

State of New Hampshire HOUSE RECORD

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

Vol. 27

Concord N.H.

Thursday, March 3, 2005

No. 19

Contains: Reports and Amendments for March 9 and 10, Hearings, Meetings and Notices

HOUSE CALENDAR

NOTICE

The House will meet on **Wednesday, March 9th at 10:00 a.m.**, the deadline for acting on House Bills which need referral to a second committee. We have a lengthy calendar for the day, and if we are unable to complete action on the calendar we will recess to **Thursday, March 10th at 10:00 a.m.** to finish our work.

There will be no House session the week of **March 14th**.

I hope you all had a chance to get some rest and relaxation over the last week and will return to Concord with renewed energy to face the challenges before.

W.
Douglas
Scamman,
Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **March 9th** and Thursday, **March 10th** at 9:00 a.m. in Representatives Hall.

Rep.
Michael
O'Neil,
Majority
Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **March 9th** at 8:30 a.m. in Rooms 306-308, LOB and on Thursday, **March 10th** at 8:30 a.m. in Rooms 305-307, LOB, if needed.

Rep.
James W.
Craig,
Democratic
Leader

NOTICE

Please note that 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

LAI D ON TABLE

HR 15, affirming revenue estimates for fiscal years 2005, 2006, and 2007. (Pending question is third reading.)

HOUSE DEADLINES

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, MARCH 9

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 61, extending the family law task force. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carolyn M. Gargas for Children and Family Law: The committee unanimously supported the continuation of the Family Law Task Force with the proviso in the amendment that it could also make additional recommendations consistent with its original mandate. **Vote 14-0.**

HB 207-FN, relative to the appointment of a guardian ad litem in adoption proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The concept of the bill is already being implemented in probate courts and by private adoption attorneys. Older children and DCYF adoptions are assigned an advocate during the adoption proceedings. **Vote 13-3.**

HB 223, relative to the procedure for assignment of juvenile probation and parole officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill as amended provides that the juvenile probation and parole officers be assigned to judicial districts based upon workload formulas established by the Dept. of Health and Human Services. This amended bill was done with the approval of the judicial branch of the Supreme Court. **Vote 12-1.**

HB 280, relative to acceptance of service of process of divorce petitions and requests for modification. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill as amended provides an optional manner of service in divorce and child custody proceedings. The respondent or respondent's attorney may accept service at the court within 10 days, thereby making home service unnecessary. **Vote 13-0.**

HB 398, removing judicial discretion to include life insurance in a child support order. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: This bill would remove the ability of a court to include life insurance costs on top of child support. The committee felt it should have more information and hopes the Child Support Commission will study the problem of how many insurances and financial "add ons" parents can afford over and above their child support obligation. **Vote 16-0.**

HB 456-FN, relative to admissions to the state hospital for certain substance abusers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: This bill amends RSA 644: 5-a making it a violation to inhale the fumes of a toxic substance in order to get "high" or to aid another to get intoxicated by inhaling. The amendment removes the reference to a second offense by a minor because minors are already covered by CHINS. **Vote 14-1.**

COMMERCE

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. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Commerce: This bill has two sections. The first requires the preparer of a deed for the sale of a principal residence to provide the seller with all the exemption amounts allowed by the Internal Revenue Service 10 days prior to the closing. The committee felt that this was not the deed preparer's responsibility and was unrealistic. Part two requires that no social security numbers be placed on real estate forms that can be viewed by others not party to the transaction. As of January 1, 2005 social security numbers have been removed from all National Association of Realtors forms, making this section unnecessary. **Vote 19-0.**

HB 133, establishing a committee to study single payer health care. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill and its sponsor were very specific in its intent. This bill would look at installing a state paid, state controlled health insurance plan similar to the Canadian system for the State of New Hampshire. The committee felt that the enormity of making such a dramatic shift in our whole philosophy of providing for and paying for health insurance was beyond what could be examined by a study committee over the summer. **Vote 18-1.**

HB 196, establishing a committee to study awarding of the bid for health insurance for state employees. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although this proposed study committee has the best of intention, it is not necessary. The Joint Legislative Performance Audit and Oversight Committee (LPAOC) approved the topic of insurance brokers' fees for a performance audit. The fiscal committee concurred with the LPAOC regarding performance audit on this topic. Subsequently the LPAOC approved an expanded scope statement on June 24, 2004, and the fiscal committee approved the same scope on August 11, 2004. This audit will attempt to answer the following question: How efficient and effective were the state's insurance procurement practices during the audit period SFY 1998 through SFY 2005. The audit will focus on the following four issue areas: how the state manages insurance brokers and agents; how the state procures insurance-like coverage and related services; how the state controls the procurement of insurance and related services by agencies across government; and, is planning for self-insuring state employee health benefits and the acquisition of related services adequate according to best practices. This audit started in mid-January and is expected to be completed this fall. Given that this audit is covering the same subject matter and more as that proposed under this bill, the committee felt that this bill was not needed at this time. **Vote 19-0.**

HB 226-FN, relative to the provision of loss information to employers. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: The Insurance Department testified that although this bill is well intentioned, the department has had no requests for this information from any members of the small group. Additional testimony indicates that the insurance department collects this data in batch form. That is, they do not break down that information specific to each individual company. Breaking this information down for each small company presents two problems. The first is the logistical problem of reformatting all the data. The second, and more disturbing, problem is the privacy issue. Unlike a company with 50 or more people in their health insurance plan, a company with 2, 5 or 10 people could use this information to very easily determine who was generating the big insurance costs. This is information we do not want employers to have. Since there has been no request for this information and since the unintended consequence would be to increase costs to provide this information, and more importantly, there would be serious privacy concerns, the committee voted ITL. **Vote 18-1.**

HB 235, relative to age-based motor vehicle insurance premiums. **INEXPEDIENT TO LEGISLATE**

Rep. James R. Martin for Commerce: The bill takes age out as a factor in setting auto insurance rates. Age has proved to be a very reliable factor in insurance rating and age should be retained as a rating factor. As a result of this bill, teenagers and other youthful drivers would be rated the same as more mature drivers. Removing age as a rating factor will result in increasing auto insurance premiums for those who are not youthful drivers. **Vote 19-0.**

HB 237, relative to telephone rate disclosure. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although well intentioned, provisions of this bill are already being adhered to by the long-distance carriers. All of their rates are now publicly disclosed in long-distance carrier PUC filings, telephone books and on their internet sites, any of which would provide the information required by this bill. Since this bill is already being complied with by the industry, the committee felt it was unnecessary. **Vote 18-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 98, relative to law enforcement authority under the safe schools act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is simple in its structure. It is about giving authority to license pistols and revolvers to just one level of government instead of retaining it in several levels. The bill invests that authority in the chief law enforcement officer of a

town or city, the chief of police, or his designee, or in cases of unincorporated towns and towns with no fulltime police department, the county sheriffs. This also removes the possibility of an individual who may or may not have a political agenda from denying or approving a license to carry a concealed firearm. The majority of the committee felt that since law enforcement personnel are the only ones that can perform background checks, they know from experience the times they were called to a given place for any sort of complaint. In essence, law enforcement officers are the ones who are in contact with individuals who at some point in time may request a license to carry. Succinctly, they are the ones who know the background of individuals in their towns the best, and whether or not that citizen is a "suitable person" under NH Law. **Vote 12-1.**

HB 252, requiring bail hearings for persons arrested for probation violations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: This bill would insure that individuals apprehended for technical violations of their probation do not remain in jail at taxpayer expense for excessive periods of time while awaiting judicial review, as is currently the case in some of our counties. The courts, probation, parole, the Attorney General and the New Hampshire Civil Liberties Union are all firmly behind this legislation. **Vote 14-0.**

HB 303-FN, relative to the fire standards and training and emergency medical services commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is a housekeeping bill for Fire Standards and Training. It clarifies the authority of the Fire Standards and Training Commission and clarifies the names of the various organizations that serve on the commission. This bill also permits the commission to waive the requirements for fire service personnel who are not first responders. The amendment added to the bill was to correct the incorrect title of the Fire Standards and Training and Emergency Medical Services Commission to its correct title of Fire Standards and Training Commission. **Vote 14-0.**

HB 382, establishing a commission to develop a strategic capital plan for department of corrections' facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill establishes a committee to develop a strategic capital plan for Department of Corrections facilities. The fourteen member committee will consider the suitability of structures and facilities for the incarceration and rehabilitation of offenders, the consolidation of certain facilities and services, whether the secure psychiatric unit should continue to be a part of the Department of Corrections responsibilities and whether the Department of Corrections should enter into a contract to house offenders from other states. The Strategic Capital Plan Committee will sunset on November 1, 2017. The presumption is that a plan will have been formulated and prioritized and the Legislature should have begun implementation. **Vote 18-0.**

HB 443, relative to the statute of limitations for fire code violations. **OUGHT TO PASS**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill establishes that the statute of limitations for a fire code violation begins to run only upon the actual discovery of the violation. The committee listened to the report of the Fire Marshall as to how the addition of one paragraph would close a loophole that allows fraud and deliberate safety violations that may lead to health and safety violations to be prosecuted. **Vote 15-0.**

HB 454, relative to carrying a concealed weapon without a license. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill repeals certain statutes that require a license to carry a pistol or revolver. It further provides that under the Full Faith and Credit clause of the United States Constitution, New Hampshire residents shall not be required to obtain a license to carry a concealed weapon in any other state or territory of the United States. The first part of the bill that establishes a Full Faith and Credit clause would mean that New Hampshire is requiring all other states and territories to allow our residents to carry a concealed weapon in such other state or territory regardless of their laws. The committee unanimously rejected the concept that we should be able to void laws of other states as much as we would resist the attempt of other states to void our laws. The second part of this bill is identical to that presented in HB 285, which was also rejected by this committee. Reiterating in part what we said with regard to HB 285, we have heard, and rejected, several versions of this bill that have been brought forth in every session over the last several years. New Hampshire already has some of the most permissive firearms laws in the United States. A person can already carry a loaded firearm as long as it is not concealed or in a vehicle. The current law works well and should remain in place. **Vote 17-0.**

HB 556-FN, requiring registration of drug offenders. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia A. Dowling for Criminal Justice and Public Safety: While the committee believes that offenses relative to drugs are indeed serious, testimony revealed that we should not interweave drug convictions within our sex offender registry. In addition, this bill was silent relative to length of time the offenders' names would remain on the registry list. An issue was raised with regard to Part I, Article 28-a of the New Hampshire Constitution relative to unfunded mandates. The Department of Safety indicated that more personnel would be required to input and maintain the database. Testimony suggested that thousands of names would be added to the registry, thus rendering our database of sex offenders cumbersome and less effective. **Vote 15-0.**

HB 645-FN, relative to fire-safe cigarettes. **OUGHT TO PASS**

Rep. E. Albert Weare for Criminal Justice and Public Safety: This bill will require that all cigarettes sold or offered for sale in the State of New Hampshire be certified by the manufacturer in writing to meet the standards of "Fire Safe Cigarettes." "Fire Safe Cigarettes" are manufactured in such a way that a cigarette left unattended will not stay lit, thus reducing many fires started by careless smokers. The results of many studies were presented in a workshop for fire service professionals and legislators on February 16, 2005. Testimony was overwhelming in favor of passage. The bill further directs the Commissioner of Safety in consultation with the State Fire Marshall to adopt rules under RSA 541-A that establish fire safety standards for cigarettes that are sold or offered for sale in the state. These standards will be modeled after the standards used in other jurisdictions that have imposed such standards. This law will contribute greatly to the reduction of lives and property lost in those incidents of fires directly related to smoking material. **Vote 15-0.**

HB 692-FN-LOCAL, relative to the county department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: By statute, county correctional facilities can hold sentenced inmates for up to one year. This addresses a trend of creative sentencing by sentencing inmates to serve consecutive one year sentences and certainly does not provide the type of programming the state has available for longer sentencing. A two or three year sentence serves no purpose on the county level. This bill provides that for anyone sentenced for greater than one year on the county level, the first year will be charged to the county. Any time beyond that year will be borne by the state. **Vote 15-0.**

EDUCATION

HB 191-FN, relative to using school building aid for leased classrooms. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy E. Easson for Education: This bill was requested by the Department of Education to modify current law to cover the issue of lease-purchase of space in a building or buildings not owned by the school district. The bill enables school building aid for annual grants for leased space. Portable classrooms would still not be eligible for school building aid. **Vote 16-0.**

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education. **OUGHT TO PASS**

Rep. Claire D. Clarke for Education: This bill was requested by the Department of Education to clarify RSA 186-C:19-b II(c) and RSA 186-C:23 III. In audits conducted in 2000 and 2002, it was noted that the current RSA states that the payment for court ordered placements will be made once a year on or before January 1st. The DOE is requesting to change the RSA, since the department pays the vendor invoice for services within 60 days after receipt of the invoice. The second part of the bill eliminates the word "nonbinding" and replaces it with "confidential" and adds at the end of that paragraph: "The authority of the department of education in alternative dispute resolution proceedings initiated to the provisions of paragraphs I and II." **Vote 14-0.**

HB 320-FN-A-L, relative to educational scholarship grants to qualifying private educational institutions. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The committee listened to the testimony of the sponsors and understood their concerns. This bill, however, includes no source of revenue to finance the scholarships it offers. Further, the committee felt that property tax relief was needed by certain other New Hampshire residents as a higher priority, should funding ever become available, and one of the sponsors agreed. **Vote 16-0.**

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission. **OUGHT TO PASS**

Rep. Stephen R. L'Heureux for Education: This bill authorizes the postsecondary education commission, an appointed body of higher leadership in our state, to establish a user-fee structure to collect fees for expenses related to degree-granting, research and study functions and establishes a non-lapsing fund for the deposit of such fees. While the work of the postsecondary education commission comes with an extensive statutory obligation, without this legislation the commission will find itself in a challenging position as it attempts to meet these obligations without this minimal financial assistance. **Vote 13-0.**

HB 451-FN-LOCAL, requiring the separate preparation and approval process for the special education budget. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The committee overwhelmingly agrees the bill is unnecessary and conveys a false sense of control over special education costs. Communities already have the power and opportunity to break out any and all costs with respect to budgetary items. The legislation does not relieve any community from meeting special education costs. **Vote 16-0.**

HB 612-FN, establishing the New Hampshire volunteer elementary teachers and students program. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee appreciates the concept brought forward by the sponsor. However, we feel this bill is not needed. We need qualified teachers in the classroom. Credit would be earned at the expense of the taxpayers and school districts. Volunteer teachers would be the primary educator in classrooms and this bill is not in keeping with No Child Left Behind (NCLB). It would also raise issues in the educational process. **Vote 16-0.**

ELECTION LAW

CACR 10, relating to apportionment of representatives. Providing that the legislature apportion representative districts according to certain fixed standards. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This constitutional amendment concurrent resolution would establish new standards by which the legislature would apportion representative districts in future redistricting efforts. In departing from established redistricting practices, CACR 10 exceeds the parameters for deviation. The committee felt that this was such a fatal flaw that it could not recommend the bill. **Vote 16-0.**

HB 88, establishing a committee to study voter registration affidavits. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: The committee believes that since we will be hearing and deliberating on a number of bills related to potential voter fraud, including same day registration and voter identification requirements, the issue of registration affidavits will be subjected to close committee scrutiny this term. Therefore, a study committee was not necessary at this time. **Vote 14-0.**

HB 232, establishing a commission to recodify the election laws. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Kennedy for Election Law: This well intended bill would establish a study of many areas of our election laws. After much deliberation, the committee unanimously felt that the questions raised could and should be answered by the review of over 50 bills before the committee. **Vote 14-0.**

HB 361, relative to filling vacancies on a party ticket in cases of disqualification or death. **INEXPEDIENT TO LEGISLATE**

Rep. Michael G. Biundo for Election Law: The committee unanimously agreed that this bill, enabling political parties to fill vacancies on a party ticket due to the death, disability or change of domicile of a nominated candidate, goes against the intent of the founding fathers. Our representative republic, and its rights and privileges, is sometimes at odds with those that crave efficiency. In the case of a vacancy for the above mentioned reasons, the committee believes that a special election that allows the people to choose who should represent them would be the appropriate thing to do. **Vote 16-0.**

HB 483, relative to instructions to be placed on the general election ballot. **OUGHT TO PASS**

Rep. Ralph G. Boehm for Election Law: This bill clarifies the general election ballot instructions regarding the number of persons to be voted for. RSA 656:6 was amended in the last session but a phrase needs to be edited back in. For each office the words "Vote for any ____" needs to be changed to "Vote for not more than ____" This change will make it clearer that the voter should only vote up to a certain number of candidates, but does not need to vote for the maximum number. This returns the text back to the traditional instructions with which the voter is familiar. **Vote 15-0.**

ENVIRONMENT AND AGRICULTURE

HB 477-FN, increasing registration fees for pesticides and commercial feeds. OUGHT TO PASS WITH AMENDMENT

Rep. Sheldon S. Sawyer for Environment and Agriculture: This bill was requested by the Commissioner of the Department of Agriculture, Markets and Foods. The committee felt that since the fees had not been increased in 13 years, and surrounding states had fees that were considerably higher, the request was warranted. 10% of the increased pesticide fees will go toward implementing the Integrated Pest Management Fund and 50% of the commercial fees will go to the Agricultural Product and Scale Testing Fund. The remainder will be returned to the general fund. **Vote 14-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 234-FN, relative to the development of a closed state municipal information network by the office of information technology. OUGHT TO PASS WITH AMENDMENT

Rep. James B. Coburn for Executive Departments and Administration: This bill defines the responsibilities of the Office of Information Technology (OIT) to include development of a state municipal network and support infrastructure that connects cities, towns, county and state information systems. The amendment removed the term "closed" network, and ensured voluntary participation by the municipalities. The Information Technology Council will also advise the OIT on the implementation of a state municipal network. The committee felt that this is a good step toward improving communication between the state and municipalities. **Vote 17-0.**

HB 545-FN, allowing retired police officers to become teachers without rejoining the state retirement system. INEXPEDIENT TO LEGISLATE

Rep. William R. Zolla for Executive Departments and Administration: The fact that this bill applies only to retired police officers and not all members of the system would jeopardize the tax exempt status of the system. To allow all retired members to continue in state or political subdivision full-time positions while still collecting their retirement and making no contribution to the system would seriously drain or jeopardize the system. The system is presently funded at 79% of the liabilities and on a 30 year recovery to full funding. This program would seriously jeopardize that recovery. Once this was explained to the prime sponsor, he requested that the bill be deemed inexpedient to legislate. **Vote 16-0.**

HB 597-FN-A, relative to the natural heritage inventory program. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill, as amended: (1) changes the name of the Natural Heritage Inventory Program to the Natural Heritage Bureau administered within the Division of Forests and Land of the Department of Resources and Economic Development; (2) updates the organization names of mandated members of the Natural Areas Council, and (3) provides for the establishment of a non-lapsing Natural Heritage Bureau dedicated fund. The fund is to be used exclusively to cover the costs of conducting environmental reviews for known occurrences of rare or endangered species on lands being considered for development (housing, subdivisions, roads) in New Hampshire and to prepare and distribute publications and/or reports of analyzed data on the status, location and distribution of rare and endangered native plants. Fees for the environmental reviews and requests for publication are to be deposited in the dedicated fund. **Vote 16-0.**

HB 605-FN, relative to the funding of the modular building standards program. INEXPEDIENT TO LEGISLATE

Rep. Ken Hawkins for Executive Departments and Administration: This bill would add to the Division of Fire Safety and put into statute the positions of an administrator and inspector for modular building housing standards. Currently under RSA 205-C:6 there is an interim funding provision that says, "until such time as an appropriation is provided in the operating budget of the state, the commissioner, with approval of the fiscal committee of the general court and governor and council is authorized to transfer sufficient funds as are deemed necessary for personnel and expense of administering the modular building standards program." The committee felt that we should not override that budget process by adding, through statute, new employees. **Vote 16-3.**

HB 624-FN, relative to penalties in certain health and health-related professions. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to make the penalties for practicing without a license consistent across all the health and health

related professions. Upon study, it appeared that a penalty that would work for one profession would not necessarily work for another. Also, there was no evidence that the penalty clause in each of the health and health care professions practice laws was not working and it was determined that any problems with the clause could be dealt with on a case by case basis. On the initial vote in executive session the committee voted 16-2 inexpedient to legislate. The sponsor requested, reconsideration because of new information that was not given during the initial hearing and a subcommittee hearing. Upon review, the committee once again voted inexpedient to legislate by the same vote. **Vote 16-2.**

HB 629-FN, relative to licensing requirements for certain regulated professions. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to make the penalties for practicing without a license consistent across certain regulated professions such as: private detectives, professional engineers, architects, land surveyors, natural scientists, foresters and geologists. Upon study, it appeared that a penalty that would work for one profession would not necessary work for another. Also there was no evidence presented that the penalty clause in each of the certain regulated professions practice laws was not working and it was determined that any problems with the clause could be dealt with on a case by case basis. Therefore, the committee recommends inexpedient to legislate. **Vote 17-1.**

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill is a remnant of the massive reorganization bill of the last session to improve efficiencies in state government. In an effort to consolidate similar activities to one management chain, this bill transfers responsibility for public works administration and state lease administration from the department of transportation and the department of health and human services, respectively, to the department of administrative services. A reorganization of divisions, bureaus, sections and function within the department of administrative services to integrate the responsibilities is also included. **Vote 18-1.**

HB 668-FN, relative to appeals of decisions by boards, commissions, and agencies regulating professional occupations. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was a result of a study committee from the last session. The committee heard testimony from a variety of boards, commissions, agencies, and the attorney general's office. After listening to all of the testimony, we learned that there are over 130,000 licensees that would be covered under this bill. We also learned that over the last five years there have been only 45 instances where an appeal has been heard. Of these 45, only 5 went to court. The committee did not think that we should be spending over \$100,000 that this bill would cost to address the few appeals that have taken place. **Vote 16-2.**

