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. Friday, April 1, 2005 No. 25
Contains: Reports and Amendments for April 6, Hearings, Meetings and Notices

HOUSE CALENDAR

NOTICE

The House will meet on **Wednesday, April 6th** at 10:00 a.m.

Chairmen and Vice Chairmen will meet on **Tuesday, April 5th** at 9:00 a.m. in Room 203, LOB.

W.
Douglas
Scamman,
Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **April 6th** at 9:15 a.m. in Representatives Hall.

Rep.
Michael
O'Neil,
Majority
Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **April 6th** at 8:30 a.m. in Rooms 302-304 of the Legislative Office Building.

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 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

PROPOSED HOUSE CONCURRENT RESOLUTION TO ESTABLISH JOINT RULES

A RESOLUTION establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

SPONSORS: Rep. W.D. Scamman, Sen. Eaton

ANALYSIS

This house concurrent resolution establishes joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Five

A RESOLUTION establishing joint rules for committees of conference for the 2005 and 2006 session of the New Hampshire general court.

Resolved by the House of Representatives, the Senate concurring

That the general court of New Hampshire hereby declares that whenever there is any disagreement between the house and the senate on the content of any bill or resolution both bodies may agree separately to establish a committee of conference subject to the following joint rules:

(a) Except as provided below, the speaker of the house of representatives shall appoint 4 members to the conference committee and the president of the senate shall appoint 3 members to the conference committee.

(b) The committee of conference on the operating budget shall consist of 5 house members and 4 senate members.

(c) The number of members of the committee of conference on any bill may be increased or decreased if the president of the senate and the speaker of the house agree jointly.

(d) A unanimous vote by all members of the committee of conference shall be necessary for a report to the house and the senate by the committee of conference.

(e) A member of a committee of conference who has been removed and replaced with another member shall have his or her name appear on the committee of conference report with a strike-through showing the individual is no longer a member of the committee of conference.

(f) The first-named person from each body shall be the chairperson of the conferees from that body. In the house a committee of conference report analysis shall be prepared by the first-

named house member on each conference committee and shall be printed in the house calendar. A committee of conference report may be placed on the house consent calendar only by a unanimous vote of all house conferees.

(g) The first-named person from the body where the bill or resolution in disagreement originated shall be the chairperson of that committee of conference and shall have the authority to call the time and place for the first meeting of the committee of conference on such bill or resolution.

(h) Any convening of more than 1/2 of the members of a committee of conference that includes at least one member of the house and one member of the senate shall be open to the public and all persons shall be permitted to attend.

(i) A convening of the house members of a committee of conference or of the senate members of a committee of conference is not subject to the open meeting requirement contained in (h).

(j) The sponsor of any bill or resolution referred to a committee of conference shall, upon his or her request, be granted an opportunity to address the committee of conference prior to action on the bill or resolution.

(k) A committee of conference may neither change the title of any bill submitted to the committee of conference nor add amendments which are not germane to the subject matter of the bill as originally submitted to the committee of conference. For the purposes of this rule, a non-germane amendment is any subject matter not contained in either the house or the senate version of the bill.

(l) Non-germane amendments, sections, and footnotes to either the general appropriation bill or the capital budget bill (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited. The committee of conference on the general appropriation bill may propose new items for inclusion in the bill but no such item may be so included unless and until it is returned to both the senate and the house and adopted in identical form by a majority vote in each body.

(m) No action shall be taken in either body on any committee of conference report earlier than some subsequent day after the report has been delivered to the seats in the house or placed on the members' desks in the senate.

(n) After a committee of conference report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of the committee of conference.

LAID ON TABLE

HB 98, relative to law enforcement authority under the safe schools act. (Pending question is the adoption of the committee amendment.)

HB 219, relative to permitting audio and video recording on school buses. (Pending question is the adoption of the committee report of ought to pass with amendment.)

HB 563-FN-A, increasing the tobacco tax. (Pending question is the adoption of the majority committee report of inexpedient to legislate.)

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

HOUSE DEADLINES

Thursday, April 7, 2005	Last day to report all House bills for action in 1st 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 1st 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, APRIL 6

REGULAR CALENDAR

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 66, regulating mandatory overtime for nurses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say no if asked to stay longer than his/her regularly scheduled shift without being disciplined. The committee received information showing that when nurses worked longer than 12 hours the chances of making medical error increased. The bill also allows an employer to enter into a written agreement with employees wishing to be exempted from this legislation and submitting those agreements to the Department of Labor. **Vote 11-3**.

HB 217, relative to liability of third persons under workers' compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Labor, Industrial and Rehabilitative Services: The committee believed this bill places an extra burden on the injured worker and attempts to dictate to the judiciary how to handle workers compensation cases. It strikes from the statute the judge's ability to handle cases "as justice may require" and essentially ties their hands. This bill effectively boxes the judge in and does not allow him or her the flexibility or discretion needed as workers compensation cases often need. Workers' compensation all have different circumstances and should be dealt with on a case-by-case basis. This bill is the result of one court case where an insurance company lost and didn't agree with the unanimous decision of our Supreme Court. The bill is the insurance company's attempt to remedy its loss through legislation. The committee felt this one case does not merit legislation. **Vote 11-2**.

HB 350, relative to enforcement of the labor protection statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N.S. Holden for Labor, Industrial and Rehabilitative Services: This is a "housekeeping" bill brought to the committee by the Department of Labor. The bill allows the Commissioner to hold hearings and investigate charges of violation of the labor protection laws. In addition, the proposed legislation allows employers to recover accidental wage overpayment provided that both parties agree to the stipulations. Finally, the legislation provides for continuity with other penalty provision within labor laws. **Vote 10-5**.

HB 665-FN-LOCAL, relative to the applicable minimum wage for hourly employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This was a good compromise that most people could live with. The amendment would give a one dollar increase after two years. Fifty cents September 1, 2005 and fifty cents September 1, 2006. The committee heard a wide range of testimony and felt it was time. **Vote 11-2**.

LEGISLATIVE ADMINISTRATION

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature. **OUGHT TO PASS**

Rep. Betsy McKinney for Legislative Administration: In the past century, mileage rates for the state plan have been addressed and increased to keep pace with costs every 10 years. However, after 1979 when they set the current rate, 38 cents per mile and 19 cents per mile in excess of 45 miles, no one

looked at the issue in 1989 or 1999. We heard testimony that this poses a real hardship for those who come to Concord from the North Country or those that stay overnight. The bill changes the mileage rate to 76 cents per mile and 38 cents per mile, and makes it effective in the next session, January 1, 2007. We did hear testimony that the rate adjusted for inflation really should be 99 cents per mile, but the committee declined that amount and the legislature can look at it again in 2009. **Vote 10-1**.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day. **OUGHT TO PASS**

Rep. Paul C. Smith for Legislative Administration: The Boy Scouts of America is an organization that on February 5, 2005 turned ninety-five-years old. In those 95 years, scouting has made great leaders out of boys including astronauts, presidents, actors, businessmen, philanthropists-the list goes on and on. While some view the Boy Scouts as discriminatory, it remains a private organization that has withstood countless legal battles with the ultimate goal of instilling morals and character in its membership. This resolution has bi-partisan support, as it should, because Scouts come from all walks of life, regardless of party, station, etc. This resolution does one thing, commends the Boy Scouts for one day. That does not seem unacceptable. **Vote 7-4**.

MUNICIPAL AND COUNTY GOVERNMENT

HB 90, relative to private driving instruction and exhibition facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the **Majority** of Municipal and County Government: The bipartisan majority feels that this bill does not need further action by this legislature. The issue that precipitated this bill was legislative intervention last session. This committee strongly feels that this is a local issue and the committee will not play the role of arbiter. The fact that the legislature intervened last year has absolutely nothing to do with the substance of the matter. This issue needs to be addressed at the local level with all the tools that the legislature has given those local communities to deal with any and all land use issues at the local level. Due process will provide for any appeal if that is deemed appropriate or necessary. **Vote 14-5**.

