on map 449, block 2, lot 26, on July 1, 2005. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. If at any time after the purchase takes effect, the building is not used for state-related offices, the city of Laconia shall have the right to purchase the building and land appurtenant to the building for the fair market value less the fair market value of the building and land on July 1, 2005. In this section, "fair market value" means fair market value as determined by an appraisal conducted by the state of New Hampshire.