HB 674-FN-A, establishing fees for construction plan reviews by the state fire marshal and establishing the position of fire protection engineer in the division of fire safety. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: Under current statute, the fire marshal's office must review all plans of all state, school and other municipal buildings. However, because of budget cuts in the past, it does not have a fire protection engineer. Now the fire marshal's office is coming to the legislature to reinstate this position. After hearing testimony, the committee believes that the fire marshal's office is still able to comply with the current statute and the fire safety of the New Hampshire citizens is not jeopardized. There is also the problem that it became an unfunded mandate under Part I Article 28-a of the New Hampshire Constitution issue, in that counties and municipalities may have to appropriate monies to pay for these fees. **Vote 13-4.**

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. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill establishes a state retirement plan for new employees which is structured as a defined contribution plan. All new employees of the State of New Hampshire after the effective date of the bill would be required to be in the new retirement plan. The bill would also establish a committee to study the transition of current and other employees into the plan and examine issue in the administration of the plan. The committee reviewed the plan and with the help of the systems actuaries determined that the state would have to pay the system an additional \$32.0 million dollars in the first year alone to stabilize

the existing plan and maintain the current strategy to bring the system from the 79% liability funding to the required 115% over a 30 year period. In addition, the plan would be for state employees only. The political subdivisions would be mandated to pay in violation of Part I Article 28-a of the constitution. States that have instituted a defined contribution plan in the past have been returning to the defined benefit plan because their retired employees had been retiring with close to \$5,000. less per year on average than those on a defined benefit plan. In addition, the new defined contribution plan would not have medical, disability or death benefits. The employees in the new plan could not belong to the existing plan and therefore could not share in the benefits of the existing plan. Additional benefits at additional expense would have to be set up for the new plan. The new defined contribution plan would not encourage employees to continue state service in that they could pull out of it at anytime. The existing plan encourages employees to stay with the state until they reach retirement age. This bill would set up a plan that would not be in the best interest of the employees or the state. **Vote 18-0 .**

FISH AND GAME

HB 211, relative to the sale of lead fishing sinkers and jigs and establishing a study committee on New Hampshire's loon population. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Clark for Fish and Game: This bill would have postponed the ban on the sale of lead sinkers in New Hampshire from January 2006 to January 2007 and established a committee to study the loon population in New Hampshire. In 1998, New Hampshire was the first state in the nation to ban the use of small lead sinkers in all lakes and ponds. In 2005, this ban was extended to all fresh water bodies in the state. As a compromise to the legislation passed in 2004, the ban on sales was extended to 2006. It was the consensus of the committee that passing this legislation would be taking a step backward on environmentally friendly legislation. Furthermore, since 13 loon studies have been conducted in the past 15 years and this was an on going project, the committee felt that another loon study committee was not required. **Vote 11-1.**

HB 353, relative to consent to inspect lobster and crab gear of license holders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephanie Eaton for Fish and Game: The Fish and Game Department requested this bill, and lobstermen supported this bill in committee. Statutory authority now exists for random inspection of lobster and crab gear. The problem is that a seacoast district court judge recently ruled that more than implied consent would be needed for a specific gear search. This bill increases Fish and Game's authority to legally haul and examine lobster gear. **Vote 11-0.**

HB 409, requiring identification on tree stands, pit blinds, and observation blinds used for hunting. **INEXPEDIENT TO LEGISLATE**

Rep. Paul Mirski for Fish and Game: The bill as written infers to the land owner upon whose land a fixed or portable tree stand may be found, the potential responsibility for having to notify either law enforcement or the owner of said tree stand of his possession. It also would infer the responsibility for storage of same. Access to lands for the purpose of hunting is tentative at best. Inferring any sort of obligation to landowners who permit access to those licensed by the state for the purpose of hunting ought to be avoided wherever and whenever possible. **Vote 13-0.**

HB 430-FN-A, establishing a one-day resident fishing license. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: The bill will enable a New Hampshire resident to fish in New Hampshire waters for one day. The purpose is to provide a means for someone to try the sport. The Fish and Game Department will realize new revenues immediately, and hopefully will sell more season licenses in the future. All testimony was in favor, and the bill was a request of the Fish and Game Department. The total cost to the licensee is to be \$10.00. **Vote 12-0.**

HB 444, relative to the surrender of diseased or injured game animals to the fish and game department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark S. Clark for Fish and Game: The committee heard testimony on this bill and there was no opposition. The committee felt that the Fish and Game Director, upon request of a licensee, may declare an animal unfit for human consumption. After the surrender and condemnation of the game animal, the animal shall be surrendered to the department. **Vote 12-0.**

HB 445, relative to the taking of certain game birds and fur-bearing animals. **OUGHT TO PASS**

Rep. Renney E. Morneau for Fish and Game: This bill adds coyote and opossum to the list of species defined as fur bearing animals. The bill also removes European partridge from RSA 209:4. The European partridge is also referred to as the Hungarian partridge. This bill was a request from the Fish and Game Department. **Vote 13-0.**

HB 446, relative to applications for resident hunting or fishing licenses. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: This bill removes “Resident Tax Receipt” from the title of RSA 214:11-a; and adds the word “resident” to clarify the type of license cited in the text of the law. The bill clarifies this RSA and does not change any practices currently in place in the Fish and Game Department. No costs are associated with this bill. The bill was presented at the request of the Fish and Game Department. **Vote 13-0.**

HB 484, allowing deer hunting with a primitive flintlock muzzleloader **INEXPEDIENT TO LEGISLATE**

Rep. Donald Carlson for Fish and Game: This bill would require the Fish and Game Department to establish, in addition to the present deer hunting season, a new season for primitive flintlock hunting of deer. This is the same bill we have voted down in past years. These weapons can be used in the current muzzle loader season and the committee saw no need for a dedicated season. **Vote 10-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 257, relative to emergency medical and trauma service protocols and quality assurance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The original bill provides that the medical control board shall, by rules adopted by the department of safety, establish protocols for standards of care and licensing requirements for emergency medical and training service providers. There were a number of local and state entities that worked on the provision that removed the local option to establish more stringent requirements than the state. The bill also would establish a quality assurance program which the amendment changes to a quality management program. The amendment did have a section that would make the protocol changes exempt from RSA 541:A. The committee agreed pass this bill with the understanding that this bill would then be sent to the Executive Departments and Administration Committee to address the issue of exempting this issue from rules. **Vote 17-0.**

HB 494, establishing a commission to study creating a controlled substance prescription monitoring program. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The purpose of this bill is to devise a system to monitor the dispensing of class 2 and 3 narcotics. Many members of the committee recognized the benefit of having a system of tracking controlled substance prescriptions to prevent physician shopping and multiple prescriptions. A desire was expressed to not have a commission, but to actually establish such a program now. However, the subcommittee and interested parties clearly realized that more planning was needed. There is a \$50,000 grant application for planning that the Attorney General’s office has submitted. The recommendation of the subcommittee was to continue to work internally on the issue during this session and be ready to move forward with a new bill for January 2006 with their recommendation for establishment of a program rather than a commission. The committee will move forward on an ad hoc basis with members of the Boards of Pharmacy, Medicine, and Nursing, the Department of Health and Human Services, the Attorney General’s office, the Medical Society, and the chairman of the ad hoc committee on electronic prescription monitoring. **Vote 15-0.**

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported the policy positions contained in this bill. The bill gives the DHHS the authority to train residential care professional staff in assessment techniques concerning quality care and treatment services provided by the facility. Once the department has trained the staff members they, in turn, can provide the training to new staff members. In addition, this training reinforces quality assurance programs. These facilities could be providing services to increasing numbers of residents under medicaid reform. Those facilities that qualify under a stringent set of criteria are granted a two year waiver from inspection. As amended, this bill provides the waiver only if that residential facility has successfully been inspected over a two year period and was “deficiency-free”. A one year waiver will be allowed if there were no “founded” complaints, and if the facility administrator continues in office as well as the director of nursing. The committee supports the work of the New Hampshire Association of Residential Care Homes and the New Hampshire Health Care Association who support the bill. **Vote 17-0.**

HB 697-FN, establishing a commission to study medicaid reimbursement rates for pharmacy providers and exempting pharmacy providers from certain requirements of the department of health and human services relative to reimbursement rates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: Determining a methodology to establish pharmacy reimbursements has been a long standing problem and one that has yet to be addressed. New Hampshire law requires that all medicaid providers give the state the lowest price they offer to any other consumer. The law RSA 126-A: 3, III allows the commissioner to waive this requirement for pharmacy providers. Waiver had been the approach taken up to 2004. Pharmaceutical prices are a moving target. The Department of Health and Human Services would be unable to pay each pharmacy at a different rate for the same drug, and so one rate has been established through waiver and paid to all pharmacies. This bill creates a commission charged with coming up with a methodology that makes sense. Taking a serious look at this issue is long overdue. The bill, as amended, was supported at the hearing by independent and chain pharmacies as well as the Department of Health and Human Services. There was no opposition. **Vote 18-0.**

SB 39, relative to disinterment of dead bodies. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee recognized the sensitive issue involved in this bill. The main purpose of this bill is to clarify notification to surviving family members that a request for disinterment permit has been requested. The bill requires written notice of the request and sufficient time to object to the disinterment before the permit is issued. Therefore, the trustees of cemeteries are not allowing a disinterment without appropriate notice. This bill would not affect an order by a county attorney or the attorney general who disinters a body for autopsy purposes. **Vote 17-0.**

JUDICIARY

HB 324-FN, relative to requirements for legal marriages. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: As the analysis of this bill states, it is “intended to create a distinction between a lawful marriage which is solemnized by a minister without further state involvement, and a legal marriage, which has certain state procedural requirements and which may or not be solemnized by a religious officiant.” Upon testimony and questioning of the sponsors it became apparent that there was no clear consensus or vision as to what they wanted this bill to do. The committee became equally confused. An amendment was submitted that would repeal RSA 457:35 relative to the penalty for solemnization without a valid certificate of marriage. While some members of the committee felt that might have some merit, all in all, we hope if the sponsors want to clarify the “lawful marriage” section of Chapter 457, the Marriage Statutes, that they try to make their message clearer and bring the matter forth again. **Vote 18-1.**

HB 375, relative to right-to-know requirements when interviewing applicants for certain public positions. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would add to the exemptions to the right-to-know law, RSA 91-A, by allowing interviews with prospective candidates for vacancies on municipal boards and commissions to be held entirely in non-public sessions. The committee was not unsympathetic to the sponsor’s concern about the clumsiness and potentially invasive consequences of having to recess public hearings and go into non-public session each time personal matters are raised, and that these could discourage qualified persons from applying for these important voluntary, mostly unpaid positions. In view, however, of the important public purposes of the statute and the availability under it of adjournment into non-public session, the committee concluded unanimously that it would be unwise to carve out an additional exemption for positions of such authority as municipal boards and commissions. **Vote 18-0**

HB 543, establishing a commission to study probate court processes and probate law. **INEXPEDIENT TO LEGISLATE**

Rep. Peter Espieffs for Judiciary: After hearing testimony from the sponsor of this bill, the committee determined there was no need to establish a commission to study the probate court process and probate law. **Vote 18-0.**

HB 680-FN, relative to witness tampering. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The bill would expand the crime of witness tampering under RSA 641:5 to include inducing or otherwise causing a person to refuse to grant an interview to “any criminal investigative official” unless the refusal “comes as a result of the person’s personal decision.” The committee was unable to understand how the refusal of a competent adult to grant an interview could be the result of anything other than the person’s personal decision. Moreover, there

already exist sufficient ways in which to require a reluctant person to disclose relevant information pretrial, including issuing, or simply threatening to issue, a notice of deposition or subpoena to appear before the grand jury. In light of these alternatives, the committee did not believe it necessary or desirable to impose a criminal sanction upon third parties. This bill would also criminalize inducing or otherwise causing a person to answer any questions in a criminal investigation “if such person is under 16 years of age and is a suspect in said criminal investigation.” Again, current law provides a sufficient remedy, a motion to suppress, if it is believed that a minor’s immaturity has been taken advantage of by an investigator for the state to produce an unknowing or uninformed waiver of his constitutional right not to give evidence against himself, or if the methods used by an investigator for a defendant or potential defendant to obtain answers make their reliability suspect. **Vote 18-0.**

HB 682-FN, requiring an informational statement regarding the powers of district courts. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Judiciary: This bill would require the District Court to include, with every summons, a written statement that participants in the court proceedings have no constitutional rights. This is simply not accurate. District Courts were created by the legislature pursuant to Part II, Article 72-a of the New Hampshire Constitution. The justices are constitutional officers, who take the oath of office swearing to uphold the constitution. All participants in district court proceedings enjoy the same constitutional rights and protections as do participants in so-called “constitutional courts.” For these reasons, the committee voted unanimously to recommend ITL. **Vote 15-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 384, prohibiting mandatory overtime. **INEXPEDIENT TO LEGISLATE**

Rep. Jarvis M. Adams for Labor, Industrial and Rehabilitative Services: There was much opposition to this bill during the hearing. There is no language in the bill to allow for emergencies, creating potential problems for everyone from the Department of Transportation, the State Police, PSNH, as well as all hospitals. Employee’s and employers who enjoy the benefit of twelve hour shifts may lose that option unless they become collective bargaining units. For this and other reasons the majority of the committee supported ITL. **Vote 13-2.**

HB 524, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: While the intent of the bill is laudable, as proposed it would in fact be grossly punitive and contrary to the accepted reality of globalization which in fact can result in substantial cost savings and job savings if offshore outsourcing is managed rather than repudiated. This bill’s provisions would not prevent large companies from dropping New Hampshire as a market, and could cause greater loss of jobs if passed. **Vote 14-0.**

LEGISLATIVE ADMINISTRATION

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. **OUGHT TO PASS**

Rep. Michael S. Rollo for Legislative Administration: This bill quite simply establishes a commission to effect the process of annexing the Town of Killington, Vermont to the State of New Hampshire. This bill does not annex the town immediately, but depends on the condition that the State of Vermont establishes a similar commission. The committee believes that in fairness to the Town of Killington, passing this bill at this time will enable Killington more options in negotiating with the State of Vermont. From a fiscal point of view the State of New Hampshire will incur no costs unless the State of Vermont actually does establish a similar commission. **Vote 14-0.**

HB 630-FN, relative to computer spam and cyber-security. **INEXPEDIENT TO LEGISLATE**

Rep. David P. Carrier for Legislative Administration: A subcommittee was appointed to delve into the issue contained in this bill. The sponsor brought an amendment that significantly changed the bill but didn’t necessarily improve it. HB 47, which appeared on the consent calendar on February 23, dealt with a similar issue, with more specific language. Finally, RSA 638 already has penalties regarding damage that may ensue from this type of situation, specifically-damage over \$1000 constitutes a Class A felony and anything under \$500 is a class B felony, so this bill essentially would lessen the penalty regarding computer/cyber damage. The committee voted unanimously to protect the consumer. **Vote 13-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 73, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would extend the Veterans Property Tax credit to recipients of the National Defense Service Medal. There are additional thousands of veterans who would be eligible for the optional veteran's tax credit if this bill became law. Last term the optional veteran's tax credit for eligible honorably discharged was greatly expanded from one hundred dollars up to five hundred dollars and the optional disabled veteran's tax credit from \$1400 to \$2000 with no set parameters on income and assets. Many towns voted the increase last year and it is on the ballot in many more towns. Whenever a tax credit is given to one group of taxpayers, it shifts the burden to the other taxpayers at this point. The effect of the new tax credit on the taxpayers is unknown. Though the committee feels it would be great if all veterans could be granted the tax credit, it is prudent to observe the effect of last years increases before authorizing additional tax credits. The committee honors all veterans for their service to our country. However, we feel this bill is premature. **Vote 17-1.**

HB 81, allowing municipalities to grant 2 veterans' tax credits in a single household. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G Stohl for Municipal and County Government: This bill was an attempt to expand the veteran's credit against property taxes to an additional qualifying person residing in the same household. The committee heard testimony as to the complexities involved in attempting to administer this tax credit. Some of the difficulties that the committee heard ranged from documenting residency in the household to researching whether or not the additional person's name was actually on the deed that was recorded at the county registry of deeds. Although the intent of the sponsors is admirable, the committee feels that this bill would create more problems than value. There was testimony that this bill would apply to very limited, if any, current situations. **Vote 15-0.**

HB 110, extending the veterans' property tax credit to all honorably discharged veterans. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would extend the veterans property tax credit to all honorably discharged veterans. There are additional thousands of veterans who would be eligible for the veteran's tax credit if this bill becomes law. Last term, the optional veteran's tax credit for eligible honorably discharged veterans was greatly expanded from one hundred dollars up to five hundred dollars and the optional disabled veteran's tax credit from \$1400 to \$2000 with no set parameters on either income or assets. Many towns voted the increase last year and it is on the ballot in many more towns. Whenever a tax credit is given to one group of taxpayers, it shifts the burden to the other taxpayers at this point. The effect of the new tax credit on the taxpayers is unknown. Though the committee feels it would be great if all veterans could be granted the tax credit, it is prudent to observe the effect of last years increases before authorizing additional tax credits. The committee honors all veterans for their service to our country. However we feel this bill is premature. **Vote 17-1.**

HB 187, allowing municipalities to adopt a property tax cap for persons 80 years of age and older. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher L. Doyle for Municipal and County Government: The options given the elderly who may be at risk of losing their homes in New Hampshire is a subject of much work in committee. Last session there was extensive work and changes to the elderly exemptions – which would be a decision of the local legislative body. This bill would give an optional tax cap for persons 80 years of age and older without consideration of their income, assets or need. The only criteria are age and length of residency in New Hampshire. Also, the tax cap would be credit, not an amount taken off the property assessment. There was no mention in the bill of whether this tax cap could be used along with the elderly exemption already in place. The committee has to weigh, the balance between giving relief from property taxes to certain segments of the population and the shifting of responsibility of that cost to the other taxpayers in the community. The decision is never easy; however the committee feels strongly that income and assets have to be part of the calculation. **Vote 14-0.**

HB 271, relative to petitions submitted to town meetings. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: When a petition for a warrant article is circulated in the local community, there usually are a number of separate pieces of paper going around. This bill requested that the originator of the petition be the first named on each of the

circulated petitions. The committee felt that this was not advisable since a petition should only be signed once by each registered voter. The sponsor also agreed that this bill should not move forward and the committee agreed with his sentiment. **Vote 19-0.**

HB 512, establishing a commission to study the feasibility of empowering the New Hampshire housing finance authority to give reverse mortgage loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter B. Schmidt for Municipal and County Government: The committee believes such a study is advisable but rather than establishing a separate commission to accomplish this, the committee recommends adding this study to the tasks of the already existing property tax relief study committee under Chapter 88:1 of the laws of 2004. In addition, a representative of the housing finance authority is added to the said property tax relief study committee. The property tax relief study committee that was established in 2004 deals with basically the same issue: property tax relief. The idea of reverse mortgage loans to assist property owners in paying their property taxes definitely warrants additional study. The feasibility of allowing the New Hampshire Housing Finance Authority to perform this task also has merit and deserves to be further examined. The Housing Finance Authority should be allowed representation on this commission for its valuable input. **Vote 18-0.**

HB 551-FN-L, relative to the timing of security or assessment in subdivision plat approval. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would allow a developer to delay the posting of a bond or another type of security for road construction and utility installations within a subdivision prior to the issuance of building permits. Presently, the contractor shall provide the security prior to the final approval of the plot. There was testimony stating that obtaining bonds was difficult. The committee feels allowing an applicant to delay the posting of security until the time of building permit issuance, rather than requiring security as a condition of final subdivision approval, would increase the risk that roads and utilities needed for a subdivision would never be completed or that the work could be done poorly. Leaving the law the way it is presently written will afford the most protection for the consumer and the municipality so that the infrastructure for the subdivision will be completed properly. **Vote 14-0.**

HB 699-FN-A-L, relative to fines for parking violations. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: Automobile parking controls are a local responsibility under RSA 47:17, XVIII. Parking ordinances and violations are enacted by municipalities for two primary purposes: 1) to protect the public from unsafe parking activities; and 2) to provide turnover of parking spaces to ensure the economic vitality of downtown areas. This bill would have established within the office of the state treasurer a special off-street fund which would be funded by the fines collected by the municipalities, minus \$1 that would stay with the local community. By diverting all but \$1 of every parking violation to the state coffers, this bill would bankrupt municipal parking programs designed to foster downtown business growth and fund new off-street parking. Municipalities would then be left with insufficient funding not only to fund new parking garages and surface parking, but also to fund parking enforcement activities. The committee wants to continue allowing local communities to manage their parking affairs. **Vote 19-0.**

PUBLIC WORKS AND HIGHWAYS

HB 157, establishing a study committee to review contracting practices for public works. **OUGHT TO PASS WITH AMENDMENT**

Rep. Saghir A. Tahir for Public Works and Highways: This bill establishes a commission to study procurement methods for public works projects by state and local government agencies. This bill is the culmination of two years consideration by the committee which began last session with SB 429 (2004) which was the subject of Interim Study. This bill involves issues related to labor policy, local control and constitutional implications in New Hampshire. The committee felt that this study will address these very important issues in a comprehensive manner and include participation by all groups affected. **Vote 14-0.**

HB 340, renaming Jones Brook Wildlife Management Area in Strafford County for former commissioner of fish and game Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul C. Smith for Public Works and Highways: This bill, as amended, names a building under construction after the late Governor Hugh Gregg for his long time endeavors regarding conservation in New Hampshire. It also names a wildlife management area after the former Chairman of the

Fish and Game Commission, Ellis Hatch, who was instrumental in the purchase of the land and its expansion. Mr. Hatch has spent countless hours not only helping establish this wildlife area, but encouraging use of the area and teaching children and adults alike the benefits of fly fishing and use of the area. The Fish and Game Department supports this bill as does the NH Wildlife Federation, the NH Fish & Game Commission and the Moose Mountain Regional Greenway Organization, a land conservation organization in the area of the wildlife management area. In fact, there was only one opponent to the bill testifying in committee and since the bill does not rename Jones Brook or the pond, merely naming the wildlife management area, that testimony is invalid. The amendment added the provision that signage for the two locations would not come from state funds. **Vote 14-3.**
HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds. **OUGHT TO PASS**

Rep. James B. Rausch for Public Works and Highways: The Long Range Capital Planning and Utilization Committee requested this legislation to assure our highway and turnpike funds are reimbursed to the fullest extent from the resale of surplus property. The Council on Resources and Development (CORD) process was also a cause for improper reimbursement of funds, potentially in violation of federal law. The bill removes the requirement for approval from the CORD before the disposal of property purchased with state or federal highway funds, or with turnpike funds. The bill further mandates that the sale of real property shall be at not less than current market value and the proceeds from the sale shall be credited to either the highway fund or turnpike fund, whichever fund provided money for the original purchase. **Vote 16-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 59-FN-LOCAL, relative to municipal responsibility for septage disposal. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry C. Merrow for Resources, Recreation and Development: Currently, RSA-A:5-b requires that each municipality must insure that an approved septage facility is available for its residents for a period of five years but lacks requirements for design guidelines. This bill requires a written agreement with the recipient facility and a method of determining the annual capacity needed. It also requires the Department of Environmental Services to report compliance status each year to the legislature. **Vote 15-0.**

HB 134, relative to certain restrictions on the Piscataquog River. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis F. Abbott for Resources, Recreation and Development: This bill attempts to cure a local problem on the Piscataquog River in Goffstown and Manchester. Currently RSA 270:121 limits speed on the river to 40 MPH during daylight hours and to headway speed after dark. This bill adds a further restriction which prohibits power boats with engines in excess of 55 horsepower and jet skis (personal watercraft). The committee believes that problems created by personal watercraft can be best minimized by enforcement of present boating laws by the Division of Safety Services and local law enforcement. Prohibiting certain types of watercraft would be discriminatory. **Vote 14-1.**

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Gibson for Resources, Recreation and Development: This bill, as amended, reclassified Spofford Lake and its tributaries from Class "B" to Class "A", the highest Classification for water bodies in the state. We take this action upon the recommendation of representatives of the Department of Environmental Services, who testified that the classification of Spofford Lake needed to be upgraded. The amendment adds the tributaries to Spofford Lake to this "A" classification. **Vote 15-0.**

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. **OUGHT TO PASS**

Rep. Frank A. Tupper for Resources, Recreation and Development: When the state purchased a conservation easement on 142,000 acres in Pittsburg, Stewartstown and Clarksville in 2003, the requirements of the agreement included the development of a public access and recreation management plan and a road management plan. These plans must dovetail with the landowners forest stewardship plan to provide a comprehensive management strategy for the whole property. The committee unanimously supports this concept and hopes that the House Finance Committee will support \$175,000 to the division of Parks and Recreation (DRED) for this purpose. **Vote 17-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 185, establishing a committee to study the unique nature of geothermal properties capable of supporting energy for production. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence C. Ross for Science, Technology and Energy: This bill would establish a study committee to maximize incentives for the voluntary use of renewable energy in New Hampshire, as defined in RSA 374-F:3. The amendment combines two bills (HB 185 that related only to geothermal energy and HB 194 that addressed solar energy) into one bill that addresses all forms of renewable energy as defined in the statutes such as geothermal, wind, solar, and biomass fuels and hydro.