Rep. Nancy K. Johnson for the **Minority** of Municipal and County Government: The committee heard overwhelming public testimony in support of HB 90. This bill repeals RSA 287-G enacted last year, which exempts "private driving instructions and exhibition facilities" from municipal regulation under RSA 31:41-a and RSA 31:42. The bill is not about Tamworth. While last year's changes were advocated by representatives of the proposed Tamworth race track and had the most immediate impact there, they removed the ability of any municipality to apply a local race track ordinance. The minority believes that it is a dangerous precedent for the legislature to take away local control. Passing HB 90 would restore local control which is so vital to the New Hampshire way.

HB 233-FN-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the **Majority** of Municipal and County Government: The town of Langdon is the smallest community with the Fall Mountain Regional School District. However, the regional high school was built in that town and based on the requirement that law enforcement within a town is implemented through and the responsibility of the local police department, there is disagreement among the towns that are part of the school district as to whether the town of Langdon has the full responsibility for paying for the law enforcement for the high school. A temporary solution was found when a school resource office was funded through a Cops Grant from the federal government. Now that this program is in its fourth year, the disagreement regarding the funding of a law enforcement officer is coming back. This bill proposes to require that the municipalities within the school district reimburse the town of Langdon for not less than 180 days during the school year at a rate of $300 per diem. Whenever this type of requirement is made by the state to a local situation the unfunded mandated provision in our constitution in Part I Article 28-a must be considered. The committee urges the local governing bodies to resolve this disagreement so the students' safety and well-being will be constant. **Vote 14-4**.

Rep. Peter B. Schmidt for the **Minority** of Municipal and County Government: Ideally, arrangements for mutually beneficial services should be paid for on a fairly shared basis, and the agreement should be negotiated voluntarily among the affected parties. When, in the real world, a majority among such parties refuses to negotiate and unfairly leaves the payment of the said services to the minority, it is not inappropriate for a higher authority to intervene and compel a mutually and fairly shared arrangement. That was the premise of HB 233-FN-L. A minority of the

committee members agreed with the bill's concept and would have preferred to see the state involve itself in reaching an equitable solution.

HB 305, relative to amended warrant articles on official ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nancy K. Johnson for the **Majority** of Municipal and County Government: The bill would require that in every official ballot municipality, any warrant article that is amended at the deliberative session, both the original and the amended article, would be put on the ballot. The result of this would mean that potentially the number of warrant articles before the voters would double. The voters would be confronted with the volume of conflicting articles. In addition when municipalities voted in the official ballot, they did so with the understanding that warrant articles could be amended at the deliberative session. To change this would mean we would be changing a basic principle of official ballot municipalities. **Vote 10-7**.

Rep. Laurie J. Boyce for the **Minority** of Municipal and County Government: In an official ballot town, a warrant article may be changed during the deliberative session that is not well attended due to a variety of reasons – when the meeting is held, the length of the meeting and the lack of involvement at the local level. The idea of having an official ballot referendum type of government was to get more voters involved in the process. It dramatically increased the attendance at the polls, but not attendance at the deliberative session. Now during that session a warrant article can be totally changed to have the opposite meaning of the original warrant article. This bill would require that both articles - the original and the amended version - be place on the ballot with a place to mark the voter's preference beside each question. The minority feels that having both articles on the ballot would create a better situation and not disenfranchise the voters.

HB 417, relative to petitions for municipal charter revisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John P. Dowd for the **Majority** of Municipal and County Government: This bill would lower the bar for the number of signatures needed for the revision of or initiation of a town charter form of government from 20% of the number of votes cast in the last regular municipal election to 500 signatures. There is nothing more sacred than the form of government of a community and there is a lot of time and dollars involved in a charter revision. The number of signatures should be difficult enough so that it can not be done without due diligence. **Vote 14-3**.

Rep. Paul R. Hopfgarten for the **Minority** of Municipal and County Government: This bill would set a maximum number of signatures required for charter amendments or charter commissions. Whereas warrant articles have a maximum number of signature (25) needed to place on the warrant, it was felt by the minority that having a maximum of 500 signatures of registered voters for a charter change was reasonable and prudent. The current law of 20% of the voters in the last municipal election is a volatile standard which could fluctuate significantly year to year. This bill does not change the fact that voter approval is still necessary at a separate election to approve any changes to a charter, and 3 votes are needed to affect a new charter; one to approve a commission, one to elect said commission, and one to approve the new charter. This bill sets an equitable standard for securing petition signatures

PUBLIC WORKS AND HIGHWAYS

HB 314-FN, requiring public restrooms in the division of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Smith for Public Works and Highways: This bill was an important topic of discussion for this committee and one that was not taken lightly. The bill requires public restrooms in all Department of Motor Vehicle buildings around the state. While the majority did not disagree with adding restroom facilities to the premises, at this time it is not appropriate or fiscally sound. During the hearing and afterward, committee members asked very tough questions of the Department of Safety. Since the hearing, the department has agreed that in the future, when planning to lease a facility, they will not consider any location without restroom facilities available to the public. Of the existing Department of Motor Vehicle facilities, a few share the building with State Police barracks and the department testified that to open the restrooms would allow the public to enter restricted areas and to fix this problem in those barracks could cost between 50,000 to 100,000 dollars or more in each case. In addition, several facilities that had public restroom facilities were forced to close them due to extreme vandalism and the cost of repair. The debate over this bill was not whether it should pass; it was over retention, or inexpedient to legislate, with the minority of the committee contending that to have legislation on hand would hold the department accountable. The majority of

the committee believed that just as the department was willing to comply with the notion to not consider any new locations or leases without a restroom facility, so will they be willing to comply with other ideas such as listing facilities with restrooms on all renewal notices and such. Again, this committee took a hard look at this bill and asked the questions that needed to be asked and we believe that the department is willing to change its practices without legislative mandate. **Vote 10-7**.

RESOURCES, RECREATION AND DEVELOPMENT

HB 69, relative to property rights and large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill as amended makes changes in the large groundwater withdrawal permits process to improve its transparency for the benefit of both the applicant and municipalities in which the withdrawal is to occur. Communications are improved and a public hearing is established at the point when all relevant information on the application has been submitted by all parties. The bill also corrects inconsistencies between this permitting process and other water permits by providing for appeal of department decisions through the water council. **Vote 18-1**.

HB 322-FN, relative to the registration fees and requirements for snow traveling vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. David P. Currier for Resources, Recreation and Development: Under current law both residents and non-residents receives a $30.00 discount on the registration fee of their snowmobiles each year, if they are a member of one of the 120 NHSA affiliated clubs. This law was passed in 2002 to encourage club membership which now provides annually some 56,000 hours of volunteer labor to maintain over 6,900 miles of groomed snowmobile trails in the state and helps fund the club's share of the grant-in-aid programs which split the cost of grooming equipment with the state. A 2003 study by Plymouth State University determined that snowmobile parties directly spent about $453 million dollars each year, with the total impact from all snowmobile related spending of almost $1.2 billion. Without this income many north country businesses would suffer during the winter months. In 2003 and 2004, attempts were made to repeal this law which were soundly defeated in the House. Because of the success demonstrated by this New Hampshire snowmobile program, the states of New York, Michigan, and Wyoming are trying to follow our example. **Vote 14-4**.

HB 419, relative to the Mount Sunapee ski area boundary and lease terms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the **Majority** of Resources, Recreation and Development: This bill would suspend any action on the proposed expansion of the Mt. Sunapee State Park Lease until a study committee files a report on November 1, 2006. The legislature in 1997 authorized a lease of the ski operations at Mt. Sunapee to a private operator and gave oversight of the lease to the Department of Resources and Economic Development (DRED) and the Governor and Council. The majority of the committee supports ITL because we are convinced that any proposed changes in the ski area lease should remain with DRED and the Governor and Council following the recommendation of the Department of Resources and Economic Development as outlined in the original lease. **Vote 12-9**.

Rep. Dennis F. Abbott for the **Minority** of Resources, Recreation and Development: This bill seeks to resolve an issue regarding the intent of the legislature when it authorized the lease of the Mount Sunapee ski area. It is the belief of the Minority that the legislature did not grant to the Department of Resources and Economic Development the ability to approve the expansion of operations beyond the existing ski area described in the lease and operating agreement, nor did the legislature contemplate any expansion that would primarily benefit a private real estate development. Rather, the type of expansion contemplated by the legislature was one that would benefit the general public. The Minority does not dispute the testimony that Okemo Mountain, Inc. has operated Sunapee in a profitable manner, and has no issue with any associated housing development on private land. However, many individuals and organizations testifying before the committee questioned devoting state resources to benefit a private real estate development. The Minority maintains that legislative intent must be determined to ensure that the proper process is observed, and the rights and privileges of all our citizens wishing to use the park for multiple proposes are protected.

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. **INEXPEDIENT TO LEGISLATE**

Rep. David P. Currier for Resources, Recreation and Development: This bill would have established a committee to study the leasing of state-owned conservation land to private entities and prohibits any department, agency, or political subdivision of the state from initiating, altering, or executing a lease of state-owned conservation land to a private entity until the study committee has submitted its final report, or until November 1, 2006, whichever is later. The subject matter was so related to another piece of legislation before the committee (House Bill 419) that the committee decided to recommend Inexpedient to Legislate on this bill to concentrate its' efforts on House Bill 419. **Vote 19-0**.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 333, relative to the rights of citizens. **INEXPEDIENT TO LEGISLATE**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The majority of the committee believes that no matter how noble enough in concept this bill relative to the rights of citizens would have far reaching unintended consequences. The analysis of this bill affirms the right of the people of this state to choose their political status in human society. The bill also provides that no government shall exercise any compelled performance upon an American citizen. The majority believes that rather than expanding the rights of law abiding citizens, this is a mischievous bill that would work to the detriment of law-abiding citizens. **Vote 7-6**.

HB 520, relative to the USA Patriot Act. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The majority of the committee believes that the State of New Hampshire cannot nullify a federal law through a House Bill. This type of legislation should be done through a House Resolution. **Vote 10-3**.

TRANSPORTATION

HB 513, relative to motor vehicle inspection stations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: These are the changes the committee is recommending based on the contract that the state has entered into. 1.) There shall be either a telephone number or internet site by the Department of Safety reserved exclusively for citizen's complaints. 2.) No inspection station may charge more than $15 for the EPA OBD II test. 3.) The OBD inspection is required on any model year 1996 and newer, gasoline powered and model year 1997 and newer diesel. 4.) If a vehicle fails OBD test and passes all other inspection requirements, then it shall be issued a temporary waiver that permits its operation for 60 days, in order to make required repairs. Only one waiver shall be issued during its inspection cycle. If the cost of the required repairs is more than $250 as determined, the vehicle shall be issued an inspection sticker provided that a vehicle may not be issued more than two consecutive inspection stickers, and no sticker shall be issued after a third consecutive OBD II indication of failure. 5.) If a vehicle fails the OBD test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of failure. If the owner fails to inform the purchaser of the OBD failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney fees. 6.) An established OBD II advisory committee consists of three representatives, two senators, Director of the Division of Motor Vehicles of the Department of Safety, Attorney General or designee, one member of the N.H. Automobile Dealer Association, one member of the N.H. Motor Transport Association, one member of D.E.S. The committee shall review and approve any contracts between the state and any private entities relating to OBD II testing and oversee any contracts relating to OBD II. The department shall not enter into any contract for services relating to OBD II testing prior to approval of the committee. Exemptions: Motor vehicle stations that do less than 200 inspections per year. Stations that inspect motorcycles only, private fleet vehicles, and municipalities shall not be required to pay any fee to a private entity for inspection related services pursuant to any contract executed by the state or the Department of Safety prior to the effective date of this act. **Vote 9-0.**

HB 679-FN-LOCAL, authorizing the electronic enforcement of traffic signal violations. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill will allow for the authorization of electronic enforcement of traffic signal violators. A city or town having a population of more than 20,000 can request video enforcement at its traffic signal intersections. There will be posted warnings not more than 300 feet from the location of electronic monitors. The camera will take a picture of the number plate of the offending vehicle. The person to whom the vehicle is registered will be issued a citation. The citation shall be accompanied by a notice with date, time, and location of incident along with name, address and numbers to request a copy of the photographic evidence. If an owner can prove

he or she is not responsible for the violation the citation shall be withdrawn. The fine shall not be deemed a conviction on a driving record and shall not be used to assign demerit points. Fifty percent of fines collected shall be remitted to the city or town with these systems. While some intersections could stand improving, we have all witnessed numerous occasions of drivers speeding up on "amber lights" only to be running a red light. Red light runners put everyone at risk. They carry their fair share of statistics on near misses and accidents. Therefore, the committee supports the use of cameras to assist law enforcement to make all roads safer. **Vote 14-0**.

HB 705, relative to passenger restraints. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required all persons, drivers and passengers 18 years of age and older, to wear passenger restraints which are fastened and properly adjusted at all times. The prime sponsor considered the offense as secondary. Just about everyone that spoke about this issue was throwing statistics around, whether they were for or against the bill. What the committee did hear was that most adults wear their seat belts. Thus they felt that it should still be their decision. They were also concerned about how long before this became a primary offense. One visual survey done has New Hampshire at 63.4 percent. That is almost as good as our neighboring states that have passenger restraint laws. **Vote 12-2**.

WAYS AND MEANS

HB 51, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for the **Majority** of Ways and Means: This bill does not impose any type of luxury tax or any other type of tax. It simply establishes a committee to study the feasibility of some type of luxury, entertainment, or amusement tax in the future. The need for new revenue sources is something we are likely to face every session. Who can deny that reality? With an income and sales tax off the table and with business taxes "maxed" out, the number of options for raising significant revenues is extremely limited. Conceivably, a future legislature might need to consider some type of luxury tax. If so, that body should not go forward in the dark. This study committee will develop valuable information. For example, during the hearing on this bill, an opponent acknowledged that the state of Vermont applies its six percent sales tax to ski tickets. Some veteran House members may recall that during the crisis facing the state in 1999, the Finance Committee actually considered some type of luxury or entertainment tax. During an emergency Friday afternoon session, Representatives Hall was the scene of a lengthy hearing. Opposition was strong, and the committee was operating in a vacuum. Had we then had the benefit of information a study committee of this type would have generated, we would have been better off. Rest assured, a luxury tax does not have to mean a boat tax, an idea which proved such a folly at the federal level a decade ago. It could mean anything from an assessment on a $100 Bette Midler ticket at the Verizon Center to one on one movie rentals, ski tickets, bowling frames, or any number of imaginative (and conceivably controversial) alternatives. To say no to such a study committee is to close our eyes to future needs and to ultimately bring us closer to having to accept a sales or income tax. Knowledge is power. Passage of this bill will increase both our knowledge and our power. **Vote 10-8**.

Rep. Peyton B. Hinkle for the **Minority** of Ways and Means: This bill directed the committee to study what items should be taxed as luxury items and what amusements should be taxed and the feasibility of imposing such taxes. This was viewed by the minority as the beginning of the descent down the slippery slope toward a general sales tax. A committee under former Governor Shaheen already studied the issue of a sales tax and concluded it would result in the loss of retail sales and jobs. A large percent of the retail sales occur in the southern end of the state and many sales are for high ticket luxury items. The retail trade would be seriously jeopardized by a luxury tax. Retailers considering location in the state would think twice if they were unsure how many items would be taxed as luxuries and the impact of the tax on sales volume. Since various forms of amusements, including skiing, provide an attraction for tourists, taxing them could cause a loss of business among owners who rely on a short season to make their profit. Other venues, such as those at the Verizon Center, would carry an extra tax burden. New Hampshire's image as a low tax state friendly to tourism could be tarnished by adding another tax on top of the room and meals tax.