Vote 13-0.

HB 330, establishing a commission to study the feasibility of establishing a statewide non-emergency 311 telephone system. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would create a study committee to explore the feasibility of establishing a statewide non-emergency 311-telephone system. This proposal reoccurs annually either studying or establishing such a service. The committee appreciates the sponsors' concerns but our previous deliberations have determined that the costs to phone subscribers far outweigh the advantages for this service in our rural state. Existing services currently provided by chambers of commerce and non-profits in the state adequately supply non-emergency information to interested parties. **Vote 13-1.**

HB 414, relative to regulation of municipal waste combustors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lee G. Slocum for Science, Technology and Energy: This bill changes the environmental operating requirements for small incinerators so that they are the same as large incinerators, that is, the constraints on what can be emitted in the way of toxic chemicals are made more severe. The effective date for the bill is January 1, 2006 which leaves sufficient time for the only incinerator affected to be upgraded. This is a significant improvement for the residents of the Claremont region and they should be quite happy about it. **Vote 15-0.**

TRANSPORTATION

HB 568, establishing the greater Derry-Salem cooperative alliance for regional transportation. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill starts the process of establishing a regional transit agency to serve the communities of Derry, Salem, Londonderry, Plaistow, Windham, Pelham, Sandown, Danville, Hampstead, Chester, and Atkinson. The 11 town region mentioned above remains the only urbanized area of New Hampshire that lacks regular transportation service. Focus by three regional planning commissions, 11 municipalities, and more than 30 health and human services providers under the New Hampshire D.O.T. effort looked at a broad range of options for coordinating existing demand-response human transportation service in the region. The agencies studied opportunities to expand services by securing new non-state funding. The plan is to put in place a regional transit agency recognized by the FTA to manage the funds. This bill is enabling legislation that would establish the regional transit agency known as the Greater Derry-Salem Cooperative Alliance for Regional Transportation (CART). **Vote 13-0.**

WAYS AND MEANS

HB 291-FN-A, establishing a research and development tax credit against the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Priscilla P. Lockwood for Ways and Means: At the request of the sponsor, this bill was voted ITL. HB 466 covers the same subject and will be discussed later. **Vote 20-0.**

HB 462, prohibiting road toll refunds for idling time. **OUGHT TO PASS**

Rep. Kevin L. Camm for Ways and Means: This bill prohibits road toll refunds for idling time. A few years ago we changed the way diesel fuel was taxed. Instead of the "miles over the road" approach, we tax fuel at the pump, per gallon. The Department of Safety has had more and more requests for "off road" funds such as idling time for warming up engines and cabs. This will end that practice and hopefully conserve both fuel and the environment. **Vote 20-0.**

HB 503-FN-A-LOCAL, relative to distribution of tobacco settlement funds. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: The bill would have distributed the first \$3 million dollars of the tobacco settlement fund to the tobacco use prevention fund. Under current law this

will automatically happen, beginning July 1, 2005. The bill would have then shared any monies over \$43 million dollars equally between the state general fund and the counties. As the revenues projected to be received by the state will be less than \$40 million dollars in FY06 and in future years, the entire bill becomes moot. **Vote 20-0.**

HB 523-FN-LOCAL, increasing the marriage license fee. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would increase the marriage license fee from \$45 to \$90. Of that increase, \$37 would go to the Domestic Violence Grant Program and \$8 would go to the clerks. Testimony from those familiar with that program requested that this revenue source not be utilized at this time. The committee agreed. **Vote 18-0.**

HB 693-FN, making the low and moderate income homeowners property tax relief program a tax cap and applicable to current year tax liability. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Ways and Means: The bill was drafted to reduce the statewide property tax for low-income payers, but the author wanted to provide relief for the whole property tax at the local level. The sponsor agreed to ITL the bill in order to submit a correct version next year. **Vote 20-0.**

WEDNESDAY, MARCH 9

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 450-FN-A extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Bettencourt for Judiciary: This bill extends the commission to study child support and related child custody issues that was established in 2003. Additionally, this bill makes an appropriation to the Department of Health and Human Services for the purpose of hiring an economist to establish models to assist the commission, which is required to review guidelines at least every four years. **Vote 14-3.**

HB 470-FN-A, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. **OUGHT TO PASS**

Rep. Mary Stuart Gile for Children and Family Law: The Incentive Fund Program allocates funds to every county to encourage cities, towns and counties to develop and maintain prevention programs, court diversion and alternative dispositions for juveniles. Prevention programs are defined in statute as programs and activities to prevent child abuse and neglect. This bill raises the amount from 6% to 6-1/2% of funds allocated for foster care, adoption subsidies and residential care, excluding YDC, and adds a requirement for an evaluation report on the effectiveness of all programs receiving funds. **Vote 16-1.**

HB 662-FN-A, making an appropriation to the department of health and human services for family mutual support services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony P. Matarazzo for Children and Family Law: This bill makes an appropriation to the Department of Health and Human Services to maintain the customary funding for family mutual support services for the mentally ill. Testimony in favor of the bill was unanimous. The amendment ensures that DHHS has adequate latitude to exercise its best judgment in contracting for these support services. The committee wishes to ensure the level of these services through adequate funding. **Vote 12-5.**

COMMERCE

HB 623-FN, relative to licensing requirements in the insurance and financial services industries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: The intent of this bill is to strengthen and more clearly define licensing requirements and penalties against a person who shall practice or attempt to practice as an insurance producer within the State of New Hampshire. This bill will specifically make it a Class A misdemeanor if a natural person, or guilty of a felony if any other person, if they practice as an insurance producer within the state. **Vote 13-6.**

EDUCATION

HB 219, relative to permitting audio and video recording on school buses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for the **Majority** of Education: This bill seeks to allow audio recording in conjunction with video recording in the interior of a school bus. Overwhelming testimony indicated that video recording is currently utilized on buses where the bus driver or a student has documented a safety concern. When this occurs, jointly, the school district or school and the bus company place a video recorder in the bus to record the actions of students on that bus. If an incident occurs, the tapes are reviewed for a disciplinary proceeding. The committee heard testimony of a variety of inappropriate actions and violence that have placed the students at risk. It is currently illegal to audio record these actions. When a local school district contracts with a bus company, they jointly, at the local level, will determine the policies to utilize recording, the time frame to keep such a recording and who retains ownership of the tapes. The amendment addresses these contractual issues. **Vote 13-3.**

Rep. Clifford A. Newton for the **Minority** of Education: The right to privacy is so special that violations of it are, in most cases, a class B felony. This bill allows conversations of 5-year olds to be recorded and examined by people other than their parents, with said conversation now allowable for purposes of prosecution. This bill offers no opt-out plan for parents whose children have no choice but to ride a bus where all of their conversations and family references will be taped. There was no testimony of criminal acts where audio would have made a difference. Thorough examination and debate of all the legal aspects concerning something so important as privacy should have taken place.

ELECTION LAW

HB 276, relative to nominations by nomination papers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael G. Biundo for the **Majority** of Election Law: This bill would reduce the number of nomination papers needed to run for certain offices. Although well intended by the sponsor, it is the opinion of the majority of the committee that this bill sets an unreasonably low number of nomination papers needed to run for certain state offices. The committee believes every person should have ballot access but that reasonable requirements must be met. **Vote 11-4.**

Rep. Charles F. Weed for the **Minority** of Election Law: Right now, a candidate can attain "ballot access," in other words, run as a candidate on the ballot in the November general election, by winning the Republican or Democratic primary in September and securing that party's nomination. A candidate can also get on the ballot by petition of a certain number of registered voters. This bill reduces the number of required petitions by a substantial amount, thus allowing, in the view of the minority of the committee, a better and fairer election process. Part I, Article 11 of the NH Constitution points out that, "Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office." Constitutional qualifications do not include membership in either of the two major parties.

HB 339, relative to electioneering at polling places. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: This bill, as amended, requires the moderator, prior to election day, to post a description of the areas where electioneering is permitted and prohibited at the polling place. The amendment extends the posting time to three days and clarifies the moderator as the responsible person. The committee felt that applying uniformity to the rules surrounding electioneering locations would simplify the election process. The moderator would still maintain control of the process. **Vote 12-4.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 669-FN, setting the laboratory fee schedule for certain environmental samples. **OUGHT TO PASS**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill updates the fee schedule for certain services offered by the Department of Environmental Services laboratory. Since the lab's fee schedule was reviewed in 1999, many changes have occurred with the net result of increased laboratory operating costs brought on by the following: the increased cost of laboratory consumables; the increased cost of salaries, especially benefits which have increased substantially, although lab staffing levels have remained at 1999 levels or below; the 50% rent increase expected in FY 2006; the increased request to undertake new projects in response to federal, state or department program initiatives, often with no associated funding source; the costs incurred to meet the quality

assurance requirement for accreditation by the National Environmental Laboratory Accreditation Conference (NELAC). The committee supports this bill as it addresses the needs of the DES laboratory to cover its increased operational costs while still maintaining its low fees, enabling private citizens to continue using the DES laboratory at a cost savings over private industry. **Vote 12-6.**

FINANCE

HB-103-FN-A, making an appropriation to the department of education for charter schools. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Finance: State funding for charter schools will be considered in the state operating budget. There is a line in the budget for charter schools and the appropriation on that line for 2006/2007 will be part of the budget deliberation. **Vote 21-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 399-FN, relative to the Informed Consent for Abortion Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bonnie G. Mitchell for the **Majority** of Health, Human Services and Elderly Affairs: This bill interferes with the physician/patient relationship. There are already generally accepted medical and ethical procedures which exist between patient and physician that require a patient to be given materials which would lead to an informed consent. The requirement of a 24 hour waiting period is also objectionable. There is no other medical procedure that requires a reflection period. The waiting period represents unequal access to care for the poor, the young and those living in rural areas. The use of "unborn child" terminology is not medical terminology. This bill also forces physicians to give inaccurate medical information under threat of imprisonment. Finally, this bill is an attempt to clearly limit access to abortion for a population with already limited access. **Vote 9-7.**

Rep. Fran Wendelboe for the **Minority** of Health, Human Services and Elderly Affairs: In *Roe v. Wade*, the U.S. Supreme Court established a right to choose to terminate or continue pregnancy, but as Justices O'Connor, Kennedy, and Souter opined in plurality in *Casey*, "it does not at all follow that the State is prohibited from taking steps to ensure that this choice is thoughtful and informed." The U.S. Supreme Court in *Casey v. Planned Parenthood* clarified a state's interest on the very issues contained in this bill. There are two main purposes of this bill: 1) that a woman considering an abortion be given unbiased material on risks and alternatives at least 24 hours before an abortion; and 2) adopting the construction of "Medical Emergency" accepted by the U.S. Supreme Court in *Casey*. A synopsis of the informed consent section of this bill would be that at least 24 hours before an abortion, a woman shall be provided: 1) the name of the physician who will perform the abortion; 2) medically accurate information that a reasonable patient would consider in the decision, a description of the proposed abortion method, the immediate and long term medical risks, alternatives to abortion; 3) The probable gestational age of the unborn child at the time the abortion is to be performed and the anatomical and physiological characteristics of the unborn child at the time the abortion would be performed; 4) The medical risks to carrying a child to term. Additionally, information regarding the liability of the father for support, a list of public and private agencies able to assist a woman throughout her pregnancy, upon childbirth, and after - including adoption. All of these provisions were upheld in *Casey* and deemed by the court not to be an undue burden on a woman considering abortion. Specific mention in the decision held that it does not interfere with a patient/physician relationship, that a 24 hour period does not represent an undue burden on any class of society when weighed against the interest of the state as enumerated in *Roe* and further explained in *Casey*. The majority had an opportunity to change provisions it considered to be objectionable with an amendment and chose to not support the amendment. The minority asks that the ITL be overturned, so that an amendment addressing every area of substance the majority objected to may be brought forward.

HB 574-FN, requiring the reporting of burn injuries. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rogers J. Johnson for the **Majority** of Health, Human Services and Elderly Affairs: As first introduced, this bill required health professionals to report every burn injury to the State Fire Marshall's Office. A subcommittee found that issue to be onerous, as did the New Hampshire Hospital Association and the New Hampshire Medical Society. The amendment requires health professionals to report burn injuries only if they believe the injuries resulted from the commission of a crime or the handling of explosives. The amended version has the support of the Hospital

Association, the Medical Society, and the Fire Marshall's Office. The fiscal note will also be amended and, if this bill is passed by the house, it will be removed. **Vote 16-1.**

Rep. Bonnie G. Mitchell for the **Minority** of Health, Human Services and Elderly Affairs: While the reporting of burn injuries could be valuable data for gathering information for the commission of crimes it appears to single out the explosives industry. If the intent of this bill is intended to gather information to support legislation to point to the explosives industry, it should state so. The committee voted ITL.

JUDICIARY

HB 79, relative to protective orders in domestic violence cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald R. Buxton for the **Majority** of Judiciary: The committee considered the testimony of many professionals, including the NH Chiefs of Police Association and domestic violence advocacy groups, as well as others, all of whom were opposed to this bill. We heard that domestic violence is all about power and that the present law establishes a balance between protecting the safety and rights of victims and those of the defendants. The overwhelming sense of the committee was that we should not weaken the current procedure for handling domestic violence and upset this delicate balance. Some of the assertions made by the proponents of the bill, such as sixth amendment rights for the defendant and lack of avenues of pursuit for resolving issues involved, proved to be hyperbole. Domestic violence orders can be modified to permit contact. Assault, harassment, trespass and other statutes are still available to the defendant for any remedy for perceived misconduct by the victim. **Vote 16-3.**

Rep. James E. Wheeler for the **Minority** of Judiciary: While the minority admits there were some significant problems with the original bill, it believes there is a serious issue that needs to be addressed. It is unjust to allow a person to be convicted of violating a protective order that prohibits contact with the person who sought the order, when the person who sought the order initiates the contact that causes a violation of that order. The minority amendment throws out the original bill and simply states that a defendant shall not be held criminally liable for violating a protective order if the alleged victim initiated the contact. It still allows for prosecution of other crimes, such as criminal threatening or assault, if those crimes are committed during the contact. This bill, with the minority amendment, will give some protection to the defendants to prevent them from being entrapped, either accidentally or intentionally, by the alleged victims, into violating a no-contact provision of a protective order. This bill, with the proposed amendment, will restore a little fairness to our state's system for dealing with domestic violence.

HB 302, establishing a county mileage surcharge for service of documents by county sheriffs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the **Majority** of Judiciary: The original bill proposed that each county may charge a flat fee for mileage that was an average cost for delivery. The committee, however, did not believe there was a problem with the current per mile charge. The amendment corrects the statute to reflect current practice wherein the fee is assessed using the sheriff's office as the starting point rather than the "residence of the officer" which is currently in the law. The amendment also will allow the correct mileage charge of 45 cents per mile to increase when the Internal Revenue reimbursement rate goes above the current 45 cent rate. **Vote 16-2.**

Rep. Robert H. Rowe for the **Minority** of Judiciary: This legislation changes the statutory fee for sheriffs serving any writ, notice, subpoena, process or execution. There is an existing statute that exempts service charges for domestic violence matters. The minority is greatly concerned that this bill will void the statute exempting domestic violence matters. The minority's concern has not been negated.

HB 686-FN, relative to the judicial branch family division. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frances D. Potter for Judiciary: This bill establishes a Family Court Division which will operate in all ten counties of the state. The bill is the result of a twelve-year process initiated by the legislature which included successful pilot programs in two counties. The goal of this legislation is to consolidate all family matters into the jurisdiction of one court to better serve our citizens. The Family Court Pilot Program has proven itself over a period of twelve years in two counties, one rural, one urban (Grafton & Rockingham), winning strong support from legislators, the families it serves, and the court system. About half the cases in family courts start with divorce actions.

Family Court judges are compassionate and become skilled in working with these petitioners. The Family Court will assume jurisdiction over family matters, scattered around the Superior, District and Probate courts, which at times have been unevenly considered. Related matters from the present docket of the Superior Court, including divorce, nullification of marriage, alimony, paternity, custody and support, will be heard in this new court. In addition, the Family Court cases transferred from District to Family Court will include child neglect and abuse, juvenile delinquency, children in need of services and domestic violence. Cases transferred from Probate Court will include adoption, guardianship of minors, changes of name and termination of parental rights. The administrative judges of the Probate, District and Superior courts expressed enthusiasm about the proposal. They, and committee members, believe that this system will be user-friendly, offering a less adversarial proceeding, use of mediation and referees when deemed desirable and be efficient and cost-effective. The concentration of all records in one place will streamline the process with minimal increased costs. An additional advantage to this concept is that the state will be eligible for twice the amount it is currently receiving in federal 4-D funds. This bill is the result of years of study, discussion and collaboration among the legislature, the court system, and the people that we serve. Each element of this legislation has been carefully thought out, from jurisdictional matters to personnel placement and court locations. Using existing resources, this court will be able to best serve our families in crisis by providing a compassionate, efficient and less adversarial system. **Vote 14-3.**

HB 698-FN, relative to the penalty assessments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen J. Shurtleff for Judiciary: Current law provides funding for NH Police Standards and Training Council training fund using the existing statutory method without causing any financial burden to local communities or taking money from the state's general fund. Since 1971, NH Police Standards and Training Council has provided quality training to New Hampshire's law enforcement community without cost to our municipalities. To meet the growing demands placed on law enforcement officers in this changing world and to maintain New Hampshire's high professional standards, the committee recommends passage of this bill. **Vote 15-4.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 633-FN-A, relative to companies which do not provide health insurance to their employees and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The intent of this bill is to increase the number of employers who provide health insurance for their employees by mandating the employer pay a \$.50 per hour fee for each full time employee not covered by a health plan. These fees would be held by the state under a so called employee health insurance fund and expended for health insurance costs for employees who do not have health insurance through their employers. The committee felt that it would be more cost effective for an employer to pay \$.50/hour than to offer and pay for a health insurance plan and that this bill may result in fewer employers offering health insurance. The bill offered no specifics on how the program would be administered and left the rule-making responsibilities to the Labor Commissioner. The bill also did not define what "providing health insurance" meant, i.e. employer offers a plan and fee cost to employee, percent participation by employer, what benefits to be covered, what deductibles, etc. **Vote 10-5.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 218-FN-L, relative to the apportionment of county taxes to municipalities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry Gale for the **Majority** of Municipal and County Government: This bill would require a whole new structure to determine tax liabilities of the county taxpayers. Each county could determine its own formula for apportionment. The bill was too open ended as it would have allowed "other factors" to be used in the formula setting. Another concern was that the towns within each county are not on the same assessment schedule and that perhaps there should be just one county assessor doing all the towns within the county on the same schedule. The majority of the committee believes that substantial study is required to determine a more equitable method to determine distribution of the county tax burden. **Vote 8-7.**

Rep. Eric G. Stohl for the **Minority** of Municipal and County Government: This bill simply allows the delegates to the county convention within any county to determine the apportionment costs among its municipalities. What this means is that the county convention could, if it wished, adopt a formula for the apportioning of county taxes other than strictly equalized valuation. As it is today,

the only way an individual's county tax is levied is solely on property values. This bill allows for the potential of using other factors such as population in determining the tax within a municipality. County government basically provides services to the citizens within its borders. The costs of these services are what create the county tax. The minority believes that because people, not property, are the users of these services, population should be allowed to be part of the formula for the apportionment of the county tax. This bill is totally enabling.