HB 94-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Howie Lund for the **Majority of** Ways and Means: The committee considered the bill with an amendment which would provide a one cent (.01) discount to distributors on tobacco stamps effective July 1, 2006. This was voted down because the business involved had already adjusted its pricing models to accommodate the one cent loss. This bill if passed will decrease state unrestricted general fund revenue by $1,354,050 in FY 2006 and each year thereafter, and decrease restricted education trust fund revenue by $553,062 FY 2006 and each year thereafter. **Vote 10-6**.
Rep. Kevin L. Camm for the **Minority** of Ways and Means: This bill would restore the one cent per pack discount that wholesalers received for affixing tax stamps to cigarettes. That discount was removed in a committee of conference a few years ago. The minority felt that was an improper and unfair forum for such a policy change. Should the legislature desire to change the way it compensates those who provide a service for the state, it should do so by the same process as with any other bill. The amendment changes the effective date to July 1, 2006 so FY 2006 is not affected.
HB 453-FN, relative to boat launch access and parking without charge at Hampton and Rye harbors for persons 65 years of age or older. **INEXPEDIENT TO LEGISLATE**
Rep. Benjamin E. Parker for Ways and Means: This bill would have codified free boat launch access and parking for persons 65 years of age or older at these two harbor facilities only. Responsibility for these harbors was recently transferred from the Department of Resources and Economic Development (DRED) to the Pease Development Authority and at that time the fees were enforced. Upon research, it was determined that at no time had DRED been authorized to waive these fees. Further, the committee believes no compelling policy consideration warranted waiving these feels for this segment of the population. **Vote 16-3**.
HB 601-FN, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. **INEXPEDIENT TO LEGISLATE**
Rep. Benjamin E. Parker for Ways and Means: This bill included a number of policy issues related to education finance and vouchers in the form of scholarships. However, the committee focused only on the revenue policy aspect of the bill. The bill allowed the taxpayer a partial credit against taxes for amounts contributed to a "scholarship funding organization." This organization would then, at its discretion, grant scholarships to students with the understood purpose of defraying education tuition costs. Upon taxpayer initiative, the bill would have taken revenues otherwise bound for the general fund and dedicated them to an organization beyond the control and auspices of the legislature. Despite any other possible merits of this bill, the committee believes that diverting revenue from the general fund for this purpose and removing the legislature from the appropriation process is inappropriate policy. **Vote 15-0**.
HB 613-FN, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**
Rep. Peter H. Allen for Ways and Means: This bill would exempt from rooms and meals tax prepared food items sold by supermarkets. The concept came from an old court case, superseded by a 1985 Supreme Court decision, that the exemption of prepared take out food items sold in supermarkets was unconstitutional. **Vote 15-0**.
HB 671-FN-A-LOCAL, relative to an exemption from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**
Rep. Howie Lund for Ways and Means: This bill would exempt certain real estate transactions from the real estate transfer tax. The tax loophole proposed by this bill was closed by legislation a few years ago. At that time it was causing a loss of $4 million to $7 million in real estate tax revenues. With this loophole a lot of commercial properties would avoid the real estate tax. Twenty percent of the states real estate valuation is commercial property. Home ownership transferred from personal account to a family trust is not subject to the real estate transfer tax. Also, the majority of the committee felt this bill lacked clarity and would create interpretation problems for the DRA. The DRA estimated that the bills passage would again reduce revenues between $4 and $7 million per year. Further, the DRA stated there would be added staff and administrative costs associated with the bills passage. **Vote 12-6.**

BILLS REMOVED FROM CONSENT CALENDAR

COMMERCE

HB 717, prohibiting cancellation of property and liability insurance on the basis of certain political activities. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: The committee felt this bill was unnecessary as ample markets are currently providing this coverage. Present homeowner policies do not exclude coverage for political activities and umbrella liability policies generally follow form with its underlying policies. Although some companies specifically exclude political coverage due to their underwriting criteria or reinsurance limitations, coverage can usually be obtained by shopping other carriers. In addition to this, elected members of the legislature have constitutional protection while participating in the meetings of the legislature or its committees. **Vote 18-2**.

EDUCATION

HB 635, relative to education funding. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: At the request of the sponsor, the Education Committee took dispositive action on HB 635. The unanimous 18-0 committee vote to inexpedient to legislate is a clear indication of a lack of support for the funding method proposed by this bill. **Vote 18-0**.

ELECTION LAW

HB 270, relative to procedures of the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill, as amended, establishes requirements and procedures for disqualification of and recusal by legislative ethics committee members. Testimony received by the committee indicated that appropriate guidelines were not presently in place. The committee felt that this oversight should be corrected. **Vote 17-0**.

ENVIRONMENT AND AGRICULTURE

HB 371, relative to mercury reduction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzanne S. Butcher for Environment and Agriculture: This bill bans the disposal of mercury-added products in a landfill or transfer station, requiring that they be separated for recycling or disposal as a hazardous waste. Industry already has strict recycling requirements; this bill covers household products such as fluorescent tubes, batteries and thermometers. The amendment allows more flexibility for implementation and extends the effective date to January 1, 2006. This bill is in keeping with joint efforts in New England to remove mercury from the waste stream and is supported by the Department of Environmental Services. **Vote 17-0**.

JUDICIARY

HB 158, relative to the Auburn District Court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tony F. Soltani for Judiciary: This bill addressed three distinct issues with the district court. The Hampton and Exeter Courts are in a very difficult position. Their present location does not accommodate the space needs nor are the litigants and employees able to properly and efficiently carry on the business of the court. The bill temporarily locates the Hampton Court in a Seabrook facility and Exeter District Court in a facility in Seabrook. A permanent remedy is expected in the next three to four years. The Auburn District Court building is moldy, subject to leaks and flooding. The air quality is also substandard. The facility is also located in the southern most location of a district which is very inconvenient for most of the towns in the northern portion of the district. With the shifting population, the most central location of the district fall in Raymond or Candia. The bill places this court in either Candia or Raymond on a permanent basis with the ability to hold court in any town in the district form time to time. **Vote 16-0**.

LEGISLATIVE ADMINISTRATION

HB 536, relative to excluding deductions from compensation from all elected state, county, and local officials. **INEXPEDIENT TO LEGISLATE**

Rep. Anna Tilton for Legislative Administration: Although the committee felt there were some good points brought forward in the testimony, courts have determined that for purposes of compensation state representatives fall within the state guidelines for deductions to be withheld. The committee is retaining CACR 11, relative to the compensation of the legislature, and the committee agrees to also discuss the issue in this bill in conjunction with CACR 11. **Vote 8-2**.

HCR 9, commending the New Hampshire Fisher Cats on their championship. **OUGHT TO PASS**

Rep. Caitlin A. Daniuk for Legislative Administration: We want to commend the New Hampshire Fischer Cats. Baseball in Manchester helps show a commitment to family and how it has revitalized

Manchester's downtown. We want to congratulate the team based on its accomplishments for New Hampshire sports. **Vote 8-4**.

MUNICIPAL AND COUNTY GOVERNMENT

HB 537, relative to liens filed with public servants. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill would prohibit public servants from accepting or recording liens that did not comply with Part II, Article 87 of the NH Constitution. The hearing's opening was delayed for several minutes, but the committee was unable to find any of the bill's sponsors when the hearing started. It was kept open throughout the day. Having no testimony from any of the sponsors and unable to be clear about the bill's intent and the circumstances which prompted its initiation, the committee closed the hearing at 4pm on that day March 17th. **Vote 14-0**.

HB 710-FN, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65. **OUGHT TO PASS WITH AMENDMENT**

Rep Eric G. Stohl for Municipal and County Government: This bill as amended addresses two issues dealing with assessing practices. In the first instance it deals with the stipulation in RSA 75-8-a that municipal property values on all real estate shall be assessed at least every five years. Due to changes in the department of revenue's method of reviewing the assessing practices within municipalities statewide there needs to be an opportunity for a municipality to show that a full revaluation is not necessary based on the results of DRA's review indicating that the municipality is in compliance RSA 75:1 regarding market value for all their properties. In the second instance it deals with the adjustment of the equalized assessed value in the town of Roxbury. A tax exempt property was reported as a taxable property which increased the tax burden to the citizens of Roxbury. This legislation does not seek to reduce the value reported in error for the last three years but it does reduce the inaccurate value that was reported to DRA. **Vote 15-0**.

RESOURCES, RECREATION AND DEVELOPMENT

SB 23, relative to membership on the public water access advisory board. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill as amended adds a public member representing coastal or marine interests, appointed by the Governor and Council, to the Public Water Access Advisory Board. **Vote 17-2**.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 3, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding mistreatment and restrictions placed on Italian-American citizens of the United States during World War II. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The United States government has acknowledged the wartime campaign against Japanese-Americans and enacted a reparation law in August of 1988. For some reason, the Federal Bureau of Investigation refused to declassify 60-year old World War II documents of Italian-Americans. The committee felt that information released by the United States Department of Justice might not reveal the information that the sponsors of this resolution had hoped for. **Vote 13-0**.