HB 370, establishing a committee to study the Land Sales Full Disclosure Act and the Condominium Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Buhlman for the **Majority** of Municipal and County Government: The sponsor's intent in bringing this legislation forward is commendable, and it was done at the behest of the Attorney General's Office. After considering the testimony, the majority of the committee was concerned about the potential loss of consumer protection for home buyers associated with transferring some responsibility under the Land Sales Full Disclosure Act (RSA 356-A) and the Condominium Act (RSA 356-B) from the Attorney General's Office, where there is permanent expertise in those matters, to the local level, where expertise in those intricate matters can vary depending on, for example, the makeup of the local planning board. **Vote 13-4.**

Rep. Nancy K. Johnson for the **Minority** of Municipal and County Government: This bill was requested by the Attorney General's Office. The Land Sales Full Disclosure Act is an important law in consumer protection. However, we heard testimony that the act was enacted in the late 1960s and this bill would create a study committee that could lead to lessen state oversight, increase local control and continue to protect consumers.

HB 651-FN-L, relative to federal lien registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for the **Majority** of Municipal and County Government: Currently there are three situations that require the filing of federal liens upon personal property, tangible or intangible, with the Secretary of State. In all other cases, the federal liens are filed in the office of the clerk of the town or city in which the person owning the personal property resides. This bill does four things: 1) removes the requirement of filing the federal lien with the town or city clerk; 2) puts a \$30 filing fee in statute which is split equally between the Secretary of State and the clerks; 3) sets up a federal lien registration fund for the administration of RSA 454-B; and 4) sets up a retention schedule for the municipalities until June 30, 2017 when all remaining records relating to the financial statements may be destroyed. These changes will start removing the filing duties from the city and town clerks but will not remove the funding source for processing those liens, which is now available to the local community. The amendment specifies that the funds collected by the Secretary of State are to be used for the purposes specified in RSA 454-B. Also the method of communication is to be in accordance with RSA 382-A: 9 Secured Transactions under the Uniform Commercial Code laws. The committee recognizes the need for streamlined filing and sharing of funds. **Vote 12-5.**

Rep. David L. Buhlman for the **Minority** of Municipal and County Government: The practice now is for the IRS to file liens on personal property with over 200 municipal clerks. Some of those liens are done electronically, while most are done using hard-copy documents. This bill changes the procedure dramatically by allowing the IRS to file liens on personal property, all with the Secretary of States Office, and all electronically. As is fairly widely known, the IRS makes errors that can have a significant negative impact on people's lives. Thus making this process more efficient, as this bill does, can result in even more errors. We should not help this very powerful government agency become more efficient.

HB 670-FN-A, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for the **Majority** of Municipal and County Government: The Land and Community Heritage Program (LCHIP) has broad support in the committee. The concept of dedicated funds does not enjoy the same support. The committee believes LCHIP has wide spread support among the majority of our house members and also our current governor. Our action is intended to send a strong message that we desire to have LCHIP in the budget as a line item from year to year in order to enhance its chances for ongoing support and funding. **Vote 15-1.**

Rep. David L. Buhlman for the **Minority** of Municipal and County Government: This bill, as amended, is a reasonable compromise to provide funding for LCHIP, and represents a distinct improvement over the reliance on dedicated funds, as contained in the original bill. However,

although LCHIP is a popular state program, the minority feels that it is prudent to reconsider funding LCHIP, especially considering the current deficit in the state budget.

PUBLIC WORKS AND HIGHWAYS

HB 78-FN-LOCAL, relative to state funding of regional vocational education centers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul C. Smith for Public Works and Highways: This bill, as amended, clarifies the procedures for the funding of the renovation and expansion of our existing regional vocational education centers. The amendment clarifies existing law on exactly what criteria the Department of Education will use to determine if the project will be included in its capital budget request. Currently, the criteria for defining qualified projects exists in administrative rules and the committee felt that they should be incorporated into the statutes. The bill sets a range for the state's contribution for these projects between 50% and 75%. The current law says that the state will fund not less than 75% of the costs. The intent of the change is to ensure that all of the regional centers are afforded the opportunity to upgrade their facilities on a periodic basis. Finally, the effective date was set to occur after this year's capital budget is finalized, but before school systems begin their budget planning for the next year. **Vote 15-3.**

HB 604-FN, relative to discounts in electronic toll collection and discontinuing the use of tokens. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill eliminates the use of tokens on the turnpike system on January 1, 2006. With the advent of E-Z Pass over the next few months the committee felt the time has come to do away with tokens. The Department of Transportation estimates that this action will save approximately \$750,000 a year in the purchase and handling of tokens. The amendment eliminates the mandate that a toll discount for E-Z Pass users be offered to New Hampshire residents due to a recent federal court ruling that found such discounts, based on residency only, to be in violation of the commerce clause of the U.S. Constitution. However, discounts can be offered to all who acquire their E-Z Pass transponders from the State of New Hampshire. The committee strongly urges the Governor and Executive Council to expeditiously establish the discount that will be offered to E-Z Pass users. The committee further recommends that the Governor and Council consider whether there should be different discount rates for the main turnpike system as opposed to the on-off ramp plazas (i.e. Merrimack). All other states on the eastern seaboard have done away with tokens save New Jersey, which is still allowing their use until the existing supply runs out. If we are to keep our turnpike system a financially sound and effective operation, we need to move ahead with E-Z Pass and eliminate the costly use of tokens. The NH Department of Transportation will make recommendations for the appropriate E-Z Pass discounts to the Executive Council. **Vote 14-0.**

HB 625-FN-L, relative to bonding limits for the Winnepesaukee river basin project. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: The intent of this bill was to remove a bonding limit of \$3,000,000 for the Winnepesaukee River Basin Project (WRBP), a regional authority which has constructed and operated public sewage disposal facilities for 10 Winnepesaukee river basin municipalities. The cost for operating and administering the WRBP is borne by the member communities. As the highly successful program has completed 25 years in operation, capital improvements exceeding that limit for renovation and modernization are needed. Subsequently, it was recognized that existing legislation allows the WRBP to borrow funds at appropriate levels from the State Revolving Fund (SRF) program. The amendment includes language that states this authority clearly and directly. Because of this, the amendment does not change the bonding limit. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 655-FN-A, increasing the boat registration fee for public boat access and exotic aquatic weed control. **INEXPEDIENT TO LEGISLATE**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill proposes a fee increase on the boat registration surcharge by adding 60% for the statewide boat access fund, 40% for the control of exotic aquatic weeds and 40% for the lake restoration and preservation fund. These surcharges were last increased in 2002 by more than 100%. The committee considers it premature to request further increases until we receive a report from the statutory committee established to study the best approach for controlling exotic weeds. **Vote 13-4.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 57, relative to the burning of construction and demolition debris. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roy D. Maxfield for the **Majority** of Science, Technology and Energy: This bill is one of several dealing with construction and demolition debris currently under review in the house and senate. It would prohibit incineration of C&D material including wood products that have been sorted and washed at recycling centers. If passed, this would then require landfill disposal of this material. The committee is working on another bill that would qualify acceptable wood products for incineration and apply best available control technology during incineration. This process will reduce environmental impact well below current standards. The existing policy in New Hampshire is to close our landfills except for ash residue left over from incineration. Forty-two (42) per cent of construction debris is wood and fourteen (14) per cent of demolition debris is wood. Relegating this amount of debris to landfills would have a serious impact on existing landfill sites. The Department of Environmental Services recommends land fill as last resort (sixth of six in waste management hierarchy) and they support HB 315 as the best solution for dealing with this material. Mixing this material with virgin wood and using the combination to fuel our wood to energy facilities makes economic and environmental sense. This policy is consistent with neighboring states and the committee voted 11 to 4 in support of the current state waste management hierarchy. **Vote 11-4.**

Rep. Jim Ryan for the **Minority** of Science, Technology and Energy: This bill operates as a complete ban on the incineration of construction and demolition (C&D) material. While simple in tone and judicious in the use of words: it would effectively preclude the incineration of C&D materials by banning incineration outright. Testimony received at the hearing indicated other states had followed this approach, particularly states seeking to avoid the difficulty of having out-of-state materials trucked in and imperiling the local air quality. The bill was received with satisfaction by the overwhelming number of citizens who attended hearings on the matter and urged the committee to enact the legislation that would prevent the emission of harmful materials into the environment and into their homes. HB 57 is a legitimate exercise of legislative discretion and should not be disposed of, if at all, until the legislature answers with a public policy position on C&D, an issue of vital interest to numerous citizens of the state. The minority urge that the majority recommendation of ITL be denied and that HB 57 be voted ought to pass.

HB 190, relative to the installation of continuous emission monitoring systems on stationary air pollution sources and devices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roy D. Maxfield for the **Majority** of Science, Technology and Energy: This bill proposes adding Continuous Monitoring Devices (CEMs) on stationary air pollution sources and installing new source monitors as they become available. The committee heard extensive testimony from the Department of Environmental Services (DES). They currently have authority to require CEMs on any source they deem necessary. DES estimates that there are 450 state air permits and that 300 of these would be required to install four (4) CEMs each to comply with this legislation. Currently there are 120 CEMs operating in the state at 20 sites. This bill would mandate CEMs well beyond anything determined necessary by the Department of Environmental services. The costs associated with this mandate would be a significant burden on businesses, especially small and mid-sized businesses in the state. There would also be significant impact on state owned sources requiring expenditures in excess of ten million dollars. The majority concluded that the Department of Environmental Services has the authority now to require monitors and that this bill is not necessary. **Vote 10-3.**

Rep. Jim Ryan for the **Minority** of Science, Technology and Energy: A majority of the committee seems to think that at the conclusion of the session another bill will provide the legislative response to the difficult environmental and public health dilemma posed by the incineration of construction and demolition debris (C&D). While the opinion of the majority regarding those bills may come to pass, there is no urgent need to discard the other approaches to establishing public policy on C&D, including this bill which provides that continuing emission monitoring devices (CEM) be required of all permitted emitters. The law includes a 24-month compliance period as new CEM technology is introduced. The plain purpose, as duly noted at the public hearing, was to create a statutory system that required the inclusion of CEM as it became available to permitted emitters or in the permit renewal process. The supposition was that as technology advanced so too would the ability to monitor pollutants. Overwhelming support for the bill was noted at the public hearing. One official of the DES noted that passage of HB 190 would place New Hampshire in the forefront of protecting

citizens from the harms of C&D emissions. Accordingly, the minority urges that the House decline the majority report of ITL, and recommend that HB 190 ought to pass and in so doing place New Hampshire in the forefront of protecting the air of all our citizens.

HB 438, relative to emissions requirements for municipal waste combustion units. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roy D. Maxfield for the **Majority** of Science, Technology and Energy: This bill is a duplicate of HB 414 recommended ought to pass with amendment on the consent calendar. Both bills require improved environmental standards for small incinerator comparable with the large Penacook facility, with two exceptions. The first exception deals with the sulfur testing cycle. HB 414 requires a monthly cycle and HB 438 a 24-hour cycle measurement. The sponsor of this bill agrees with the monthly measurement in HB 414. The other requirement in this bill would reduce the permitted emission level if the facility produced results below the permitted level then the lower more stringent result would become the permitted standard. The majority of the committee feels that the facility would be encouraged to run the plant at the higher permitted level to avoid added retrofits associated with lower emission levels. Member cities and towns of the facility would end up paying half of the costs for additional controls. The committee considered an incentive for a facility operating below permitted levels instead of the sanctions recommended by the sponsor but could not reach a consensus. **Vote 9-6.**

Rep. Jim Ryan for the **Minority** of Science, Technology and Energy: HB 438 and HB 414 are nearly identical, with the exception of Section IX of HB 438 that provides: "If, at the next scheduled test for any permitted emission at a small municipal waste combustor, the facility achieves a result lower than the existing permitted standard for that particular emission, the lower, more stringent result shall become the permitted standard. This paragraph shall apply to all small municipal waste combustors." The majority fears that inclusion of this section will encourage emitters to produce more pollution and have no incentive to reduce emissions. The minority believes that regulated emitters consistent with requirements of law and the notion of good corporate citizenship would actually seek to reduce emissions over the course of time. The envisions a progressively improving standard that would allow for regular decreases in emissions. Accordingly, the minority recommends that HB 438 ought to pass.

WAYS AND MEANS

CACR 13, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Steve Vaillancourt for the **Majority** of Ways and Means. This Constitutional Amendment Concurrent Resolution would enshrine in the state constitution the provision that an income tax may not be adopted in New Hampshire. The majority of the committee, even many who oppose the implementation of an income tax, do not believe future legislators should be so hamstrung. Were this to pass, and should 65 percent of citizens and/or legislators at some point in the future determine an income tax would be a good idea, it would be impossible to implement since the amendment would first have to be repealed (by a 60 percent vote of a future House and Senate to put the matter on the ballot and then by two-thirds of citizens voting at the polls). Thus, this amendment could remove the options of a future substantial majority. As with past amendments which the committee has considered and defeated, the majority of Ways and Means does not believe our constitution should be used as a referendum or for measures which may not stand the test of time. Certainly, a CACR should not be used as an opinion poll. Some published polls show that 35-40 percent of New Hampshire citizens support an income tax, not enough to pass one but certainly enough to block this amendment. They would certainly be joined by others, like many on the committee, who opposed an income tax but oppose prohibiting one constitutionally. Thus, while it might be fun to see what percentage this CACR would receive, it would serve no other purpose than to use the basic law of New Hampshire for purposes our forefathers would not condone. Out of respect to the CACR sponsors, the committee took a vote on reconsideration in light of a potential amendment which stipulated both earned and unearned income would not be taxable. The precise wording was, "no new tax shall be levied, directly or indirectly, upon a person's income, from whatever source it is derived." The vote on reconsideration failed 7-12 with some members noting that the amendment was even more restrictive than the original CACR. **Vote 17-1.**

Rep. Peyton B. Hinkle for the **Minority** of Ways and Means: Part Two, Articles 6 and 6-a of the New Hampshire Constitution identify the specific taxes, fees and tolls that may be used to pay for

the public cost of government, but nowhere is taxation of personal income authorized. CACR 13 is designed to lay to rest the idea of an income tax and clearly declare that it is not to be used as a source of state revenue. Those testifying in favor of the resolution pointed out that people with portable incomes who are free to locate anywhere in the country would, with the passage of this resolution, be able to move to New Hampshire and know with confidence what taxes they would be responsible for in the future. These are the same people who invest in businesses in the state and help create jobs. This resolution would act as an incentive to people to move to New Hampshire and invest their economic resources in the state. Our present method of taxation provides a more stable revenue stream, whereas an income tax is more prone to rise and fall with the fluctuations in the economy. States having an income tax, such as Colorado, experience wide swings in revenues. Past experience has shown that governments have a propensity to tax and spend, and instituting a new tax does not guarantee that other taxes would be eliminated. Retired people living off their savings would be harmed by an income tax. Finally, CACR 13 would provide the people the opportunity, once and for all, to resolve the prospect of any new tax being levied on their income.

HB 622-FN-A, establishing an income tax. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Ways and Means: This bill would establish an income tax at the rate of 4 percent with certain exemptions. As income tax is paid first to the state in which you work, New Hampshire would receive no tax from those residents who work out of state, leaving the burden of this tax to fall only on those New Hampshire residents who work here. Even most of the proponents of an income tax found this to be a fatally flawed bill and could not support it. **Vote 16-3.**

COMMITTEE MEETINGS

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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Subcommittee work session on **HB 228-FN**, prohibiting cellular telephone directories in New Hampshire.

ELECTION LAW, Room 308, LOB

9:30 a.m. **HB 712-FN**, relative to electioneering.

10:15 a.m. **HB 639-FN**, relative to voter registration.

11:00 a.m. **HB 270**, relative to procedures of the legislative ethics committee.

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

FINANCE, Rooms 210-211, LOB

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.

11:30 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.

FINANCE – (DIVISION III), Room 209, LOB

Budget Presentations:

1:30 p.m. Veterans Home

2:45 p.m. Veteran's Council.

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.

PET OVERPOPULATION STUDY (RSA 437-A), Room 205, LOB

1:00 p.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, if necessary.
Immediately following the House session, education funding subcommittee work session on HB 100, HB 606, HB 614, HB 616, HB 635, HB 646, HB 650, HB 684.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

WAYS AND MEANS, Room 202, LOB

Immediately following the House session, full committee work and executive session on pending legislation.

THURSDAY, MARCH 10

COMMERCE, Room 302, LOB

1:00 p.m. Or immediately following the House session, subcommittee work session on **HB 177**, relative to home improvement contracts and **HB 469**, regulating disputes between homeowners and contractors relative to residential construction defects.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

8:30 a.m. Subcommittee work session on **HB 38**, relative to credit card theft.

EDUCATION, Room 207, LOB

1:00 p.m. Executive session on pending legislation, if necessary.
Immediately following the House session, education funding subcommittee work session on HB 100, HB 606, HB 614, HB 616, HB 635, HB 646, HB 650, HB 684.

ELECTION LAW, Room 308, LOB

9:00 a.m. **HB 309-FN-A**, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefor.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

3:00 p.m. Subcommittee work session on **HB 517**, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste and **HB 538**, relative to disposing of construction and demolition debris.

FINANCE – (DIVISION I), Room 212, LOB

2:30 p.m. Office of Information Technology budget meeting.

FINANCE – (DIVISION III), Room 209, LOB

Immediately following the House session, if possible: Commissioner with Budget priorities and 90% budget recommendations.

JUDICIARY, Room 208, LOB

9:00 a.m. Subcommittee work session on **HB 334**, relative to consistency of notices in court proceedings and **HB 508**, relative to ex parte hearings.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

WAYS AND MEANS, Room 202, LOB

Immediately following the House session, full committee work and executive session on pending legislation.

FRIDAY, MARCH 11

BOARD OF CLAIMS (RSA 541-B:3), Room 208, LOB

9:00 a.m. Regular meeting.

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.

1:00 p.m. **Continued** public hearing on **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.

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.

FINANCE – (DIVISION I), Room 212, LOB

- 9:30 a.m. Department of Corrections work session.
- 11:00 a.m. Department of Resources and Economic Development work session
- 1:30 p.m. Judicial work session.
- 3:00 p.m. Judicial Council budget meeting.

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

- 9:00 a.m. Fish and Game budget work session.
- 1:00 p.m. University System budget work session.

FINANCE – (DIVISION III), Room 209, LOB

Budget Presentation

- 9:30 a.m. (If Commissioner has appeared 3/10) Division of Public Health Services otherwise, Commissioner with Budget priorities and 90% budget recommendations.
- 1:00 p.m. Division of Juvenile Justice Services.
- 2:30 p.m. Division of Child Support Services.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Rooms 201-203, LOB

- 1:00 p.m. GraniteCare subcommittee meeting (HB 690 and HB 691).

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. **HB 359**, relative to hardship variances.
- 10:15 a.m. **HB 369**, relative to notice requirements for public hearings on zoning amendments.
- 11:00 a.m. **HB 412**, relative to the authority of zoning boards of adjustment to grant variances.
- 1:00 p.m. **HB 436**, relative to the appointment of representatives to regional planning commissions.
- 1:45 p.m. **HB 480**, relative to innovative land use controls.
- 2:30 p.m. **HB 287**, ratifying the purchase of a certain property by the town of Canaan.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

- 9:30 a.m. Regular meeting.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House

- 10:00 a.m. Organizational meeting.

SATURDAY, MARCH 12

FINANCE – (DIVISION I), Room 212, LOB

- 10:00 a.m. Budget work session.

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.

FINANCE, Rooms 210-211, LOB

9:00 a.m. **Rescheduled** public hearing on **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.

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

FINANCE – (DIVISION I), Room 212, LOB

11:00 a.m. Department Revenue Administration work session.

1:30 p.m. Department of Administrative Services work session.

3:00 p.m. Justice work session.

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

10:00 a.m. Department of Transportation budget work session.

FINANCE – (DIVISION III), Room 209, LOB

Budget Presentation

9:30 a.m. Division of Family Assistance.

10:30 a.m. Bureau of Adult and Elderly Services.

1:00 p.m. Bureau of Behavioral Health.

2:30 p.m. Bureau of Developmental Services.

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

1:00 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

9:00 a.m. Subcommittee work session on **HB 368**, relative to limiting the sworn testimony of witnesses.

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. **Rescheduled** public hearing on **HB 584**, relative to evidence of admissions of liability in medical injury actions.

2:00 p.m. **Rescheduled** public hearing on **HB 463**, relative to evidence of admissions 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.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:00 a.m. Subcommittee work session on **HB 506**, including employees of charitable organizations under the protection of the state law against discrimination and **HB 561**, relative to reasonable accommodation by employers under the state law against discrimination.

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.

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.

2:00 p.m. **HB 718-FN-A**, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor.

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

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

- 9:00 a.m. Subcommittee work session on **HB 348**, relative to mortgages held by parties to a divorce.
9:30 a.m. Subcommittee work session on **HB 631-FN**, relative to the time after which certain unclaimed property is presumed abandoned.
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.
3:00 p.m. Subcommittee work session on **HB 296**, relative to bonding requirements for private detectives.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **SB 76**, relative to the extension of restraining orders under the domestic violence protection act.
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.

ELECTION LAW, Room 308, LOB

- 9:30 a.m. **HB 403**, limiting permissible gifts to elected officials.
10:15 a.m. **HB 424-FN**, prohibiting gifts to elected officials.
11:00 a.m. **HB 621-FN**, requiring disclosure of gifts and campaign contributions by lobbyists.
1:00 p.m. **HB 589**, establishing a committee to study gifts and political contributions.
2:00 p.m. **HB 607-FN**, relative to gifts to elected officials.
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

- 9:30 a.m. **SCR 1**, endorsing a farm viability task force.

- 10:00 a.m. Subcommittee work session on **HB 517**, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste and **HB 538**, relative to disposing of construction and demolition debris.
- 11:00 a.m. Executive session on **HB 386**, relative to agricultural best management practices.
- 11:30 a.m. Executive session on **HB 55-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund.
- 1:00 p.m. **SB 201**, making technical corrections to certain environmental laws and the small business technical assistance program.
- 2:00 p.m. **SB 91-FN**, relative to an increase in the co-payment for participation in the animal population control program.
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 371**, relative to mercury reduction and **HB 562**, relative to eliminating certain mercury-added products.

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.