HCR 5, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The unintended consequence of this bill would be to repeal the current 13th amendment abolishing slavery. This bill states "honorary" knighted individuals such as former presidents and generals shall be stripped of their citizenship. The original 13th amendment stated no such thing. The original 13th amendment gave consent of congress for such titles and honors. **Vote 13-1**.

HCR 6, urging Congress to enact legislation to make English the official language of the United States. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: In 1995 the State of New Hampshire passed a law making English the official language of the state. Almost all the comments during the executive session reinforced the importance of understanding and speaking the English language as a stepping stone to success. Encouraging speaking one's native language in the home was also felt to be important by the committee. One of the strengths of America has been the ability to communicate with one common language. Immigrating families to this country realized the

importance of speaking English as quickly as possible to get ahead both socially and economically. Those in the committee that voiced some concern with this resolution felt that the intent might be to only hear English spoken throughout our communities. The committee felt that multi-lingual abilities was an absolute gift that if a person had, could not be taken away. This resolution simply states that English should be the common language for communicating in the United States. **Vote 11-0**.

HCR 7, urging the United States Congress to establish and review the current drug policy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara E. Shaw for State-Federal Relations and Veterans Affairs: Despite government efforts in the War on Drugs over three decades, spending ½ trillion dollars, the stated objective of a drug free America has not been achieved. Although efforts are extensive, in these times of limited fiscal resources it is important to review the billions spent for re-evaluation of effectiveness and justification. It is time for Congress to establish a task force to review its policies and revise its current drug policy to better serve the citizens of our country. **Vote 12-0**.

TRANSPORTATION

HB 720-FN, relative to special number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Safety to produce new legislative plates this year. There have been many concerns with the current plates especially with the looks and where the plates were manufactured. Although some of the committee may agree with the sponsors on the looks of the plates, the majority feels we would be setting a bad example to the public by passing special plate legislation for ourselves and asking the citizens to pay the extra cost. **Vote 9-1**.

COMMITTEE MEETINGS

MONDAY, APRIL 4

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

1:00 p.m. Regular meeting.

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 104, LOB

2:00 p.m. Regular meeting.

COMMISSION TO EXAMINE ALL ASPECTS OF SAME SEX CIVIL MARRIAGES AND ITS LEGAL EQUIVALENTS (SB 427, Chapter 100:2, Laws of 2004), Room 208, LOB

1:00 p.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House

9:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

9:00 a.m. ***HB 25-FN-A,*** making appropriations for capital improvements.

10:00 a.m. ***HB 691-FN-LOCAL,*** relative to the medicaid program.

1:00 p.m. ***HB 616-FN,*** relative to the education property tax and the education equity index. Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FISH AND GAME, Department of Environmental Services, Room 114, 29 Hazen Drive, Concord

1:30 p.m. Informational meeting with Public Water Task Force relative to protection and managing of the state's public waters.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 207, LOB

11:00 a.m. Subcommittee work session on ***SCR 4,*** a resolution supporting federal funding for Lyme disease research.

WAYS AND MEANS, Room 202, LOB

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

TUESDAY, APRIL 5

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **Rescheduled** public hearing on ***SB 21,*** relative to voluntary mediated agreements in adoptions.

11:00 a.m. **Rescheduled** public hearing on ***SB 54,*** clarifying the role of a guardian ad litem in guardianship proceedings.

1:30 p.m. ***SB 184-FN,*** adopting the Uniform Child-Custody Jurisdictional Enforcement Act.

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 150-FN,*** relative to application fees for certain bank incorporations.

11:00 a.m. ***SB 78,*** relative to payment of health care providers by health carriers.

1:30 p.m. ***SB 112-FN,*** establishing a committee to study viatical settlements.

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

ENVIRONMENTAL RESEARCH ADVISORY COMMITTEE (RSA 187-B:1), Room 305, LOB

10:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Full committee work and executive session on pending legislation.

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

9:45 a.m. ***SB 110-FN-A,*** establishing the New Hampshire Rx plus program for prescription drugs.

12:30 p.m. ***SB 108-FN,*** relative to newborn screening tests and fees for newborn screening tests.

2:00 p.m. ***SB 49-FN,*** including multiple sclerosis in the catastrophic illness program.

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

JUDICIARY, Room 208, LOB

10:00 a.m. ***SB 37,*** relative to disclosure of expert testimony.

11:00 a.m. ***SB 102-FN,*** limiting liability for failure to arrest persons under 21 years of age illegally transporting alcoholic beverages.

1:00 p.m. ***SB 75-FN,*** relative to the statute of limitations for a civil actions based upon a sexual assault case.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 99-FN,*** relative to the penalty for failure to file a property inventory form.

11:00 a.m. ***SB 176,*** creating a public safety exception to a municipality's denial of an appropriation or budgetary item.

1:30 p.m. ***SB 126,*** establishing a committee to study the appeals process in cases between landlords and tenants.

2:30 p.m. ***SB 80,*** permitting the Emerald Lake village district to enact and enforce regulations to protect its public water supply and to have a health officer.

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

11:00 a.m. Subcommittee work session on ***SB 5,*** establishing a commission to study the state park system.

1:00 p.m. Subcommittee work session on ***SB 142,*** extending the reporting date of the commission to study issues relative to groundwater withdrawals.

RULES COMMITTEE, Room 201, LOB

1:00 p.m. Public hearing.

Executive session to follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. ***SB 152-FN,*** relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for the enhanced 911 system.

11:00 a.m. ***SB 195,*** relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.

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

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

5:00 p.m. Regular meeting.

TRANSPORTATION, Room 203, LOB

10:00 a.m. ***SB 157-FN,*** relative to all terrain vehicles used for agricultural purposes.

10:30 a.m. ***SB 120,*** relative to the purchase of rail properties.

11:00 a.m. ***SB 138-L,*** relative to motor vehicle liability for municipal workers.

11:30 a.m. ***SB 148,*** relative to motorcycle inspections and relative to electronic inspection information.

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. Full committee work and executive session on revenues.

WEDNESDAY, APRIL 6

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

Noon At the noon break from 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 and revenue estimates.

THURSDAY, APRIL 7

FINANCE, Rooms 210-211, LOB

9:00 a.m. Full committee work and executive session on pending legislation.

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

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

JUDICIARY, Room 208, LOB

10:00 a.m. ***SB 60,*** clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act.

11:00 a.m. ***SB 59,*** relative to the general powers and duties of guardianship.

1:00 p.m. ***SB 224,*** relative to the committee on judicial conduct.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

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

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work and executive session on pending legislation and revenue estimates.

FRIDAY, APRIL 8

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), NH Department of Revenue

Administration, Training Room, 57 Regional Drive, Concord
9:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB
9:00 a.m. Full committee work and executive session on pending legislation.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 201-203, LOB
9:30 a.m. Regular meeting.

MONDAY, APRIL 11

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 206, LOB
9:30 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB
9:00 a.m. Full committee work and executive session on pending legislation.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
1:00 p.m. Regular meeting.

PET OVERPOPULATION STUDY (RSA 437-A), Room 100 State House
1:00 p.m. Regular meeting.

TUESDAY, APRIL 12

ADMINISTRATIVE RULES (RSA 541-A:2), Room 306, LOB
2:30 p.m. Orientation meeting for committee members.

COMMERCE, Room 302, LOB
10:00 a.m. ***SB 175,*** requiring insurance coverage for certified midwives.
11:00 a.m. ***SB 211-FN,*** relative to pharmaceutical marketers.
1:30 p.m. ***SB 64,*** establishing a committee to study small group health insurance plans.
2:00 p.m. ***SB 77,*** relative to the review of proposed health care provider contracts.
2:30 p.m. ***SB 66,*** establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance.
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. ***SB 46,*** relative to the duties of law enforcement officials upon receiving reports of missing adults.
10:20 a.m. ***SB 156-FN,*** relative to criminal trespass.
10:40 a.m. ***SB 106-FN,*** making unauthorized recording in a motion picture theater a crime.
11:00 a.m. ***SB 48-FN,*** prohibiting unlawful peering into the dwelling place of another.
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
9:00 a.m. Full committee work and executive session on pending legislation.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB
10:00 a.m. ***SB 28,*** relative to confidentiality and workers' compensation.
10:45 a.m. ***SB 58-FN,*** making certain changes in the workers' compensation law.
11:30 a.m. ***SB 172,*** establishing a committee to study a medical fee schedule for workers' compensation.
1:00 p.m. ***SB 219-FN,*** relative to examinations under workers' compensation.
1:45 p.m. ***SB 222-FN,*** relative to cumulative trauma under workers' compensation.
2:30 p.m. ***SB 113-FN,*** relative to the use of federal funds for technology improvements within the department of employment security.
Executive session on pending legislation may be held throughout the day, time

permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 117-FN,*** relative to utility property tax appeals.
11:00 a.m. ***SB 104-FN,*** relative to the tax exemption for water and air pollution control facilities.
1:30 p.m. ***SB 188,*** relative to the construction of buildings on properties without street frontage.
2:30 p.m. ***SB 189,*** authorizing the use of interest rate swap agreements and other similar agreements by the cities of Manchester and Nashua.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

THURSDAY, APRIL 14

FISH AND GAME, Room 307, LOB

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

MONDAY, APRIL 18

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), 3RD Floor Senate Conference Room, State House

9:00 a.m. Regular meeting.

TUESDAY, APRIL 19

EDUCATION, Room 207, LOB

10:00 a.m. ***SB 90-FN-A-L,*** relative to kindergarten construction aid.
10:40 a.m. ***SB 12,*** relative to contracts with non-profit public academies.
11:20 a.m. ***SB 141-L,*** authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts.
1:00 p.m. ***SB 40,*** permitting special school district meetings to be held in conjunction with the biennial election in certain school districts.
1:45 p.m. ***SB 45-L***, relative to the Hanover school district tax stabilization fund.
2:30 p.m. ***SB 68***, relative to certain costs for the development of a high school in the town of Bedford.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, APRIL 20

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. ***SB 209-FN,*** relative to licensing of money transmitters and check cashers.
10:00 a.m. ***SB 173,*** relative to exceptions to licensure for electricians.
10:30 a.m. ***SB 93-FN,*** transferring the electricians' board to the department of safety.
11:00 a.m. ***SB 115-FN,*** relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.
1:00 p.m. ***SB 124,*** relative to the regulation of real estate brokers by the real estate commission.
2:00 p.m. ***SB 223-FN,*** relative to licensing nondepository mortgage bankers and brokers.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

9:00 a.m. Regular business.
9:30 a.m. Audits: State of New Hampshire Lottery Commission management letter for the fiscal year ended June 30, 2004.

Management letter for the State of New Hampshire for the year ended June 30, 2004

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

10:00 a.m. **Rescheduled** public hearing on ***SJR 2.*** a resolution urging Congress to reject the Streamlined Sales Tax Project.

11:00 a.m. ***SCR 2,*** relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21).

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

THURSDAY, APRIL 21

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. ***SB 70,*** relative to the powers of special corporations.

10:00 a.m. ***SB 72,*** relative to the licensing of public adjusters.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

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

TUESDAY, MAY 3

EDUCATION, Room 207, LOB

10:00 a.m. ***SB 17,*** relative to the definition of educational institution for the purpose of higher education loans.

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

OFFICIAL NOTICES

COUNTY DELEGATION NOTICES

Rockingham County Executive Committee will meet for the First Quarter Budget Review on Friday, **April 15** at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood. Audit committee meeting to follow.

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

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LAST CALL for anyone interested in obtaining an extra copy of some Permanent House Journals from the late 1970s and early 1980s. Several boxes of these were located recently and are available on a first-come, first-served basis until Friday, April 15, 2005.

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 and SBs have revised fiscal notes: HBs 47, 59, 60, 71, 72, 104, 116, 128, 130, 152, 153, 159, 190, 210, 216, 234, 239, 240, 272, 303, 460, 477, 599, 601, 602, 603, 604, 605, 606, 607, 609,

611, 612, 613, 614, 615, 616, 617, 618, 619, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 632, 633, 635, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 661, 662, 663, 664, 665, 670, 672, 674, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 692, 693, 694, 695, 696, 697, 698, 699, 701, 703, 704, 708, 713, 716. SBs 21, 27, 52, 58, 112, 117, 137, 152, 165, 208, 215.

Karen O.
Wadsworth,
Clerk of the
House

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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

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When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.
Eric Palangas, 626 Lake Avenue, Manchester 03103-3537.
Frank J. Palazzo, PO Box 321, Seabrook 03874-0321.
Colleagues who so desire may send cards and greetings to the address listed above.

Karen O.
Wadsworth,
Clerk of the
House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or 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.

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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

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The House Republican Alliance will meet at 8:30 a.m. on Tuesday, **April 5** at the Upham Walker House, Park Street, Concord.

Rep.
Paul
Mirski

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Teamsters Local 633 cordially invites all legislators and staff to attend their legislative reception to be held on Tuesday, **April 5** at the Szechuan Garden Restaurant, 108 Fisherville Road, Concord. The event will be held from 3:30 to 6:00 p.m. Refreshments will be provided.

Reps.
James
W.
Craig
and
John
DeJoie

******

The Belknap County Republican Committees Lincoln Day Dinner will be held on **April 8th** at the Pheasant Ridge Country Club in Gilford. Social hour 6:00 p.m., dinner 7:00 p.m. Guest speaker will be Senator John Sununu. Tickets are $35. Contact Reps. Ralph Rosen or Michael Whalley.

Rep.
Ralph
J.
Rosen

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All legislators and staff are invited to attend the New Hampshire Automobile Dealers Association's (NHADA) Annual Crossover Day Reception at the NHADA Office on 507 South Street, Concord on Wednesday, **April 13** at 3:00 p.m. or immediately following legislative sessions. This is a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun social gathering.

Rep.
Sheila T.
Francoeur

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The Greater Manchester Federation of Republican Women are hosting a dinner with Congressman Jeb Bradley on Friday, **April 15** at the Yard (upstairs) at 7:00 p.m. Choice of chicken or fish $25. Contact Rep. Gail Barry at 625-8174 or e-mail gailbarry@juno.com.

Rep.
J.
Gail
Barry

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In recognition of "Save Your Vision Month", the NH Optometric Association invites legislators and staff to a reception on Wednesday, **April 20th,** 4:00 p.m. at the Holiday Inn, Concord. RSVP to 964-2885 or optometrist@comcast.net. PS: "Save Your Vision Month" is March. When was your last exam? It may be time to see your optometrist!

Rep.
Kenneth
L.
Weyler

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Find out all there is to appreciate about our WILD state at New Hampshires Fish and Game's biggest event of the year, Discover WILD New Hampshire Day. The event is set for Saturday, **April**

30 from 10:00 to 3:00 p.m. on the grounds of Fish and Game Headquarters on Hazen Drive in Concord. Free admission for the whole family! Hands-on activities from archery to arts and crafts; over 35 exhibits by conservation organizations from across the state; presentations on wildlife topics throughout the day; live animals and big fish. Enter a duck-calling contest; learn to cast; watch retriever dogs in action. A WILD time for all! For more information, call 271-3211.