FINANCE – (DIVISION I), Room 212, LOB

- 9:00 a.m. Department of Environmental Services work session.
- 10:00 a.m. Office of Information Technology work session.
- 11:00 a.m. Budget work session

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

- 9:00 a.m. Department of Education budget work session.

FINANCE – (DIVISION III), Room 209, LOB

Budget Presentation

- 9:30 a.m. Division of Children, Youth and Families.
- 11:00 a.m. Operations Support and Program Integrity.
- 1:00 p.m. Office of Medicaid and Business Policy.
- 2:30 p.m. (If we didn't see them 3/11) Division of Public Health Services.

JUDICIARY, Room 208, LOB

- 9:30 a.m. Subcommittee work session on **HB 295**, relative to access to certain motor vehicle records.
- 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.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:30 a.m. Subcommittee work session on **HB 66**, regulating mandatory overtime for nurses.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 1:15 p.m. **CACR 11**, relating to the compensation of the legislature. Providing that legislative members receive a payment for each day of legislative attendance and reimbursement for certain necessary expenses.
- 2:00 p.m. **CACR 18**, relating to compensation for members of the general court. Providing that members of the general court shall receive \$4,000 per biennium.
- 2:30 p.m. **HB 392-FN**, increasing the mileage reimbursement rate for members of the

- legislature.
- 3:00 p.m. **HB 536**, relative to excluding deductions from compensation from all elected state, county, and local officials.
- 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 549**, modifying notice requirements for the acceptance of unanticipated funds by a school district.
- 10:15 a.m. **HB 660-FN-LOCAL**, relative to taxation in a cooperative school district.
- 11:00 a.m. **HB 569**, allowing municipalities to adopt low and moderate income homeowner's property tax relief for local education property taxes.
- 11:30 a.m. **HB 641-FN**, establishing a statewide homestead exemption against property taxes for seniors.
- 1:30 p.m. **HB 710-FN**, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65.
- 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 Capitol Budget proposal:

- 9:00 a.m. Administrative Services Court System.
- 9:45 a.m. Administrative Services General Services.
- 11:30 a.m. Department of Education.
- 1:15 p.m. NH Community Technical College System.
- 2:30 p.m. Department of Environmental Services.
- 3:30 p.m. Department of Safety
- 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. **SB 83**, establishing a commission to study issues relative to the comprehensive shoreland protection act and the public waters of the state.
- 11:00 a.m. **SB 142**, extending the reporting date of the commission to study issues relative to groundwater withdrawals.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:00 p.m. Subcommittee work session on **HB 69**, relative to property rights and large groundwater withdrawals.
- 1:30 p.m. Subcommittee work session on **HB 419**, relative to the Mount Sunapee ski area boundary and lease terms and **HB 525**, establishing a committee to study the leasing of state-owned conservation land to private entities and relative to a temporary prohibition on the leasing of such lands.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:00 a.m. Subcommittee work session on **HB 661-FN**, relative to radiological monitoring in nuclear emergency planning zones.
- 10:00 a.m. Subcommittee work session on **HB 315**, relative to best available technology for air pollution control.
- 1:00 p.m. Executive session on pending legislation.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **HB 566**, relative to eligibility for public benefits and drivers' licenses.
- 10:45 a.m. **HB 720-FN**, relative to special number plates.
- 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 260-FN**, relative to motor vehicle equipment and registration.
- 10:30 a.m. **HB 268-FN**, increasing certain motor vehicle fees.
- 11:00 a.m. **HB 313-FN**, relative to registration of business entities.

- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:00 p.m. Subcommittee work session on **HB 243**, relative to boat registration fees.

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.

COMMERCE, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 262**, creating a cause of action relative to the discharge of mortgages.
- 9:30 a.m. Subcommittee work session on **HB 299**, relative to mechanics' liens.
- 10:00 a.m. **HB 717**, prohibiting cancellation of property and liability insurance on the basis of certain political activities.
- 10:30 a.m. **HB 719-FN**, recodifying the Articles 1 and 7 of the Uniform Commercial Code.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 11:00 a.m. Full committee work session on **HB 159**, relative to insurance coverage for persons having deafness and hearing loss.
- 1:00 p.m. Subcommittee work session on **HB 374**, establishing a commission on economic independence.
- 1:30 p.m. Subcommittee work session on **HB 714-FN**, adopting the Uniform Partnership Act
- 2:00 p.m. Subcommittee work session on **HB 716-FN**, relative to securities regulation.
- 2:30 p.m. Subcommittee work session on **HB 703-FN**, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

EDUCATION, Room 207, LOB

- 9:00 a.m. Informational session from the Department of Education.
- 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.

ELECTION LAW, Room 308, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 652-FN**, relative to the retirement system classification for the director of juvenile justice services, department of health and human services.
- 9:30 a.m. Subcommittee work session on **HB 594-FN**, relative to retirement system classification for correctional line personnel.
- 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.

FINANCE – (DIVISION I), Room 212, LOB

9:00 a.m. Budget work session.

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

9:00 a.m. NH Technical College budget work session.

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.

3:00 p.m. Subcommittee work session on **HB 137-FN**, relative to unemployment benefit eligibility.

4:00 p.m. Subcommittee work session on **HB 170**, relative to unemployment compensation.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

9:00 a.m. **HCR 2**, declaring October 27 to be Boston Red Sox Day.

9:30 a.m. **HCR 9**, commending the New Hampshire Fisher Cats on their championship.

10:00 a.m. **HCR 10**, recognizing February 8, 2005 as Scouting in New Hampshire Day.

10:30 a.m. **SJR 1**, declaring the month of April 2005 to be Boston Red Sox Month.
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 572**, granting regional water districts the power of eminent domain.

10:00 a.m. **HB 581**, relative to approval and review of municipal charters.

10:30 a.m. **HB 653-FN-LOCAL**, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

11:00 a.m. **HB 657-FN-LOCAL**, relative to promoting community revitalization.

11:30 a.m. **HB 537**, relative to liens filed with public servants.

1:30 p.m. **Rescheduled** public hearing on **HB 642-FN-LOCAL**, relative to the regulation of home inspectors.

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 Capitol Budget proposal:

9:00 a.m. Veterans Home.

9:30 a.m. Department of Health and Human Services.

11:00 a.m. Department of Transportation.

2:00 p.m. Office of Information Technology.

3:30 p.m. University System of NH.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Electric restructuring review – IV.

1:00 p.m. Full committee work session on **HB 175**, relative to divestiture of PSNH generation assets.
Executive session on pending legislation.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

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

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Subcommittee work session on **HB 94-FN-A**, requiring a discount to wholesalers on cash purchases of tobacco tax stamps.
9:45 a.m. **HB 407-FN-LOCAL**, relative to licensing of dogs.
10:30 a.m. **SB 85**, relative to expenses of operating bingo games.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

THURSDAY, MARCH 17

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. **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.
2:30 p.m. **HB 405**, relative to discovery depositions in criminal cases of persons under 16 years of age.
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. **SB 44**, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses.
11:00 a.m. **SB 73**, relative to market conduct record retention and production.
1:30 p.m. **SB 74**, making certain technical changes in the insurance laws.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

EDUCATION, Room 207, LOB

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Subcommittee work session on **HB 255**, establishing a committee to study the pricing of milk and **HB 275**, defining farmers' market.
10:00 a.m. Subcommittee work session on **HB 677-FN**, establishing fees and reporting requirements for the storage of hazardous materials.
1100 a.m. Subcommittee work session on **HB 573**, establishing a committee to study automobile disposal fees.
1:00 p.m. Subcommittee work session on **HB 293**, establishing a commission to study the development of a materials resource and recovery facility in Sullivan County.
2:00 p.m. Subcommittee work session on **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.
3:00 p.m. Subcommittee work session on **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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 156**, relative to licensing private investigators and **HB 455-FN**, relative to establishing a board of private investigation and security services.
- 10:30 a.m. Subcommittee work session on **HB 383**, relative to vital records administration.
- 1:00 p.m. **Rescheduled** executive session on pending legislation.

FINANCE – (DIVISION I), Room 212, LOB

- 9:00 a.m. Budget work session.

FISH AND GAME, Room 307, LOB

- 10:00 a.m. **SB 41**, relative to penalties for certain OHRV violations.
- 10:30 a.m. **SB 98-FN**, relative to issuing duplicate registrations for off highway recreational vehicles.
- 11:00 a.m. **SB 105**, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 1:00 p.m. Presentation by Major Tim Acerno on OHRV and Snowmobile Rules and Regulations.

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.
- 11:30 a.m. **HB 570**, relative to site plan review and the definition of inclusionary zoning.
- 1:30 p.m. **Rescheduled** public hearing on **HB 666-FN-LOCAL**, prohibiting taxation of a village district by a municipality for certain municipal services.
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

- 9:00 a.m. Continued work session on Capital Budget proposal.
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.

FINANCE – (DIVISION I), Room 212, LOB

- 9:00 a.m. Budget work session.

MUNICIPAL AND COUNTY GOVERNMENT, Room 105A, State House

- 9:30 a.m. **HB 534**, relative to requirements of property appraisal companies.
- 10:15 a.m. **HB 548**, allowing municipalities to include in property tax inventory the value of

- new construction assessed as of July 1.
- 11:00 a.m. **HB 709-FN-LOCAL**, relative to records of assessment information available for inspection.
- 11:30 a.m. **HB 429**, relative to representation by nonattorneys before the board of tax and land appeals.
- 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

- 9:00 a.m. Continued work session on Capital Budget proposal.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SATURDAY, MARCH 19

FINANCE – (DIVISION I), Room 212, LOB

- 9:00 a.m. Budget work session.

TUESDAY, MARCH 22

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 610-FN**, relative to the right to trial by jury in parental rights termination cases.
- 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

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 9:00 a.m. Subcommittee work session on **HB 659-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages.
- 10:00 a.m. Subcommittee work session on **HB 663-FN**, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities.
- 11:00 a.m. Subcommittee work session on **HB 573**, establishing a committee to study automobile disposal fees.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

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

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on pending legislation.
- 2:00 p.m. **Continued** public hearing on **HB 626-FN-LOCAL**, relative to the right-to-know law.
- 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 617-FN**, allowing current court stenographers to retain their positions in the New Hampshire courts.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

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

WEDNESDAY, MARCH 23

EDUCATION, Room 207, LOB

9:00 a.m. Informational session from the State Board of Education.
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.

FISH AND GAME, Room 307, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:30 a.m. 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, if necessary.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

MONDAY, MARCH 28

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.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICES

Belknap County Delegation will meet on Monday, **March 7** at 7:00 p.m. at the Belknap County Complex.

Rep. John
H.
Thomas,
Chairman
Belknap
County
Delegation

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

Merrimack County Executive Committee will meet on Thursday, **March 10** from 7:00 to 9:00 p.m. and Monday, **March 14** from 7:00 to 9:00 p.m. in the lower level conference room of the McDonnell

Building, 4 Court Street, Concord. The purpose of these meetings is to review, discuss and approve the 2005 Merrimack County Proposed Budget.

Rep.
Jessie
Osborne,
Chairman
Merrimack
County
Executive
Committee

Merrimack County Delegation will hold a public hearing on Tuesday, **March 22** at 7:00 p.m. at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of this meeting is to consider the 2005 Budget Appropriations for Merrimack County and to consider any other business. Immediately following the public hearing there will be a Delegation meeting and the purpose of this meeting is the approval of the 2005 Merrimack County Budget and the withdrawal of funds from the Capital Reserve Account and any other business.

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

COUNTY DELEGATION NOTICES

The full **Sullivan** County Delegation will meet on Monday, **March 7** at 9:00 a.m. in the Commissioners' Conference Room of the Woodhull County Complex, 14 Main Street, Newport.

Rep. John
R.
Cloutier,
Chairman
Sullivan
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, 60, 71, 72, 104, 116, 128, 130, 153, 159, 210, 216, 239, 240, 272, 477, 601, 603, 604, 605, 606, 607, 611, 612, 613, 614, 616, 617, 618, 619, 621, 622, 623, 625, 626, 627, 628, 629, 630, 632, 633, 635, 637, 639, 641, 642, 644, 645, 647, 648, 650, 651, 652, 653, 654, 655, 657, 658, 661, 662, 663, 664, 665, 670, 672, 674, 682, 683, 684, 685, 686, 687, 688, 689, 692, 693, 694, 695, 696, 697, 698, 699, 701, 703, 704, 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

Legislators (House or Senate) who are also members of the Knights of Columbus are requested to contact Jordan Ulery (PGK, FDD, PFN) at Jordan@ulrick.mv.com with the intention of creating an informal caucus for informational purposes, prayer and support.

Rep.

Jordan
Ulery

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

You are invited to attend Wednesday @ Walker, a policy briefing for women legislators, hosted by the New Hampshire Commission on the Status of Women, **March 9th** at the Upham Walker House from 12:30 to 1:30 p.m. (House session lunch break). This month's topic: "Double Jeopardy: A Report on Training and Educational Programs for New Hampshire's Female Offenders", released in December of 2004 by the New Hampshire Commission on the Status of Women. Please RSVP by **March 7th** to 271-2660 or cmswwweb@nh.gov. A light lunch will be provided.

Reps.
Terie N.
Norelli
and
Elizabeth
S. Hager

The Manchester Republican Caucus will meet at 8:30 a.m. on Wednesday, **March 9th** and Thursday, **March 10th** at the Upham Walker House. All republican legislators are invited to attend.

Rep.
Cynthia
J.
Dokmo

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 Legislative Caucus for Young Children will meet Monday, **March 14th** in Room 206, LOB at 1:30 p.m. Caroline McCarley of Governor Lynch's office will discuss issues related to children and families. Members of the House and Senate are welcome.

Rep.
Mary
Stuart
Gile

The House Republican Alliance will meet at 8:30 a.m. on Tuesday, **March 15** at the Upham Walker House, Park Street, Concord.

Rep.
Paul
Mirski

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

All legislators and guests are invited to attend the Rockingham County Republican Committee Lincoln Day Dinner celebrating A Salute to Our Republican Leader Andrew Card. The dinner will be held at Granite Rose in Hampstead Friday, **March 18th**, beginning with a cocktail hour at 6:00 p.m.

followed by dinner at 7:00 p.m. Tickets are \$50 each and can be ordered from any Rockingham County Republican Town Committee member, the Dinner's Chairwoman, County Commissioner, Kate Pratt (926-3531), or Secretary, Brenda Major (382-5429).

Rep.
Norman
L.
Major

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

All interested legislators are encouraged to attend a seminar sponsored by the National Conference of State Legislatures on methamphetamines. The newest wave of illegal drugs is sweeping the country and is starting to show up here in the northeast. Your constituents will soon be asking you what can be done about this new surge similar to the crack cocaine surge of the '80s and '90s. Methamphetamine is a highly addictive stimulant that generates brief euphoric highs, keeps people awake for days and can induce violence and paranoia. We are fortunate that NCSL has agreed to sponsor a three hour seminar to bring us up to date on its effect, its prevention, its treatment, its effect on the brain, etc. Some of the top experts from around the nation will be on the panel. You won't want to miss this rare opportunity to be ahead of the curve by attending this major proactive conference. Legislators, educators, medical care givers, mental health workers and others are welcome at no charge. There will be seating for 400 people at the C.R. Sparks Conference Center in Bedford on **March 24th** from 3:00 to 6:00 p.m. Light refreshments will be provided.

Rep.
Peter
L.
Batula

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court and staff to the annual UNH Legislative Breakfast on Tuesday, **March 29** from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Learn how undergraduate student researchers at UNH are having an impact on the State of New Hampshire and beyond.

Rep.
Marjorie
Smith

In celebration of the YMCA Youth in Government Program and Legislative Awareness Day, all legislators are cordially invited to join the New Hampshire State Alliance of YMCAs at St. Paul's Church Conference Center across the street from the State House on Thursday, **March 31** from 11:30 a.m. to 1:00 p.m. for an informal luncheon reception. Sandwiches, hot and cold drinks and

dessert will be provided.

Rep.
Larry A.
Emerton

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
Highways
Committee

STATE HOUSE VISITATION SCHEDULE 2005 SCHOOL YEAR

Virginia Drew, Public Information Administrator Kenneth Leidner, Director

M Mar 7	9:00 & 10:15 SH & SC	New Boston Central School	4/65-70
M Mar 7	11:30 & 12:30 SH & SC	Pembroke Hill School- Rescheduled	4/70
Tu Mar 8	8:15	Kimball School – Concord	4/25
Tu Mar 8	10:30 & 12:00 SH & HM	Main Dunstable Elem School – Nashua	4/60
W Mar 9	8:15	Kimball School – Concord	4/25
W Mar 9	10:45 & 12:30 SH & HM	Charlestown Primary	4/64
Th Mar 10	9:00	Broken Ground Elementary -Concord	4/25
Th Mar 10	10:30 & 12:00 SH & HM	Main Dunstable Elem School – Nashua	4/60
Th Mar 10	2:00	NH Ed Opportunities Assoc.	HS& Col/40
F Mar 11	9:00	Broken Ground Elementary – Concord	4/25
F Mar 11	10:00 & 11:30 SH & SC	Stratham Memorial School	4/60
F Mar 11	12:30 (11:00HM)	Newmarket Elementary School	4/45
M Mar 14	9:00	Broken Ground Elementary-Concord	4/25
M Mar 14	10:00 & 11:30 SH & SC	Stratham Memorial School	4/60
M Mar 14	12:30 (11:00HM)	Newmarket Elementary School	4/45
T Mar 15	9:00	Broken Ground Elementary-Concord	4/25
T Mar 15	10:15 & 11:30 SH/HM	HO Smith School – Hudson	4/50
T Mar 15	12:00	Barrington Elementary School – Rescheduled	4/50
W Mar 16	9:00	Broken Ground Elementary- Concord	4/25
W Mar 16	10:15 & 11:30 SH & HM	Library St. School – Hudson	4/50
W Mar 16	1:00	Family Resource Center	3-6/10-15

Th Mar 17	9:30	Simonds School = Warner	4/36
Th Mar 17	11:00/12:30 SH/F&G	Gilmanton Elem School	4/50
F Mar 18	9:00, 10:15 & 11:30 SH/SC/FG	Conant Elem School – Concord	4/75
F Mar 18	ALL DAY	YMCA Youth & Government	HS/500
M Mar 21	9:00	Dunbarton Elementary School	4/37
M Mar 21	10:30	Wells Memorial – Harrisville	4/12
M Mar 21	12:30	Sanbornton Central School	4/44
T Mar 22	9:00	Bow Elem	4/24
T Mar 22	10:30	East Kingston Elementary	4/33
Tu Mar 22	12:00	Bow Elem	4/24
W Mar 23	9:00	Bow Elem	4/24
W Mar 23	10:00	Timberlane Homeschool History Club	12 students
W Mar 23	10:00	Sant Bani School- Sanbornton	4/16
W Mar 23	12:00	Bow Elem	4/24
Th Mar 24	9:30 & 1100 SH & HM	Barnstead Elementary	4/50
Th Mar 24	12:30	Maplewood Elementary – Somersworth	4/40
F Mar 25	9:30 & 11:00 & 12:30 SH/HM/SC	Jaffrey Grade School	4/80
M Mar 28	9:30 & 10:30 SH & HM	DAR Good Citizens	HS/100+
M Mar 28	12:45	St. Thomas Aquinas – Derry	4/30
Tu Mar 29	9:00	Bow Elem	4/24
Tu Mar 29	10:30 (9:30 Conc.Coach)	Bridgewater/Hebron Village School	4/25
Tu Mar 29	12:00	Bow Elem	4/24
W Mar 30	9:30 & 11:00 SH & HM	Symonds School – Keene	4/63
W Mar 30	12:30	Newfields Elementary	4/26
Th Mar 31	9:30 & 11:00 SH & HM	Presentation of Mary – Hudson	4/44
Th Mar 31	12:30	St Patrick School – Pelham	4&5/45

WEDNESDAY, MARCH 9

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2005-0491h

Floor Amendment to CACR 13

Proposed by Rep. Mirski

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

RELATING TO: prohibiting an income tax.

PROVIDING THAT: no new tax on personal income shall be levied by the state of New Hampshire.

Amend Article 5-c of the New Hampshire constitution as inserted by paragraph I of the resolution by replacing it with the following:

[Art.] 5-c [Income Tax Prohibited.] No new tax shall be levied, directly or indirectly, upon a person's income, from whatever source it is derived.

Amend Article 5-c of the New Hampshire constitution as inserted by paragraph IV of the resolution by replacing it with the following:

[Art.] 5-c [Income Tax Prohibited.] No new tax shall be levied, directly or indirectly, upon a person's income, from whatever source it is derived.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits any new tax on a person's income.

2005-0371h

Amendment to HB 59-FN-LOCAL

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

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

1 Purpose. The general court acknowledges that providing for the proper disposal of domestic septage at New Hampshire facilities is becoming increasingly difficult for septage haulers serving residents who rely on septic systems. It is clear that additional in-state disposal capacity is needed to handle existing and future septage volumes. Further, the municipal responsibility provisions of RSA 485-A:5-b do not clearly articulate what is intended by the terms "shall provide, or assure access to" a department of environmental services approved facility. This act is intended to clarify terms of compliance.

2 Water Pollution and Waste Disposal; Municipal Responsibility for Septage. RSA 485-A:5-b is repealed and reenacted to read as follows:

485-A:5-b Municipal Responsibility.

I. Each municipality shall either provide, or assure access to, a department of environmental services approved septage facility or a department approved alternative option for its residents.

II. For the purposes of paragraph I, "provide, or assure access to" shall mean a written agreement with a recipient facility, or department approved alternative option, indicating that the recipient facility agrees to accept septage generated in that municipality. The municipality shall consider providing sufficient annual capacity equal to the number of households with septic multiplied by the average septic tank capacity of 1,000 gallons divided by the average septage pumpout frequency of 5 years.

3 Report. The commissioner of the department of environmental services shall report to the legislature on the current compliance status of all municipalities under the revised terms of RSA 485-A:5-b, on November 1, 2006 and November 1 each year thereafter through 2010.

4 Effective Date.

I. RSA 485-A:5-b, II as inserted by section 2 of this act shall take effect January 1, 2006.

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

AMENDED ANALYSIS

This bill clarifies a definition of access to a septage facility.