Rep.
Robert J.
L'Heureux

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The Department of Transportation will hold the following meeting:
April 5 – Weirs Community Hall, Corner of Route 11B and Lucerne Avenue at the Weirs Fire Station, Weirs Beach, Laconia, 7:00 p.m. Combined public officials/public informational meeting, Laconia, involves construction of 5 foot sidewalks along both sides of Route 3 and on one side of Route 11B.
April 6 – NHDOT, 7 Hazen Drive, Rooms 112/113, Concord, 1:00 p.m. Advisory committee meeting, Congestion Mitigation and Air Quality Advisory Committee (CMAQ).
April 7 – Pembroke Town Library, 261 Pembroke Street, Pembroke, 7:00 p.m. Combined public informational meeting/public officials meeting, Pembroke-Concord, paving NH Route 106 beginning at US Route 3 intersection in Pembroke and proceeding north approximately 4.5 miles to the Autumn Street intersection in Concord. Also addresses minor drainage issues and update guardrails.
April 18 - NHDOT, 7 Hazen Drive, Rooms 112/113, Concord, 1:00 p.m. Commission meeting, Londonderry, NH Route 128.
April 20 – Society for the Protection of NH Forests – Conservation Center, 54 Portsmouth Street, Concord, 3:00 p.m. Advisory committee meeting, Long Range Plan.
April 25 – Enfield Community Building, 308 Route 4, Enfield, 7:00 p.m. Public informational meeting, Enfield, NH 4A, from Shaker Village south 1 mile.

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 Apr 4	9:30 & 11:00 SH & HM	Henry Wilson School – Farmington	4/50
M Apr 4	11:00	Goshen Lempster Cooperative	4/18
M Apr 4	12:00 & 1:00 SH/SC *45 min tour	Riddle Brook School – Bedford	4/70
T Apr 5	8:45	Henniker Community School	4/28
Tu Apr 5	10:00 & 11:30 SH & HM	Thornton Ferry School – Merrimack	4/75
W Apr 6	8:45	Henniker Community School	4/16
W Apr 6	10:00 & 11:30 SH & HM	Thornton Ferry School – Merrimack	4/75
Th Apr 7	9:30 & 11:00 SH&HM	Smyth Road School – Manchester	4/75
F Apr 8	9:00	Broken Ground Elementary-Concord	4/25

F Apr 8	10:00 & 11:30 SH & HM	Fuller School – Keene	4/50
F Apr 8	10:00 SH	Russell Elem School – Rumney	4/11
M Apr 11	9:00 & 10:15 SH & HM	Maple Street School – Hopkinton	4/80
M Apr 11	11:00	World Affairs	45
M Apr 11	12:30 (SC 10:30)	So. Merrimack Christian Academy	4/27
Tu Apr 12	9:30 & 11:00 SH & HM	Webster School – Manchester	4/84
Tu Apr 12	9:00	Plymouth High School	30
Tu Apr 12	12:30	Washington Elementary – Rescheduled	5/25
W Apr 13	9:30 & 11:00 SH & HM	Bristol Elem School	4/40
W Apr 13	10:00 & 11:30 SH/Lawn Activity	Woodland Heights School – Laconia	4/72
W Apr 13	2:00	Greater Leadership Concord – Chamber of Commerce	25
Th Apr 14	9:30 (11:00HM)	Greenland Central School	4/34
Th Apr 14	11:00	Unity Elementary School	4&5/37
Th Apr 14	1:00	Sullivan Elem School	3,4,5,6/29
F Apr 15	8:15	Kimball School- Concord (Rescheduled)	4/25
F Apr 15	10:00 & 11:00 SH & HM	Matthew Thornton School – Londonderry	4/80 –100
M Apr 18	8:45	St John Regional School – Concord	4/26
M Apr 18	10:00 & 11:00 SH & HM	Matthew Thornton School – Londonderry	4/80 –100
Tu Apr 19	9:30 & 11:00 SH & HM	Garrison School – Dover	4/66
Tu Apr 19	1:30	Keene HS French Students (Lycee Lumiere, Luxeuil)	HS/26
W Apr 20	9:30 & 11:00 SH & HM	Garrison School – Dover	4/44
W Apr 20	12:30 & 1:30 SH/HM	Paul School – Wakefield/Sanbornville	4/70
TH Apr 21	9:45 & 11:00 SH/Pierce Manse	Loudon Elementary	4/60
Th Apr 21	12:00	The Community School – So. Tamworth	7-9/12
F Apr 22	9:30 & 10:45 SH & SC	Candia Moore School – Candia	4/45
F Apr 22	12:30 (11:00HM)	Tuftonboro Central	4/25
M Apr 25		History Museum Closed	
Tu Apr 26	9:30 & 11:00 SH & HM	Towle Elem – Newport	4/50
Tu Apr 26	1:30	Seacoast Republican Women	30-35
W Apr 27	9:30 & 11:00 SH & HM	Towle Elem – Newport	4/50
Th Apr 28	9:30 & 11:00 SH/HM	John Fuller School – North Conway	4/46
Th Apr 28	1:00	Lafayette Regional School – Franconia	4/20
Th Apr 28	2:00	Tiger Cub Pack 25315	

F Apr 29	9:30 & 11:00 SH/SC	Lancaster Elem	4/55

NOTICE

The 32nd Annual Bill White Memorial Legislative Golf Tournament is scheduled for Monday, **June 13,** 2005 at Canterbury Woods Country Club, Canterbury, NH. The entry fee for this annual tournament is $85.00 per person which includes greens fee, cart, barbecue dinner and prizes.

Registration is at 7:30 a.m. and the shotgun start is scheduled for 9:00 a.m. The format is "Captain and Crew".

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

A maximum of 120 players will be allowed. Please note that payment must be made upon registration. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a full fee refund.

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

W.
Douglas
Scamman,
Speaker
of the
House

32nd Annual Bill White Memorial Golf Tournament
Canterbury Woods Country Club
Canterbury, NH

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____

WEDNESDAY, APRIL 6

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2005-0725h

Amendment to HB 66

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

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

AN ACT regulating mandatory overtime for nurses and assistants.

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

1 New Subdivision; Regulating Mandatory Overtime for Nurses and Assistants. Amend RSA 275 by inserting after section 60 the following new subdivision:

Mandatory Overtime for Nurses and Assistants

275:61 Prohibited Overtime.

I. A registered nurse, licensed practical nurse, or a licensed nursing assistant licensed under RSA 326-B shall not be disciplined, or lose any right, benefit, or privilege for refusing to work more than 12 consecutive hours, except as provided in paragraph II. A nurse may be disciplined for refusing mandatory overtime in a case when overtime is required under paragraph II. Any nurse who is mandated to work more than 12 consecutive hours, as permitted by this subdivision, shall be allowed at least 8 consecutive hours of off-duty time immediately following the worked overtime.

II. The prohibition against mandatory overtime shall not apply to:

(a) A nurse participating in surgery, until the surgery is completed;

(b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her;

(c) A public health emergency; or

(d) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.

275:62 Special Agreement. Employers shall be exempted from the provisions of RSA 275:61 by written agreement between the employer and employee, made without coercion or pressure, provided the agreement is submitted to the commissioner of the department of labor. The agreement may be terminated by the employee by written notice to the employer and the commissioner of the department of labor. Said termination shall be effective 14 days after notice is provided.

275:63 Penalties. Any employer who willfully violates any provision of this subdivision shall be subject to a civil penalty under RSA 273:11-a.

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

AMENDED ANALYSIS

This bill regulates mandatory overtime for nurses and assistants and provides civil penalties.

2005-0937h

Floor Amendment to HB 66
Proposed by Rep. Giuda

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

AN ACT relative to the mandatory extension of working hours of nurses and nursing assistants.

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

1 New Subdivision; Regulating Mandatory Extension of Working Hours for Nurses and Nursing Assistants. Amend RSA 275 by inserting after section 60 the following new subdivision:

Mandatory Extension of Scheduled Working Hours for Nurses and Nursing Assistants

275:61 Applicability.

I. A registered nurse, licensed practical nurse, or a licensed nursing assistant licensed under RSA 326-B shall not be terminated, disciplined, or lose any right, benefit, or privilege for refusing to work more than 12 consecutive hours, except as provided in paragraph II. A nurse may be disciplined or terminated for refusing a mandatory extension of working hours in situations as defined in paragraph II.

II. The prohibition against mandatory extension of working hours shall not apply to:

(a) A nurse or assistant participating in surgery, until the surgery is completed;

(b) A nurse or assistant working in a critical care unit, until another qualified employee beginning a scheduled or voluntary work shift relieves him or her;

(c) A public health emergency;

(d) An institutional emergency, such as adverse weather, catastrophe or disaster, or widespread illness that the facility administrator or designee demonstrates will reduce the number of nurses or assistants to a level below that required by statute or regulation for a scheduled work shift;

(e) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory extension of working hours; or

(f) A nurse or assistant working in a facility required to have a minimum number of staff, including minimum staff required to hold certain licenses or qualifications, until another qualified employee relieves him or her.