2005-0289h

Amendment to HB 61

Proposed by the Committee on Children and Family Law - C

Amend the bill by replacing section 1 with the following:

1 Extension of the Task Force on Family Law. Notwithstanding 2002, 250:17, II, as amended by 2004, 20:3, the task force on family law, established in 2002, 250:1-3, shall continue in effect until November 1, 2008, for the purpose of monitoring implementation of its report of November 1, 2004 and promoting the recommendations of this report. The task force may make additional recommendations consistent with its original legislative mandate. On or before November 1, 2006, the task force on family law shall issue a progress report, with specific reference to implementation of the 2004 recommendations and any further recommendations, and shall issue its final report on or before November 1, 2008.

2005-0151h

Amendment to HB 78-FN-LOCAL

Proposed by the Committee on Public Works and Highways - R

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

1 Regional Vocational Education; Funding. Amend RSA 188-E:10, I to read as follows:

I. ***The department of education is responsible for maintaining a statewide system of regional vocational education centers to provide and allow for a variety of career and technical education programs funded within state budget appropriations.*** The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of

education for the renovation and expansion of *qualified* regional vocational education centers or regional vocational education programs *authorized in the capital budget*, provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate *within the state capital project authorization process*;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion, provided that priority shall be given to programs that have been certified by an approved standard or that need additional funds to become certified by an approved standard;

(c) Each request for funding follows the capital budget procedure pursuant to RSA 9:3-a, *provided that no qualified project funded in a state capital budget as required in this section shall have additional funds for the same project included in a subsequent proposal for capital appropriation under RSA 9:3-a unless directed by the priority list of the department of education*;

(d) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(e) The state shall fund not less than *50 percent nor more than 75* percent of the cost of a *qualified* project approved pursuant to this section.

(f) *In this section, "qualified" means the project:*

(1) *Demonstrates need connected to the labor market.*

(2) *Accepts students from sending schools.*

(3) *Demonstrates adequate numbers of students through enrollment figures based on 3-year averages.*

(4) *Demonstrates alignment with program competencies and academic competencies required by the department of education.*

(5) *Allows for matriculation into a postsecondary venue.*

(6) *Meets all industry and building standards.*

(7) *Meets the procedural requirements for requests under this section and any other requirements in rules of the department of education.*

(8) *Is a regional vocational education center within the state of New Hampshire.*

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

AMENDED ANALYSIS

This bill clarifies the capital appropriation requirements for funding regional vocational education projects, provides that the state shall fund a maximum of 75 percent of the cost of renovation or expansion of a regional vocational education center, and adds a definition of a qualified project.

2005-0353h

Amendment to HB 79

Proposed by the Minority of the Committee on Judiciary - R

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

1 New Paragraph; Violation of Protective Order; Penalty; No Criminal Liability if Contact Initiated by Plaintiff. Amend RSA 173-B:9 by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding paragraphs I and III, if the court finds by clear and convincing evidence that the plaintiff initiated contact with the defendant either constituting or proximately causing a violation by the defendant of the protective order, the court may order the plaintiff to participate in counseling regarding his or her inability or unwillingness to avoid contact with the defendant and shall not find the defendant criminally liable for violating the protective order.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill grants the court discretion to order a plaintiff who initiates contact with the defendant, thereby causing a protective order violation, to attend counseling. The bill also declares that in such cases the defendant shall not be criminally liable for violating the protective order.

Amendment to HB 98

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 law enforcement authority to issue permits to carry firearms.

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

1 Pistols and Revolvers; License to Carry. Amend RSA 159:6 to read as follows:

159:6 License to Carry.

I. The ~~[selectmen]~~ **chief law enforcement officer, or designee**, of a town or ~~[the mayor or chief of police of]~~ a city ~~[or some full-time police officer designated by them respectively]~~, **or the county sheriff in areas without a chief law enforcement officer**, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

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

AMENDED ANALYSIS

This bill allows only law enforcement officers to issue permits to carry firearms.

Amendment to HB 157

Proposed by the Committee on Public Works and Highways - C

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

AN ACT establishing a commission to study procurement methods for public works projects by state and local government agencies.

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

1 Commission Established. There is established a commission to study procurement methods for public works projects by state agencies, municipalities, counties, school districts, and all other political subdivisions.

2 Membership and Compensation.

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

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) The commissioner of the department of labor, or designee.

(d) One member representing unionized labor, appointed by the governor.

(e) One member representing non-unionized labor, appointed by the governor.

(f) One member representing unionized contractors, appointed by the governor.

(g) One member representing non-unionized contractors, appointed by the governor.

- (h) One employee of county government, familiar with county procurement practices, appointed by the governor.
- (i) One employee of city or town government, familiar with local procurement practices, appointed by the governor.
- (j) One employee of a school district, familiar with school procurement procedures, appointed by the governor.
- (k) One member of the New Hampshire State Apprenticeship Council, appointed by that organization.

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

3 Duties. The commission shall study contracting practices for public works projects by state agencies, municipalities, counties, school districts, and all other political subdivisions. The study shall recommend the public procurement policies that promote the best economic and work quality value from public construction and infrastructure investment. The commission shall base its recommendation on consideration of the following: labor law enforcement, workplace safety compliance, worker's compensation compliance, access to workforce and apprenticeship training, in-state job creation and community economic development, communities' uncompensated care burdens and other social welfare costs, and such additional criteria as the commission deems appropriate.

4 Chairperson; Quorum. Members of the commission appointed pursuant to subparagraphs I(a)-(e) of section 2 of this act shall be voting members of the commission; the remainder shall be non-voting members of the commission. The voting members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

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

AMENDED ANALYSIS

The bill establishes a commission to study procurement methods for public works projects by state and local government.

2005-0437h

Amendment to HB 185

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

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

AN ACT establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

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

1 Committee Established. There is established a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Identify the benefits of renewable energy in New Hampshire, principally focusing on geothermal, wind, solar, and hydro energy. The committee should consult prior studies relating to the use of renewables to facilitate this purpose.

II. Determine incentives for utilizing renewable energy in New Hampshire without additional taxes or fees on citizens.

III. Assess the current state of technology relating to harvesting geothermal, wind, solar, and hydro energy in New Hampshire. The committee shall compile information, including:

(a) The location of known and potential geothermal deep sites and their characteristics, e.g., steam, hot water, temperature, and deleterious materials that limit use.

(b) Methodology and practicality for use of geoechange heating and cooling on single unit commercial, industrial, or residential buildings.

(c) The location of past, existing, or potential wind farms and the commercial viability of wind power.

(d) Practicality of solar technology for individual dwelling units and for public utility solar-based electricity production.

(e) Policies which address the preservation of existing small scale hydroelectric generation facilities, as well as the development of new facilities.

(f) Policies which encourage the continued and expanded use of biomass products for the production of electric energy.

(g) Other considerations that may allow New Hampshire to optimize use of renewable energy.

IV. Solicit input from at least one member of the New Hampshire geological survey, from public utilities with expertise on renewable energy, and from any other persons with information or expertise relevant to the committee's objectives.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

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

AMENDED ANALYSIS

This bill establishes a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

2005-0486h

Floor Amendment to HB 190

Proposed by Reps. Phinizy, Ryan and Hamm

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

1 New Paragraph; Definition Added. Amend RSA 125-C:2 by inserting after paragraph V-c the following new paragraph:

V-d. "Continuous emission monitoring system" means a continuous emission monitoring system approved by the Environmental Protection Agency, namely the equipment required to monitor, sample, analyze, measure, keep records, and report, so as to provide a continuous and permanent record of emissions and flow of hazardous air pollutants listed under 42 U.S.C. section 7412 and to include particulate matter from such stationary air sources, major air sources, modifications of such sources, electric utility steam generating units or new sources as defined under 42 U.S.C. section 7661.

2 New Paragraph; Continuous Emission Monitoring Systems; Required Installation. Amend RSA 125-C:10 by inserting after paragraph II the following new paragraph:

III. No person shall construct, operate, or modify an affected source unless the affected source, subject to 42 U.S.C. section 7401 et seq., has a continuous emission monitoring system installed within 24 months of introduction of such system to the market.

3 Effective Date. This act shall take effect January 1, 2006.

2005-0018h

Amendment to HB 191-FN

Proposed by the Committee on Education - C

Amend RSA 198:15-b, IV(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building *by the vendor due to the school district's failure to meet the terms of the lease-purchase agreement*. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

2005-0364h

Amendment to HB 219

Proposed by the Majority of the Committee on Education - R

Amend RSA 570-A:2, II(k) as inserted by section 1 of the bill by replacing it with the following:

(k) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio recording in conjunction with a video recording in the interior of the school bus while students are being transported to and from school or school activities provided that the school district authorizes such recording, the school bus company or school district provides notification of such recording to the parents and students, and there is a sign informing the occupants of such recording prominently displayed on the school bus. The length of time which the recording is retained and the ownership of the recording shall be determined by the school district or subject to agreement between the school district and the school bus company. In no event, however, shall the recording be retained for longer than 60 days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time.

2005-0102h

Amendment to HB 223

Proposed by the Committee on Children and Family Law - C

Amend the bill by replacing section 1 with the following:

1 Services for Children, Youth and Families; Assignment of Juvenile Probation and Parole Officers. Amend RSA 170-G:15 to read as follows:

170-G:15 Assignment of Juvenile Probation and Parole Officers. The commissioner shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile probation and parole officers to each judicial district consistent with the workload formula established by the department ~~[in consultation with the New Hampshire Judges Association, and subject to the approval of the presiding justice]~~.

AMENDED ANALYSIS

This bill provides that juvenile probation and parole offices shall be assigned to judicial districts based on the workload formula established by the department of health and human services.

2005-0438h

Amendment to HB 234-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the development of a state municipal information network by the office of information technology.

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

1 New Paragraphs; Office of Information Technology; Development of State Municipal Network. Amend RSA 4-D:2 by inserting after paragraph XV the following new paragraphs:

XVI. Developing a state municipal network and support infrastructure that connects city, town, county, and state information systems, and permits voluntary participation by municipalities.

XVII. Developing strategies that enable municipal and county agencies to consolidate information technology services and utilize the state municipal network.

2 New Subparagraph; Duties of Information Technology Council; State Municipal Network Added. Amend RSA 4-D:4, I by inserting after subparagraph (g) the following new subparagraph:

(h) Implementation of a state municipal network.

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

AMENDED ANALYSIS

This bill requires the office of information technology to develop a state municipal information network.

2005-0450h

Amendment to HB 252

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

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

1 New Paragraph; Release of Person Detained for Probation Violation. Amend RSA 597:2 by inserting after paragraph I the following new paragraph:

I-a. Except as provided in RSA 597:1-d, upon the appearance before the court of a person charged with a probation violation, the court shall issue an order that, pending a probation violation hearing, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph II;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

2 New Section; Bail and Recognizances for Person Detained for Probation Violation. Amend RSA 597 by inserting after section 5 the following new section:

597:5-a When Required; Bail and Recognizances for Person Detained for Probation Violation. Every court may, when a person is accused of an offense or a probation violation in which said court is authorized to receive bail, release said person on personal recognizance or require him or her to recognize, with sureties, to appear at a future time before the court or any other competent tribunal.

3 Effective Date. This act shall take effect January 1, 2006.

2005-0226h

Amendment to HB 257

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

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

1 Emergency Medical and Trauma Services; Definition of Off-Line Medical Control. Amend RSA 153-A:2, XV(a) to read as follows:

(a) "Off-line" medical control which includes ~~[education, protocol development, critique, leadership, advice, and quality control]~~ ***collaborative oversight of education, advice, critiques, medications, treatment modalities, and performance improvement with the head of the unit.***

2 New Paragraph; Emergency Medical and Trauma Services; Definition of Prerequisites Added. Amend RSA 153-A by inserting after paragraph XVI the following new paragraph:

XVI-a. "Prerequisite" means the education or demonstrated proficiency required as a prior condition to performing select skills or procedures contained in the standardized protocols issued by the emergency medical services medical control board.

3 Emergency Medical Services Medical Control Board; Adoption of Protocols Concerning Patient Care. RSA 153-A:5, III(d) is repealed and reenacted to read as follows:

(d) Submitting to the commissioner standardized protocols concerning patient care to consider for adoption as rules, which shall address prerequisites within protocols governing their use by providers, living wills established under RSA 137-H, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

4 Emergency Medical and Trauma Services; Duties of Commissioner; Rules Relative to Emergency Medical Services Protocols and Ambulance Equipment and Staffing. Amend RSA 153-A:7, II to read as follows:

II. The commissioner shall:

(a) Adopt rules, ***under RSA 541-A***, with the advice and assistance of the coordinating board, the emergency medical services medical control board, and the trauma medical review committee, in accordance with RSA 153-A:20.

(b) Adopt rules, which shall be exempt from RSA 541-A, with the advice and assistance of the emergency medical services medical control board, in accordance with RSA 153-A:5, III(d). Before any protocol relative to patient care shall be sent to the commissioner to consider for adoption as rule under this subparagraph, the division shall:

(1) Provide notice of the proposed protocol to emergency medical care providers and emergency medical service units.

(2) Allow a 60-day period for the receipt of written comments on the proposal.

(3) Hold public hearings, one in the daytime hours and another during the evening hours, in such a way as to maximize input from emergency medical care providers.

~~[(b)]~~ (c) Oversee the administration of the division by the director.

4 New Paragraph; Rulemaking; Quality Management Program. Amend RSA 153-A:20 by inserting after paragraph XXII the following new paragraph:

XXIII. The administration of the quality management program established under RSA 153-A:34.

5 New Subdivision; Quality Management Program. Amend RSA 153-A by inserting after section 33 the following new subdivision:

Quality Management Program

153-A:34 Quality Management Program

I. In this section:

(a) "Quality management program" means a comprehensive, continuous, and organization-wide evaluation and measurement system established in accordance with the rules and definitions adopted by the division of fire standards and training and emergency medical services. The system shall be used to evaluate and monitor the quality and appropriateness of system operation and the care provided to patients in order to identify sentinel events and trends so that corrective action may be taken by the local provider agency.

(b) "Records" means records of interviews, internal review and investigations, and all reports, statements, minutes, memoranda, charts, statistics, and other documentation generated during the activities of a quality management program. "Records" shall not mean original medical records or other records kept relative to any patient in the course of the business of operating as an emergency medical services unit.

II. Records of a quality management program shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality management program, and any person who supplies information or testifies as part of a quality management program, or who is a member of a quality management program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her, as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:

(a) A judicial or administrative proceeding brought by the commissioner to revoke or restrict the license or certification of an emergency medical care provider or other person licensed under this chapter; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against an emergency medical care provider or other person licensed under this chapter.

III. No person or entity shall be held liable in any action for damages or other relief arising from their good faith participation in a quality management program, or from the providing of information to a quality management program or in any judicial or administrative proceeding.

6 New Subparagraph; Exemption from Administrative Rulemaking Requirement. Amend RSA 541-A:21, I by inserting after subparagraph (y) the following new subparagraph:

(z) RSA 153-A:7, II (b), relative to emergency medical services protocols.

7 Repeal. The following are repealed:

I. RSA 153-A:2, XII relative to the definition of a local option.

II. RSA 153-A:20, II, relative to rulemaking governing emergency medical services protocols.

8 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Directs the commissioner of the department of safety to adopt rules, in consultation with the emergency medical services medical control board, and exempt from RSA 541-A, relative to protocols concerning patient care, and any prerequisites within the protocols. The bill removes the reference in current law to the provision of local options under medical control and repeals the definition of "local option."

II. Establishes a quality management program for emergency and trauma service providers.

This bill is a request of the department of safety.

2005-0234h

Amendment to HB 279

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

Amend the bill by replacing section 1 with the following:

1 Spofford Lake in Chesterfield, New Hampshire; Classification Changed to Class A. On and after the effective date of this act, the surface waters of Spofford Lake and its tributaries in Chesterfield, New Hampshire shall be classified in accordance with the provisions of RSA 485-A:8, as Class A waters.

AMENDED ANALYSIS

This bill changes the classification of Spofford Lake and its tributaries in Chesterfield, New Hampshire to Class A.

2005-0297h

Amendment to HB 280

Proposed by the Committee on Children and Family Law - C

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

AN ACT relative to the manner of service in divorce and child custody proceedings.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Annulment, Divorce and Separation; Optional Manner of Service of Petitions.

Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

AMENDED ANALYSIS

This bill permits the respondent in a divorce or child custody proceeding to accept service at the court.

2005-0327h

Amendment to HB 302

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to the mileage rate for service of documents by county sheriffs.

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

1 Sheriffs; Fees; Mileage. Amend RSA 104:31, IV to read as follows:

IV. In every county for actual travel to serve any writ, notice, subpoena, process, or execution, to be reckoned from the place of service to the ~~[residence of the officer]~~ **sheriff's office**, and for travel to attend any court by the order thereof, to be reckoned from the ~~[residence of the officer]~~ **sheriff's office** to the court, each mile, each way, **either \$.45 or the maximum rate per mile allowed by the Internal Revenue Code and regulations, whichever is greater.**

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

AMENDED ANALYSIS

This bill allows the mileage reimbursement rate for service of any writ, notice, subpoena, process, or execution by county sheriffs to be the greater of \$.45 or the rate allowed by the Internal Revenue Service.

2005-0378h

Amendment to HB 303-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 the fire standards and training commission.

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

1 New Hampshire Fire Standards and Training Commission; Name of Commission and Reference to Firefighter Changed. Amend RSA 21-P:25 to read as follows:

21-P:25 Program Authorized; Definitions.

I. The New Hampshire fire standards and training ~~[and emergency medical services]~~ commission is hereby established and directed to establish minimum educational and training standards for employment as a full-time ~~[firefighter]~~ **fire service personnel**, establish minimum selection standards for full-time fire service personnel, establish and publish educational and training standards for fire service personnel, and certify fire service personnel as meeting the

educational and training standard. This commission shall also act in an advisory capacity to the director of the division of fire standards and training and emergency medical services with reference to the instruction methods of determining and dealing with the causes of fire, the prevention of fire, techniques of firefighting and rescue, research techniques in firefighting and fire protection, and the administration and management of fire departments. The commission shall meet at least 4 times annually.

II. As used in this subdivision:

(a) "Commission" means the fire standards and training ~~[and emergency medical services]~~ commission; and

(b) "Director" means the director of the division of fire standards and training and emergency medical services.

(c) "Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire-related state agencies, whether full or part-time.

2 Members of the Fire Standards and Training Commission. Amend RSA 21-P:26, I to read as follows:

I. There shall be a fire standards and training ~~[and emergency medical services]~~ commission consisting of 16 members, including the commissioner of safety or designee, the commissioner of education or designee, the attorney general or designee, the chief of the forest protection, the director of the division of fire standards and training and emergency medical services, and the state fire marshal, who shall each serve during his or her continuance in such office, and ~~[one active member]~~ **members** of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

(a) ***Two representatives of the New Hampshire [Fire Chiefs Association as represented by a full-time career fire chief;] Association of Fire Chiefs, at least one of whom shall be a chief of a full-time fire department, and one a chief of a volunteer department.***

~~[(b) The New Hampshire Fire Chiefs Association as represented by a volunteer fire chief;~~

~~(e) [(b) One representative of the Professional Firefighters of New Hampshire-International Association of Firefighters[;].~~

~~[(d) [(c) One representative of the Fire Instructors and Officers Association of New Hampshire[;].~~

~~[(e) [(d) One representative of the Federation of Fire Mutual Aid Associations[;].~~

~~[(f) [(e) One representative of the New Hampshire State Firemen's Association[;].~~

~~[(g) [(f) One representative of the insurance industry of New Hampshire, which members shall be recommended by the New Hampshire Association of Domestic Insurance Companies[;].~~

~~[(h) [(g) One representative of the New Hampshire Municipal Association[;].~~

~~[(i) [(h) One representative of the New Hampshire Permanent Firemen's Association[; and].~~

~~[(j) [(i) One representative of the Fire Prevention Society.~~

I-a. The director of the division of fire standards and training and emergency medical services shall be a nonvoting member of the commission.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 6-7, respectively:

4 Organization of Department of Safety; Name of Commission Changed. Amend RSA 21-P:15, III to read as follows:

III. Any transfer involving the division of fire standards and training and emergency medical services undertaken pursuant to this section shall require consultation with the fire standards and training ~~[and emergency medical services]~~ commission, prior to the transfer being proposed to the governor and council.

5 Advisory Council on Emergency Preparedness and Security; Name of Commission Changed. Amend RSA 21-P:48, I(s) to read as follows:

(s) One member of the fire standards and training ~~[and emergency medical services]~~ commission, appointed by the chairman.

AMENDED ANALYSIS

This bill:

- I. Clarifies the name of the fire standards and training commission and the names of various organizations that serve on the commission.
 - II. Clarifies the authority of the fire standards and training commission to establish educational and training standards for fire service personnel, not just firefighters.
 - III. Permits the commission to waive certain requirements for fire service personnel who are not first-responders.
 - IV. Deletes a statutory section relative to the commission's discretion to reimburse fees.
- This bill is a request of the department of safety.

2005-0411h

Amendment to HB 339

Proposed by the Committee on Election Law - R

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Preparation of Polling Place; Arrangement; Electioneering. Amend RSA 658:9 by inserting after paragraph III the following new paragraph:

IV. By 5:00 p.m. 3 business days before any election, the moderator shall post at each polling place a description of areas where electioneering activities are permitted and prohibited, pursuant to RSA 659:43, at that polling place.

AMENDED ANALYSIS

This bill requires the moderator to post a description of areas where electioneering is permitted and prohibited at polling places.

2005-0312h

Amendment to HB 340

Proposed by the Committee on Public Works and Highways - C

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

AN ACT renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

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

1 Renaming Jones Brook Wildlife Management Area. The Jones Brook Wildlife Management Area, located in the county of Strafford, shall be renamed as Ellis Hatch, Jr. Wildlife Management Area in honor of former chairman of the fish and game commission, Ellis Hatch, Jr.

2 Naming of a Certain Building at Sandy Point Discovery Center. A certain building that shall be constructed at the Sandy Point Discovery Center in the town of Stratham shall be named the Hugh Gregg Coastal Conservation Center in honor of former governor Hugh Gregg.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1 and 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the fish and game department.

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

AMENDED ANALYSIS

This bill renames Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and names a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

2005-0444h

Amendment to HB 353

Proposed by the Committee on Fish and Game - C

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

AN ACT relative to consent to haul lobster and crab gear of license holders.

Amend RSA 211:18, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. Any person who purchases a license to take lobster and crabs in waters of the state of New Hampshire pursuant to this section shall be deemed to have given consent to law enforcement officers to haul lobster and crab gear set for the purpose of taking or keeping lobsters and crabs within the jurisdiction of the state of New Hampshire.

AMENDED ANALYSIS

This bill allows law enforcement personnel to haul lobster and crab gear of persons holding licenses for taking lobster and crabs in the jurisdiction of the state.

2005-0362h

Amendment to HB 382

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

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

AN ACT establishing a committee to develop a strategic capital plan for department of corrections' facilities.

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

1 New Section; Department of Corrections; Strategic Capital Plan Committee. Amend RSA 21-H by inserting after section 14 the following new section:

21-H:14-a Strategic Capital Plan Committee.

I. There is established a committee to develop a strategic capital plan for department of corrections' facilities.

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

(1) Five members of the house of representatives, at least one of whom shall be a member of the criminal justice and public safety committee, at least one of whom shall be a member of the public works and highways committee, and at least one of whom shall be a member of the finance committee, appointed by the speaker of the house of representatives.

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

(3) The commissioner of the department of corrections, or designee.

(4) The commissioner of the department of transportation, or designee.

(5) One representative from the department of health and human services with expertise in behavioral health, appointed by the commissioner of health and human services.

(6) One member of the state commission on the status of women, appointed by the governor.

(7) Three public members with corrections experience, appointed by the governor.

(b) Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall develop a strategic capital plan for all department of corrections' facilities. The committee's duties shall include, but not be limited to, considering:

(a) The suitability of current structures and facilities used by the state for incarceration and rehabilitation of offenders.

(b) Acquiring a suitable site for a women's prison or a new prison complex. Such a complex would involve the centralization of resources and maximize efficiency in the coordination of services to women inmates. The committee should also consider the demographics of Goffstown's older population in particular and the lack of bed space. The committee should decide whether to provide the opportunity to partner with the counties and the federal government to accept their inmates in any new women's prison facility.

(c) Consolidation of certain facilities to create a more efficient delivery of services.

(d) Whether the secure psychiatric unit should continue to be a part of the department of corrections' responsibilities.

(e) The addition of 500 beds in the northern correctional facility and what effect that might have on the corrections system.

(f) Whether the department of corrections should enter into a contract to house offenders from other states.

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

V. The commission shall make reports on or before November 1 of each year beginning with November 1, 2005 of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Repeal. RSA 21-H:14-a, relative to the strategic capital plan committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2017.

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

AMENDED ANALYSIS

This bill establishes a committee to develop a strategic capital plan for department of corrections' facilities.

2005-0428h

Amendment to HB 399-FN

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

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

1 New Subdivision; Informed Consent for Abortion Act. Amend RSA 132 by inserting after section 28 the following new subdivision:

Informed Consent for Abortion Act

132:29 Title. This subdivision may be known and cited as the "Informed Consent for Abortion Act."

132:30 Purpose. The purpose of this act is to:

I. Ensure that every woman considering an abortion receive information on her alternatives and that every woman electing an abortion do so only after giving her voluntary and informed consent to the abortion procedure; and

II. Adopt the construction of the term "Medical Emergency" accepted by the U.S. Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

132:31 Definitions. In this subdivision:

I. "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. Such use, prescription or means is not an abortion if done with the intent to:

- (a) Save the life or preserve the health of an unborn child;
- (b) Remove a dead unborn child caused by spontaneous abortion; or
- (c) Remove an ectopic pregnancy.

II. "Complication" means that condition which includes but is not limited to hemorrhage, infection, uterine perforation, cervical laceration, pelvic inflammatory disease, endometriosis, and retained products. The department may further define "complication."

III. "Department" means the department of health and human services.

IV. "Facility" or "medical facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center or other institution or location wherein medical care is provided to any person.

V. "Fertilization" means the fusion of a human spermatozoon with a human ovum.

VI. "First trimester" means the first 12 weeks of gestation.

VII. "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.

VIII. "Hospital" means an institution licensed pursuant to RSA 151.

IX. "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.

X. "Physician" means any person licensed under RSA 329.

XI. "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the woman's uterus.

XII. "Qualified person" means an agent of the physician who is a psychologist, licensed social worker, licensed professional counselor, registered nurse, or physician.

XIII. "Unborn child" means the offspring of human beings from conception until birth.

XIV. "Viability" means the state of fetal development when, in the judgment of the physician based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available to him or her, there is a reasonable likelihood of sustained survival of the unborn child outside the body of his or her mother, with or without artificial support.

132:32 Informed Consent Requirement. No abortion shall be performed or induced without the

voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

I. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person employed by the abortion facility has informed the woman, orally and in person, of the following:

- (a) The name of the physician who will perform the abortion.
- (b) Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion including:
 - (1) A description of the proposed abortion method;
 - (2) The immediate and long-term medical risks associated with the proposed abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation, and danger to subsequent pregnancies, and
 - (3) Alternatives to the abortion.
- (c) The probable gestational age of the unborn child at the time the abortion is to be performed.
- (d) The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed.
- (e) The medical risks associated with carrying her child to term.
- (f) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.

II. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person employed by the abortion facility has informed the woman, orally and in person, that:

- (a) Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and described in RSA 132:33.
- (b) The printed materials in RSA 132:33 describe the unborn child and list agencies that offer alternatives to abortion.
- (c) The father of the unborn child is liable to assist in the support of this child, even in instances where he has offered to pay for the abortion. In the case of rape or incest, this information may be omitted.
- (d) She is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

III. The information in paragraphs I and II is provided to the woman individually and in a private room to protect her privacy and maintain the confidentiality of her decision, to ensure that the information focuses on her individual circumstances and that she has an adequate opportunity to ask questions.

IV. At least 24 hours before the abortion, the woman is given a copy of the printed materials described in RSA 132:33. If the woman is unable to read the materials, they shall be read to her. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in a language she can understand.

V. Prior to the abortion, the woman certifies in writing on a checklist form provided or approved by the department that the information required to be provided under paragraphs I, II, and IV has been provided.

VI. Except in the case of a medical emergency, the physician who is to perform the abortion shall receive and sign a copy of the written certification prescribed in paragraph V prior to performing the abortion. The physician shall retain a copy of the checklist certification form in the woman's medical record.

VII. A physician shall not require or obtain payment for a service provided to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the 24-hour reflection period required in paragraphs I, II, and IV.

132:33 Publication of Materials. The department shall publish and make available printed materials in English, within 90 days after this subdivision becomes law. On an annual basis, the department shall review and update, if necessary, the following easily comprehensible printed materials:

I.(a) Geographically indexed materials that inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while her child is dependent, including but not limited to adoption agencies. The materials shall include a comprehensive list of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies, and shall inform the woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care.

(b) The department shall ensure that the materials described in this section are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service described in this section. The materials shall also contain any toll-free 24-hour-a-day telephone number which may be called to obtain information about the agencies in the locality of the caller and of the services they offer.

(c) The materials shall state that it is unlawful for any individual to coerce a woman to undergo an abortion and that if a minor is denied financial support by the minor's parents, guardian, or custodian due to the minor's refusal to have an abortion performed, the minor shall be deemed emancipated for the purposes of eligibility for public-assistance benefits, except that such benefits may not be used to obtain an abortion. The materials shall also state that any physician who performs an abortion upon a woman without her informed consent may be liable to her for damages in a civil action at law and that the law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal care.

II.(a) Materials that include information on the support obligations of the father of a child who is born alive, including but not limited to the father's legal duty to support his child, which may include child support payments and health insurance, and the fact that paternity may be established by the father's signature on a birth certificate or statement of paternity, or by court action.

(b) The printed material shall also state that more information concerning paternity establishment and child support services and enforcement may be obtained by calling state or county public assistance agencies.

III. Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the unborn child at 2-week gestational increments from fertilization to full term, including color photographs of the developing unborn child at 2-week gestational increments. The descriptions shall include information about brain and heart function, the presence of external members and internal organs during the applicable stages of development and any relevant information on the possibility of the unborn child's survival. If a photograph is not available, a picture shall contain the dimensions of the unborn child and shall be realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

IV. Materials which contain objective information describing the various surgical and drug-induced methods of abortion, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation or rupture, danger to subsequent pregnancies, the possible adverse psychological effects associated with an abortion, and the medical risks associated with carrying a child to term.

V. A checklist certification form to be used by the physician or a qualified person under RSA 132:32, V, which shall list all the items of information which are to be given to the woman by a physician or the agent under this subdivision.

VI. The materials required under this section shall be available at no cost from the department upon request and in an appropriate number to any person, facility, or hospital.

132:34 Criminal Penalties. Any person who intentionally, knowingly, or recklessly violates this subdivision is guilty of a misdemeanor. Any information given by the woman pursuant to this subdivision shall be confidential and any person, except the woman who provided the information, who willfully discloses any such information shall be guilty of a misdemeanor.

132:35 Civil Penalties. In addition to whatever remedies are available under the common or statutory law of this state, failure to comply with the requirements of this subdivision shall:

I. Provide a basis for a civil malpractice action. Any intentional violation of this subdivision shall be admissible in a civil suit as prima facie evidence of a failure to obtain informed consent. When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

II. Provide a basis for professional disciplinary action under RSA 329.

III. Provide a basis for recovery for the woman for the wrongful death of her unborn child, whether or not the unborn child was born alive or was viable at the time the abortion was performed.

132:36 Severability. If any provision of this subdivision or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this subdivision which can be given effect without the invalid provisions or applications, and to this end, the provisions of this subdivision are severable.

2 Effective Date. This act shall take effect January 1, 2006.

2005-0476h

Floor Amendment to HB 399-FN

Proposed by Rep. Wendelboe

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

1 New Subdivision; Informed Consent for Abortion Act. Amend RSA 132 by inserting after section 28 the following new subdivision:

Informed Consent for Abortion Act

132:29 Title. This subdivision may be known and cited as the “Informed Consent for Abortion Act.”

132:30 Purpose. The purpose of this act is to:

I. Ensure that every woman considering an abortion receive information on her alternatives and that every woman electing an abortion do so only after giving her voluntary and informed consent to the abortion procedure; and

II. Adopt the construction of the term “Medical Emergency” accepted by the U.S. Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

132:31 Definitions. In this subdivision:

I. “Abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the fetus. Such use, prescription or means is not an abortion if done with the intent to:

- (a) Save the life or preserve the health of a fetus;
- (b) Remove a dead fetus caused by spontaneous abortion; or
- (c) Remove an ectopic pregnancy.

II. “Complication” means that condition which includes but is not limited to hemorrhage, infection, uterine perforation, cervical laceration, pelvic inflammatory disease, endometriosis, and retained products. The department may further define “complication.”

III. “Department” means the department of health and human services.

IV. “Facility” or “medical facility” means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician’s office, infirmary, dispensary, ambulatory surgical treatment center or other institution or location wherein medical care is provided to any person.

V. “Fertilization” means the fusion of a human spermatozoon with a human ovum.

VI. “Fetus” means the unborn offspring of human beings from conception until birth.

VII. “First trimester” means the first 12 weeks of gestation.

VIII. “Gestational age” means the time that has elapsed since the first day of the woman’s last menstrual period.

IX. “Hospital” means an institution licensed pursuant to RSA 151.

X. “Medical emergency” means that condition which, on the basis of the physician’s good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.

XI. “Physician” means any person licensed under RSA 329.

XII. “Pregnant” or “pregnancy” means that female reproductive condition of having a fetus in the woman’s uterus.

XIII. “Qualified person” means an agent of the physician who is a psychologist, licensed social worker, licensed professional counselor, registered nurse, or physician.

XIV. “Viability” means the state of fetal development when, in the judgment of the physician based on the particular facts of the case before him or her and in light of the most advanced medical

technology and information available to him or her, there is a reasonable likelihood of sustained survival of the fetus outside the body of his or her mother, with or without artificial support.

132:32 Informed Consent Requirement. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

I. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person employed by the abortion facility has informed the woman, orally and in person, of the following:

(a) The name of the physician who will perform the abortion.

(b) Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion including:

(1) A description of the proposed abortion method;

(2) The immediate and long-term medical risks associated with the proposed abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation, and danger to subsequent pregnancies, and

(3) Alternatives to the abortion.

(c) The probable gestational age of the fetus at the time the abortion is to be performed.

(d) The probable anatomical and physiological characteristics of the fetus at the time the abortion is to be performed.

(e) The medical risks associated with carrying her fetus to term.

(f) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.

II. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person employed by the abortion facility has informed the woman, orally and in person, that:

(a) Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and described in RSA 132:33.

(b) The printed materials in RSA 132:33 describe the fetus and list agencies that offer alternatives to abortion.

(c) The father of the fetus is liable to assist in the support of this child, even in instances where he has offered to pay for the abortion. In the case of rape or incest, this information may be omitted.

(d) She is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

III. The information in paragraphs I and II is provided to the woman individually and in a private room to protect her privacy and maintain the confidentiality of her decision, to ensure that the information focuses on her individual circumstances and that she has an adequate opportunity to ask questions.

IV. At least 24 hours before the abortion, the woman is given a copy of the printed materials described in RSA 132:33. If the woman is unable to read the materials, they shall be read to her. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in a language she can understand.

V. Prior to the abortion, the woman certifies in writing on a checklist form provided or approved by the department that the information required to be provided under paragraphs I, II, and IV has been provided.

VI. Except in the case of a medical emergency, the physician who is to perform the abortion shall receive and sign a copy of the written certification prescribed in paragraph V prior to performing the abortion. The physician shall retain a copy of the checklist certification form in the woman's medical record.

VII. A physician shall not require or obtain payment for a service provided to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the 24-hour reflection period required in paragraphs I, II, and IV.

132:33 Publication of Materials. The department shall publish and make available printed materials in English, within 90 days after this subdivision becomes law. On an annual basis, the

department shall review and update, if necessary, the following easily comprehensible printed materials:

I.(a) Geographically indexed materials that inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while her child is dependent, including but not limited to adoption agencies. The materials shall include a comprehensive list of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies, and shall inform the woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care.

(b) The department shall ensure that the materials described in this section are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service described in this section. The materials shall also contain any toll-free 24-hour-a-day telephone number which may be called to obtain information about the agencies in the locality of the caller and of the services they offer.

(c) The materials shall state that it is unlawful for any individual to coerce a woman to undergo an abortion and that if a minor is denied financial support by the minor's parents, guardian, or custodian due to the minor's refusal to have an abortion performed, the minor shall be deemed emancipated for the purposes of eligibility for public-assistance benefits, except that such benefits may not be used to obtain an abortion. The materials shall also state that any physician who performs an abortion upon a woman without her informed consent may be liable to her for damages in a civil action at law and that the law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal care.

II.(a) Materials that include information on the support obligations of the father of a child who is born alive, including but not limited to the father's legal duty to support his child, which may include child support payments and health insurance, and the fact that paternity may be established by the father's signature on a birth certificate or statement of paternity, or by court action.

(b) The printed material shall also state that more information concerning paternity establishment and child support services and enforcement may be obtained by calling state or county public assistance agencies.

III. Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the fetus at 2-week gestational increments from fertilization to full term, including color photographs of the developing fetus at 2-week gestational increments. The descriptions shall include information about brain and heart function, the presence of external members and internal organs during the applicable stages of development and any relevant information on the possibility of the fetus's survival. If a photograph is not available, a picture shall contain the dimensions of the fetus and shall be realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the fetus at the various gestational ages.

IV. Materials which contain objective information describing the various surgical and drug-induced methods of abortion, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation or rupture, danger to subsequent pregnancies, the possible adverse psychological effects associated with an abortion, and the medical risks associated with carrying a child to term.

V. A checklist certification form to be used by the physician or a qualified person under RSA 132:32, V, which shall list all the items of information which are to be given to the woman by a physician or the agent under this subdivision.

VI. The materials required under this section shall be available at no cost from the department upon request and in an appropriate number to any person, facility, or hospital.

132:34 Criminal Penalties. Any person who intentionally, knowingly, or recklessly violates this subdivision is guilty of a misdemeanor. Any information given by the woman pursuant to this subdivision shall be confidential and any person, except the woman who provided the information, who willfully discloses any such information shall be guilty of a misdemeanor.

132:35 Civil Penalties. In addition to whatever remedies are available under the common or statutory law of this state, failure to comply with the requirements of this subdivision shall:

I. Provide a basis for a civil malpractice action. Any intentional violation of this subdivision shall be admissible in a civil suit as prima facie evidence of a failure to obtain informed consent. When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

II. Provide a basis for professional disciplinary action under RSA 329.

III. Provide a basis for recovery for the woman for the wrongful death of her fetus, whether or not the fetus was born alive or was viable at the time the abortion was performed.

132:36 Severability. If any provision of this subdivision or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this subdivision which can be given effect without the invalid provisions or applications, and to this end, the provisions of this subdivision are severable.

2 Effective Date. This act shall take effect January 1, 2006.

2005-0406h

Amendment to HB 414

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

Amend the introductory paragraph of RSA 125-C:10-a as inserted by section 1 of the bill by replacing it with the following:

Any municipal waste combustor, as defined in RSA 125-M:2, XI, with a design capacity of at least 35 tons per day but no more than 250 tons per day of municipal solid waste, as defined in RSA 125-M:2, X, shall be limited to the following levels of emissions, unless otherwise provided for by a more stringent federal regulation, or by other state statute:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2006.

2005-0455h

Amendment to HB 444

Proposed by the Committee on Fish and Game - C

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

AN ACT relative to the surrender and condemnation of game animals to the fish and game department.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Disposition of Condemned Game Animal. Amend RSA 208 by inserting after section 24 the following new subdivision:

Disposition of Condemned Game Animal

208:25 Disposition of Condemned Game Animal. The executive director may condemn, upon request of a licensee, the carcass of a lawfully taken and possessed game animal that is determined unfit for human consumption, provided the condition was not created by the actions of the person who took the animal. The entire game animal shall be surrendered to the department and repossessed. After surrender and condemnation of the game animal the licensee shall be given written notice by the department employee indicating that the department repossessed the animal and that the hunter's privilege to continue to hunt that species has not been jeopardized.

AMENDED ANALYSIS

This bill allows the fish and game department to condemn a game animal taken by a licensed hunter which is determined to be unfit for human consumption.

2005-0394h

Amendment to HB 450-FN-A

Proposed by the Committee on Children and Family Law - R

Amend the bill by replacing section 1 with the following:

1 Extension of Commission to Study Child Support and Related Child Custody Issues. The commission to study child support and related child custody issues, established in 2003, 277 (HB 310), shall be extended for the purpose of serving as a continuing resource to the general court and the department of health and human services in revising the child support guidelines. The incumbent house members of the commission shall call the meeting to reconvene the commission. Upon reconvening, the commission shall elect a chairperson and vice chairperson from among the members and shall meet with such frequency as the commission deems appropriate. A vacancy on the commission shall be filled by the original appointing authority. If a legislative member of the commission is unable to serve on the commission in his or her original capacity, the commission may invite the member to continue to participate as a public member, with all the rights and responsibilities of other members of the commission. The commission shall submit a final report relative to implementation of its recommendations on or before December 1, 2006, to the speaker of

the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library.

2005-0413h

Amendment to HB 456-FN

Proposed by the Committee on Children and Family Law - C

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

AN ACT relative to inhaling toxic vapors.

Amend the bill by replacing section 1 with the following:

1 Inhaling Toxic Vapors for Effect; Substance Abuse Program. Amend RSA 644:5-a to read as follows:

644:5-a Inhaling Toxic Vapors for Effect. A person is guilty of a violation if he *or she* purposely smells or inhales the fumes of any substance having the property of releasing toxic vapors, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, or possesses, buys or sells any such substance for the purpose of violating or aiding another to violate this section. This section does not apply to the inhalation of anesthesia for medical or dental purposes. ~~[Any court finding that a minor is guilty of a second offense under this section may order the minor to the nearest mental hygiene clinic for examination prior to sentencing. The clinic shall report any finding it makes to the court. The court may order commitment to a public institution, including the New Hampshire hospital for care and treatment as the findings warrant. The court may thereafter modify the order as justice requires.]~~

AMENDED ANALYSIS

This bill clarifies the law regarding inhaling toxic vapors.

2005-0419h

Amendment to HB 477-FN

Proposed by the Committee on Environment and Agriculture - C

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

3 Pesticide Control Board; Membership. Amend RSA 430:30, I(j) to read as follows:

(j) One person from a slate of 3 persons presented by the New Hampshire Horticultural ~~[Society]~~ **Industries Council**.

AMENDED ANALYSIS

This bill increases registration fees for pesticides and commercial feeds, and changes the name of a member to the pesticides control board.

This bill is a request from the department of agriculture, markets, and food.

2005-0318h

Amendment to HB 512

Proposed by the Committee on Municipal and County Government - C

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

AN ACT establishing a commission to study property tax relief and reverse mortgages.

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

1 Committee to Study Property Tax Relief; Changed to Commission; Reverse Mortgages Added. Amend 2004, 88:1-5 to read as follows:

88:1 ~~[Committee]~~ **Commission** Established. There is established a ~~[committee]~~ **commission** to study property tax relief, without implementing any new broad-based tax.

88:2 Membership and Compensation.

I. The members of the ~~[committee]~~ **commission** shall be as follows:

(a) Five 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) *One member from the New Hampshire housing finance authority, appointed by the governor.*

II. **Legislative** members of the ~~[committee]~~ **commission** shall receive mileage at the legislative rate when attending to the duties of the ~~[committee]~~ **commission**.

88:3 Duties. The ~~[committee]~~ **commission** shall study any and all existing and proposed state and local property tax relief proposals including, but not limited to, abatements, credits, exemptions,

[and] reimbursements, **and reverse mortgages**. The commission may seek testimony from people with experience in one or more of the following categories – mortgage banking, credit lending, home equity financing, deferred payment lending, debt resolution consulting, bankruptcy law, bond banking, and the sale and placement of state and local bond issues.

88:4 Chairperson; Quorum. The members of the study [committee] **commission** shall elect a chairperson from among the members. The first meeting of the [committee] **commission** shall be called by the first-named house member. The first meeting of the [committee] **commission** shall be held within 45 days of the effective date of this section. Four members of the [committee] **commission** shall constitute a quorum.

88:5 Report. The [committee] **commission** shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before November 1, 2004 and in a final report on or before November 1, 2005.

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

AMENDED ANALYSIS

This bill amends the property tax study committee established by 2004, 88 to be a commission to study property tax relief and reverse mortgages.

2005-0464h

Amendment to HB 574-FN

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

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

1 New Section; Reporting of Burn Injuries. Amend RSA 153 by inserting after section 11 the following new section:

153:11-a Reporting of Burn Injuries.

I. In any case where a health care professional is called upon to examine or treat a person for a burn injury and has reasonable cause to suspect that the burn injury was sustained in connection with the commission of a crime, or in the handling of explosives, or if a burn injury requires impatient admission to a hospital, the health care professional shall report such burn injury to the state fire marshal immediately by telephone or electronic means and followed within 48 hours by a report in writing, if so requested by the state fire marshal.

II. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to paragraph I, shall be immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding.

III. The state fire marshal shall adopt rules, pursuant to RSA 541-A, relative to the reporting of burn injuries required under paragraph I of this section.

IV. The bureau of emergency medical services shall provide notification to the state fire marshal of burn injury reports which it receives from emergency medical services providers. In the event that a patient receives emergency medical treatment for a burn injury described under this section before being treated in a hospital or a physician's office, the health care practitioner shall not be required to report the burn injury as provided under this section.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires health care professionals to report burn injuries to the state fire marshal in certain circumstances. The bill grants rulemaking authority to the state fire marshal for the purposes of the bill.

2005-0430h

Amendment to HB 597-FN-A

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 3 with the following:

3 Rulemaking. Amend RSA 217-A:8, II(g) to read as follows:

(g) ~~[Fees to be charged and collected to cover the costs of services rendered under this act, which shall be deposited into the general fund as unrestricted revenue]~~ **Administration of the fund established in RSA 217-A:7-a.**

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

7 New Section; Natural Heritage Bureau Fund Established. Amend RSA 217-A by inserting after section 7 the following new section:

217-A:7-a Natural Heritage Bureau Fund Established.

I. The commissioner may charge a fee of \$25 for requests for environmental reviews and a fee not to exceed \$25 to offset the costs of providing publications and/or reports to the public. The fees charged under this paragraph shall be deposited in the fund established in paragraph II.

II. There is hereby established in the office of the state treasurer a fund to be known as the natural heritage bureau fund. Moneys collected under paragraph I shall be deposited in this fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purposes of providing environmental reviews and for the costs of providing publications and/or reports to the public.

8 New Subparagraph; Natural Heritage Bureau Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the natural heritage bureau fund established in RSA 217-A:7-a.

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

AMENDED ANALYSIS

This bill:

I. Changes the name of the natural heritage inventory program to the natural heritage bureau.

II. Updates the organization names of mandated members of the natural areas council.

III. Changes the destination of the fees charged by the natural heritage bureau.

IV. Establishes a special fund.

2005-0249h

Amendment to HB 604-FN

Proposed by the Committee on Public Works and Highways - R

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

AN ACT discontinuing the use of tokens.

Amend the bill by deleting section 2 and renumbering the original sections 3 and 4 to read as 2 and 3, respectively

AMENDED ANALYSIS

This bill discontinues the use of tokens on the state turnpike system.

2005-0370h

Amendment to HB 623-FN

Proposed by the Committee on Commerce - R

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Section Reference Added. Amend RSA 402-J:1, II to read as follows:

II. This chapter applies to all persons required to be a licensed producer pursuant to the provisions of RSA 402:15; RSA 405:15; RSA 405:24; ***RSA 405:44-a***; RSA 405:44-b; RSA 406-C:3; RSA 407-C:3; RSA 408:42; RSA 416-A:15; RSA 418:5-a; RSA 420-A:7; RSA 420-B:18; RSA 420-F:3; and New Hampshire code of administrative rules Ins 2501.03.

2005-0487h

Floor Amendment to HB 624-FN

Proposed by Rep. Hunt

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

AN ACT relative to penalties in certain professions.

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

1 Nursing; Practicing Without a License. Amend RSA 326-B:15, II to read as follows:

II. Practice as a registered nurse, practical nurse, or nursing assistant ***without a license or*** when the license or registration has been revoked or suspended or when the license or registration has lapsed or is inactive.

2 Nursing; Practicing Without a License; Penalties. RSA 326-B:16 is repealed and reenacted to read as follows:

326-B:16 Penalty.

I. Any person who shall practice or attempt to practice as a registered nurse, advanced registered nurse practitioner, licensed practical nurse, or licensed nursing assistant in this state without a license shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person.

II. Any person who violates any of the other provisions of this chapter shall be guilty of a misdemeanor.

3 Optometry; Licenses. Amend RSA 327:6 to read as follows:

327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry ***without a license. The board shall not issue a license to any applicant*** until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A shall be licensed by the board.

4 Optometry; Penalties. Amend RSA 327:30, I to read as follows:

I. Any ***natural*** person who shall violate any of the provisions of this chapter shall be guilty of a ***class A*** misdemeanor, ***or guilty of a felony if any other person.***

5 Alcohol and Drug Counselor; Penalties. Amend RSA 330-C:4, II-III to read as follows:

II. No person shall represent oneself, ***or practice*** as a licensed alcohol and drug counselor or as a licensed clinical supervisor unless such person holds the appropriate license issued under this chapter.

III. A person who violates the provisions of this section shall be guilty of a ***class A*** misdemeanor ***if a natural person, and guilty of a felony if any other person,*** and each violation shall be deemed a separate offense. The board may enforce the provisions of paragraph II by seeking injunctive relief from the superior court.

6 New Paragraph; Professional Geologists; Increased Penalties. Amend RSA 310-A:135 by inserting after paragraph VII the following new paragraph:

VIII. Any person who shall practice or offer to practice as a professional geologist in this state for others without being licensed in accordance with this subdivision shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if a business organization.

7 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill increases penalties in certain professions.

2005-0365h

Amendment to HB 625-FN-LOCAL

Proposed by the Committee on Public Works and Highways - R

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

AN ACT authorizing borrowing from the state revolving loan fund for the Winnepesaukee River Basin project.

Amend the bill by replacing section 1 with the following:

1 Winnepesaukee River Basin Control; Expenditures; State Revolving Fund Borrowing Added. Amend RSA 485-A:49, I to read as follows:

I. With the approval of the governor and council, the department may use state, federal or other funds accruing to the department ***and funds borrowed from the state water pollution control and drinking water revolving loan fund established under RSA 486:14*** for the acquisition of existing sewage or waste treatment facilities, design and construction of new sewage or waste treatment facilities, alteration, improvement or additions to existing sewage or waste treatment facilities, pumping stations and intercepting sewers, inclusive of operation and maintenance of same; the terms operation and maintenance of treatment facilities shall include maintenance of all buildings, equipment, supplies, and administrative costs associated with the management of the treatment facilities, and for such other purposes as may be involved in the operation of an effective regional pollution control program. The department may purchase, take and hold for the state such materials, lands, easements and rights-of-way as may be required for the purposes of this subdivision. If the department is unable to purchase lands, easements or rights-of-way at what is deemed reasonable compensation, the department shall request the governor and

council to appoint a commission to assess the damages sustained by the owner, and thereupon proceedings shall be conducted in the same manner and in accordance with provisions of RSA 230.

AMENDED ANALYSIS

This bill authorizes borrowing from the state water pollution control and drinking water revolving loan fund for the Winnepesaukee river basin sewage treatment project.

2005-0391h

Amendment to HB 644-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 18 with the following:

18 Compliance With Contracts. Amend RSA 228:5-a to read as follows:

228:5-a Compliance With Contracts.

~~[I.] The performance of contracts for all state *transportation* projects [costing over \$25,000] shall be inspected to assure compliance with the plans and specifications. The department shall require inspection service by one of the following methods: (a) by the registered architect or professional engineer or his representative, (b) by qualified personnel of [the state agency, institution or department concerned] *a professional construction inspection company*, or (c) by personnel of the department of transportation. [Prior to the execution of a contract for a state project, the department shall notify the state agency, institution or department concerned which method of inspection shall be followed.~~

~~II. The department or its agent shall periodically give to the using agency or institution signed statements that the contract is being executed according to specifications including a final statement that the project has been completed in accordance with the specifications.~~

~~III. Manifests for such payments shall be made and signed by the using agency, department, or institution. Manifests for final payment shall certify that inspections have been carried out, that the project has been completed in accordance with the specifications and contract, and that it has been accepted. Such manifest shall be certified by the department that the progress reports furnished by the department are correct and that inspections have been made and the provisions of the plans and specifications have been carried out.]~~

2005-0356h

Amendment to HB 651-FN-LOCAL

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

Amend RSA 454-B:5, II(b) as inserted by section 5 of the bill by replacing it with the following:

(b) \$15 of each fee collected under this section for any notice of lien or certificate or notice affecting the lien, to the secretary of state for the purposes specified in this chapter.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-10 to read as 8-11, respectively:

7 New Section; Transition; Method of Communication. Amend RSA 454-B by inserting after section 8 the following new section:

454-B:9 Method of Communication. The filing officer shall accept liens described in this chapter in the method or medium authorized by the filing office in accordance with RSA 382-A:9-501-529, inclusive.

2005-0414h

Amendment to HB 662-FN-A

Proposed by the Committee on Children and Family Law - R

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

1 Appropriation for Family Support Services. The sum of \$210,000 is hereby appropriated for the fiscal year ending June 30, 2006, and the sum of \$210,000 is hereby appropriated for the fiscal year ending June 30, 2007, to the department of health and human services for the purposes of the family mutual support system under RSA 126-P. Specifically the funds shall be used for programs that provide some or all of the following services: education of family members; education of the public; education designed to reduce stigma related to mental illness; an information and referral line; a resource library; or a website. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 New Paragraph; Family Mutual Support Organizations; Definition Added. Amend RSA 126-P:1 by inserting after paragraph II the following new paragraph:

II-a. "Family mutual support organization" means a nonprofit corporation which provides family to family education and support to families of individuals with mental illness and to the individuals themselves and the provision of public education to reduce the stigma associated with mental illness and other family mutual support services enumerated in RSA 126-P.

2005-0314h

Amendment to HB 670-FN-A

Proposed by the Majority 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 the land and community heritage investment program.

Amend the bill by replacing section 1 with the following:

1 Appropriation; Land And Community Heritage Investment Program. The sum of \$4,000,000 for the fiscal year ending June 30, 2006, and the sum of \$6,000,000 for the fiscal year ending June 30, 2007, are hereby appropriated to the trust fund for the New Hampshire land and community heritage investment program established in RSA 227-M:7. These appropriations are in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates \$4,000,000 for the fiscal year ending June 30, 2006 and \$6,000,000 for the fiscal year ending June 30, 2007 to the trust fund for the New Hampshire land and community heritage investment program. This bill also allows loans to be made to eligible applicants for financial assistance under the land and community heritage investment trust program.

2005-0284h

Amendment to HB 681-FN

Proposed by the Committee on Health, Human Services and Elderly Affairs - C
Amend RSA 151:6-a as inserted by section 3 of the bill by replacing it with the following:

151:6-a Annual Inspection. The department of health and human services shall make at least one annual unannounced inspection of every facility licensed under this chapter. For residential care facilities, defined in RSA 151:2, I(e), the inspection shall include a review of the programs and services offered in the facility to assure that the facility is in compliance with its current level of licensure, and a survey of the most recent individual resident needs determinations where such surveys are not done under the survey and certification process for Titles XVIII and XIX of the Social Security Act, as amended, to assure that the facility and its programs and services are appropriate to the needs of the residents. Inspection results shall be provided as a written report which distinguishes between those findings that do, and those which do not, indicate a pattern of care, or which demonstrate over the period of at least 2 inspections, a trend in the care of residents or management of the facility which has the potential for adversely affecting the health of the residents. The results of this inspection and any later inspection shall be posted in a conspicuous place in the facility in the manner determined by the commissioner of the department of health and human services. The results so posted shall indicate the facilities and services inspected and the results for each such facility or service. This section shall not apply to acute care general hospitals when the department and the joint committee for accreditation of hospitals have agreed on joint inspection standards. ***If a residential care facility has been inspected and is found to be deficiency-free for 2 consecutive years it shall be granted a one-year waiver from the provisions of this section; provided, that the facility is not the subject of a founded complaint investigation under RSA 151:6, the facility remains under the same administrator who is responsible for the day-to-day operation of the facility, and the facility remains under the same director of nursing if there is a director of nursing.***

AMENDED ANALYSIS

This bill allows residential care facilities to establish proceedings for a quality assurance program. The bill authorizes the department of health and human services to provide training for persons who own or work in a residential care facility. This bill also grants a one-year waiver from annual inspections to certain facilities under certain conditions.

Amendment to HB 686-FN
Proposed by the Committee on Judiciary - R

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

1 New Chapter: Judicial Branch Family Division. Amend RSA by inserting after chapter 490-C the following new chapter:

CHAPTER 490-D
JUDICIAL BRANCH FAMILY DIVISION

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

490-D:2 Jurisdiction. Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:

I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children except for concurrent jurisdiction with the district court to enter temporary detention orders under RSA 169-B:11, III and 169-B:12, IV(b).

IV. Actions under RSA 169-C, relating to abused and neglected children except for concurrent jurisdiction with the district court to enter orders under RSA 169-C:6, VI and RSA 169-C:6-a.

V. Actions under RSA 169-D, relating to children in need of services except for concurrent jurisdiction with the district court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA 169-D:10.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children in abuse and neglect cases pursuant to RSA 169-C, termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of minors pursuant to paragraph VIII. Jurisdiction over private, agency, and international adoptions shall remain with the probate court.

VIII. The guardianship of the person of minors. In cases involving the guardianship of both the person of a minor and the estate of the same minor, jurisdiction shall remain with the probate court.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490-D:3 Equity Jurisdiction. Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the judicial branch family division at any time, but nothing contained in this section shall be construed as limiting the power of the judicial branch family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490-D:4 Sites. The judicial branch family division shall operate at the following sites and such other sites as the supreme court, from time to time, determines, covering the following districts as delineated in RSA 502-A:1, except as otherwise indicated:

Grafton County

I. The courthouses in Grafton county which will house the judicial branch family division shall be the court facility in North Haverhill, the Plymouth District Court, the Littleton District Court, and the Lebanon District Court.

II.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the court facility in North Haverhill.

(b) Matters arising in municipalities located within the Plymouth-Lincoln district shall be heard in the Plymouth District Court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton District Court.

(d) Matters arising in municipalities located within the Lebanon-Hanover district shall be heard in the Lebanon District Court.

Rockingham County

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, and the Derry District Court.

IV.(a) Matters arising in municipalities located within the Portsmouth district, the Hampton district, and the towns of Newfields, Newmarket, and Stratham shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Auburn district (except for the towns of Deerfield, Northwood, Nottingham, and Raymond) and the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district (except for the towns of Newfields, Newmarket, and Stratham), the Plaistow district, and the towns of Deerfield, Northwood, Nottingham, and Raymond shall be heard in the court facility in Brentwood.

Coos County

V. The courthouses in Coos county which will house the judicial branch family division shall be the Colebrook District Court, the Berlin District Court, and the court facility in Lancaster.

VI.(a) Matters arising in municipalities located within the Colebrook district shall be heard in the Colebrook District Court.

(b) Matters arising in municipalities located within the Berlin-Gorham district shall be heard in the Berlin District Court.

(c) Matters arising in municipalities located within the Lancaster district shall be heard in the court facility in Lancaster.

Carroll County

VII. The courthouses in Carroll county which will house the judicial branch family division shall be the court facility in Ossipee and the District Court for northern Carroll County.

VIII.(a) Matters arising in municipalities located within the district for southern Carroll county shall be heard in the court facility in Ossipee.

(b) Matters arising in municipalities located within the district for northern Carroll county shall be heard in the District Court for northern Carroll County.

Sullivan County

IX. The courthouses in Sullivan county which will house the judicial branch family division shall be the Newport District Court and the Claremont District Court.

X.(a) Matters arising in municipalities located within the Newport district and the New London district in Merrimack county shall be heard in the Newport District Court.

(b) Matters arising in municipalities located within the Claremont district shall be heard in the Claremont District Court.

Strafford County

XI. The courthouses in Strafford county which will house the judicial branch family division shall be the Dover District Court and the Strafford county court facility in Dover.

XII.(a) Matters arising in municipalities located within the Dover-Somersworth-Durham district shall be heard in the Dover District Court.

(b) Matters arising in municipalities located within the Rochester district shall be heard in the Strafford county court facility in Dover.

Belknap County

XIII. The courthouse in Belknap county which will house the judicial branch family division shall be a facility located in Laconia, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XIV.(a) Matters arising in municipalities located within the Laconia district shall be heard in the judicial branch family division facility in Laconia.

(b) Matters arising in the towns of Sanbornton and Tilton shall be heard in the Franklin District Court in Merrimack county.

Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, and the Merrimack District Court.

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire county.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the Concord District Court in Merrimack county.

Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district, the Henniker district, and the Hillsborough district shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan county.

Cheshire County

XIX. The courthouses in Cheshire county which will house the judicial branch family division shall be the Jaffrey-Peterborough District Court and a facility located in Keene, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XX.(a) Matters arising in municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court

(b) Matters arising in municipalities located within the Keene district shall be heard in the judicial branch family division facility in Keene.

490-D:5 Implementation Plan. On the effective date of this chapter, the judicial branch family division shall be operational in Grafton and Rockingham counties. For the remaining counties, the judicial branch family division shall be made operational by order of the supreme court, generally in the order listed in RSA 490-D:4.

490-D:6 Judges and Marital Masters. The supreme court shall select and designate certain district and probate court judges as judicial branch family division judges and certain superior court marital masters as judicial branch family division marital masters. The designation of judges shall be based upon the judge's knowledge of, commitment to, and expertise in family law matters. The number of judicial branch family division judges and marital masters shall be based upon a review of anticipated caseload, population, judicial time and efficiency, available judicial resources, and other relevant criteria, including information from the weighted caseload system. When the judicial branch family division is fully implemented, all superior court marital masters shall be designated as judicial branch family division marital masters.

490-D:7 Nominations and Appointments of Marital Masters.

I. The administrative judge of the judicial branch family division shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

490-D:8 Qualifications of Marital Masters.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge.

490-D:10 Referee. The judicial branch family division, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall so commit any other cause or the determination of any other question of fact.

490-D:11 Staff. The supreme court shall identify a mechanism by which to assign and transfer such existing staff in the superior, district, and probate courts as is necessary to operate the judicial branch family division. Where possible, staff performing functions related to the jurisdiction of the judicial branch family division shall be transferred into similar positions in the division. The number of judicial branch family division staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-D:12 Judicial Branch Family Division Clerks. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within

the superior, district, and probate courts. Judicial branch family division clerks shall hold office during the pleasure of the administrative judge of the judicial branch family division.

490-D:13 Alternative Dispute Resolution. In implementing the judicial branch family division, the supreme court shall utilize alternative dispute resolution to reduce the adversarial nature of proceedings involving families. RSA 458:15-a shall be applicable to cases in the judicial branch family division.

490-D:14 Statutory References. During the implementation of the judicial branch family division, references in statutes involving the jurisdiction of the division to the superior, district, or probate courts shall be deemed to include the judicial branch family division. Following the full implementation of the division, those references shall be deemed to be to the judicial branch family division where it has exclusive jurisdiction of a subject matter and to the superior, district, or probate court and the judicial branch family division where the judicial branch family division has concurrent jurisdiction with one or more of those courts.

2 Designation of Part-time District Court Justice as Full-time District Court Justice. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, ***the needs of the judicial branch family division***, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

3 Designation of Part-time Probate Court Judge as Full-time Judge. RSA 491-A:4, IV is repealed and reenacted to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

4 New Paragraph; Venue; Notice; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

5 Repeal. The following are repealed:

- I. RSA 490:33 – 490:35, relative to the family division.
- II. RSA 491:20-a – 491:20-c, relative to marital masters.

6 Effective Date.

- I. Paragraph II of section 5 of this act shall take effect July 1, 2005 at 12:01 a.m.
- II. The remainder of this act shall take effect July 1, 2005.

2005-0387h

Amendment to HB 692-FN-LOCAL

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

Amend the bill by replacing section 1 with the following:

1 Place of Commitment; Expenses of Protective Custody. Amend RSA 30-B:15, II to read as follows:

II. ***For any person sentenced to a single term of imprisonment of up to one year***, the expense of lodging persons in a county correctional facility under the protective custody of a peace officer under RSA 172:15 or RSA 172-B:3 shall be a charge upon the county. ***For persons***

sentenced to consecutive one-year terms, the expense of lodging under this paragraph for any period of time greater than one year shall be a charge upon the state.

AMENDED ANALYSIS

This bill requires the state to pay expenses of lodging persons in county department of corrections facilities for any time period greater than one year for persons who are sentenced to consecutive one-year terms.

2005-0355h

Amendment to HB 697-FN

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

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

AN ACT establishing a commission to study medicaid reimbursement rates for pharmacy providers.

Amend the bill by replacing section 4 with the following:

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

Amend the bill by replacing all after section 5 with the following:

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

AMENDED ANALYSIS

This bill establishes a commission to study medicaid reimbursement rates for pharmacy providers.

2005-0360h

Amendment to HB 698-FN

Proposed by the Committee on Judiciary - R

Amend RSA 188-F:31, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If, pursuant to a negotiated plea, a case as described in paragraph I is placed on file with a finding of guilty, the amount of \$50 per offense shall be collected and shall be divided and designated as follows: 75 percent of the amount collected to the police standards and training council training fund and 25 percent to the victims' assistance fund as provided in paragraph IV unless the judge finds that the provisions of paragraph V apply.

AMENDED ANALYSIS

This bill changes the assessment method for the penalty assessment when a judge suspends all or all or part of the fine to apply the penalty assessment to the original fine amount.

The bill also establishes a new \$50 penalty assessment on certain cases which are placed on file with a finding of guilty, pursuant to a negotiated plea.