(g) A nurse or assistant employed by a licensed home health or hospice agency and caring for a patient whose health or safety would be jeopardized if a nurse or assistant were not available to provide care, when there is an unanticipated absence of an assigned employee and no substitute is available.

III. Any nurse mandated to work more than 12 consecutive hours, as permitted by this section, shall be provided at least 8 consecutive hours of off-duty time immediately following the work hour extension.

IV. Any nurse or assistant working under a mandatory extension of scheduled working hours shall inform a supervisor if he or she is in a state of fatigue that renders him or her incapable of safely overseeing or administering medications or treatments to anyone who is or will be in his or her charge, at whatever time such incapacity may occur before or during the time period of the mandatory work hour extension. Refusal to perform such required duties because of fatigue shall not constitute grounds for termination or discipline by the employer.

V. No employer shall utilize the provisions of this section as a means to avoid hiring sufficient personnel to meet a facility's required staffing levels.

275:62 Special Agreement. Employers shall be exempted from the provisions of RSA 275:61 by written agreement between the employer and the employee, provided such agreement is submitted to the commissioner of the department of labor. The agreement may be terminated by the employee or employer by providing 30 days' written notice to the other party and the commissioner of the department of labor.

275:63 Penalties. Any employer who willfully violates any provision of this subdivision shall be subject to a civil penalty under RSA 273:11-a.

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

AMENDED ANALYSIS

This bill regulates the mandatory extension of working hours of nurses and nursing assistants.

2005-0875h

Amendment to HB 69

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

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

AN ACT relative to large groundwater withdrawals.

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

1 Approval for Large Groundwater Withdrawals; Municipal Information. Amend RSA 485-C:21, II to read as follows:

II. Applications for approval of water withdrawals of 57,600 gallons or more per day shall be filed with the department [~~in~~] ***on*** a form approved by the department. A preliminary report submitted by a public water system pursuant to department rules shall be an application for purposes of this section. Copies of the application ***and any subsequent materials submitted to the department*** shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of water within the anticipated zone of contribution to the well. ***The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.***

2 New Paragraph; Approval for Large Groundwater Withdrawals; Hearing. Amend RSA 485-C:21 by inserting after paragraph V the following new paragraph:

V-a. Upon the request of the governing body of a municipality within the anticipated zone of contribution, the department shall hold a public hearing, after receipt of the final report, and prior to a final decision. The department shall notify the municipalities within 10 days of receiving the final report. The municipalities shall have 15 days within which to request a public hearing. Notice and response to hearing requests shall be the same as that required under paragraph IV.

3 Appeals. RSA 485-C:21, VI is repealed and reenacted to read as follows:

VI. Decisions of the department may be appealed in accordance with RSA 21-O:7, IV.

4 New Paragraph; Public Record. Amend RSA 485-C:21 by inserting after paragraph VI the following new paragraph:

VII. Records of public hearings shall be available pursuant to RSA 91-A.

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

AMENDED ANALYSIS

This bill:

I. Requires the department to provide each municipality with a copy of any correspondence sent to an applicant and to provide the applicant with copies of correspondence to an from a municipality.

II. Requires a public hearing prior to the issuance of a decision on an application for a large groundwater withdrawal.

III. Makes the record of a public hearing on a large groundwater withdrawal subject to RSA 91-A.

2005-0946h

Floor Amendment to HB 69
Proposed by Rep. Buhlman

Amend the bill by replacing section 1 with the following:

1 Approval for New Large Groundwater Withdrawals; Municipal Information. Amend RSA 485-C:21, II to read as follows:

II. Applications for approval of ***new*** water withdrawals of 57,600 gallons or more per day shall be filed with the department [~~in~~] ***on*** a form approved by the department. A preliminary report submitted by a public water system pursuant to department rules shall be an application for purposes of this section. Copies of the application ***and any subsequent materials submitted to the department*** shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of water within the anticipated zone of contribution to the well. ***The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.***

2005-0924h

Floor Amendment to HB 90
Proposed by the Reps. Merrow, Babson, Dickinson and N. Johnson

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 287-G:1, II, relative to private driving instruction and exhibition facilities not being considered race tracks for the purposes of RSA 31:41-a or RSA 31:42, is repealed.

AMENDED ANALYSIS

This bill repeals RSA 287-G:1, II, relative to private driving instruction and exhibition facilities not being considered race tracks for the purposes of RSA 31:41-a or RSA 31:42.

2005-0659h

Amendment to HB 94-FN-A
Proposed by the Minority of the Committee on Ways and Means - R

Amend the bill by replacing section 2 with the following:

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

2005-0861h

Amendment to HB 158
Proposed by the Committee on Judiciary - C

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

AN ACT relative to Auburn, Exeter, and Hampton District Courts.

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

1 District Courts; Auburn-Candia-Raymond District. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Candia or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the city or town in which it is located.

2 District Courts; Hampton District; Exeter District. Amend RSA 502-A:1, II and II-a to read as follows:

II. HAMPTON DISTRICT. The Hampton district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook. The district court for the district shall be ***temporarily*** located in [~~Hampton~~] ***Seabrook***, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Hampton District Court.

II-a. EXETER DISTRICT. The Exeter district shall consist of the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The district court for the district shall ***temporarily*** be located in [~~Exeter~~] ***Brentwood***, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Exeter District Court.

3 Contingency. RSA 502-A:1, II and II-a as inserted by section 2 of this act shall remain in effect until the Hampton District Court and Exeter District Court are permanently sited in accordance with 2004, 236:8-10, or other provisions of law. In any event the court shall be permanently sited no later than January 1, 2011.

4 Effective Date.

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

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

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district and requires the court to be located in Candia or Raymond.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court.

2005-0938h

Floor Amendment to HB 158
Proposed by Rep. P. Smith

Amend the bill by replacing section 1 with the following:

1 District Courts; Auburn-Candia-Raymond District. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Auburn, Candia, or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the town in which it is located.

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district and requires the court to be located in Auburn, Candia, or Raymond.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court.

2005-0797h

Amendment to HB 270
Proposed by the Committee on Election Law - C

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

1 New Section; Legislative Ethics Committee; Disqualification and Duty to Recuse. Amend RSA 14-B by inserting after section 4 the following new section:

14-B:4-a Disqualification and Duty to Recuse.

I. No member shall participate in any matter which the committee is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of another legislator, or if that member would be disqualified for any reason stated for jury disqualification under RSA 500-A:12. Reasons for disqualification shall not include knowledge of the facts involved gained in the performance of the member's official duties on the committee.

II. A member who is recused or disqualified shall not participate in any discussions of the committee nor make any public or private statements to any member of the committee or to any other person until the final determination of the committee has been made or until any final recommendation of the committee has been issued. Such member may attend public meetings or hearings of the committee; however, if so present, such member shall not be seated at the committee table nor take any actions whereby it may be perceived by another legislator or the public that the member is acting as a member of the committee.

III. The committee may, upon the request of a member or any other person, vote on the question of whether a member should be recused or disqualified in a particular matter. Any such request and vote shall be made prior to or at the commencement of any action relative to that matter

or immediately upon the discovery of a reason for recusal or disqualification at any time during the course of committee action of a matter. Such vote shall be advisory and nonbinding.

IV. A violation of this section shall be considered a violation of the guidelines established by the committee.

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

AMENDED ANALYSIS

This bill establishes requirements and procedures for disqualification of and recusal by legislative ethics committee members.

2005-0836h

Amendment to HB 350

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

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

AN ACT relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

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

2 Enforcement; Wage Claim; Department or Employee May File, Date Extended. Amend RSA 275:51, V to read as follows:

V. [~~If an employee elects to file a wage claim under this section, the wage claim must be filed with the department no later than 18~~] ***A wage claim may be filed by an employee or by the department on its own motion no later than 36*** months from the date ***the employee knew the*** wages were due. The commissioner shall notify the employer by serving upon the employer a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross-examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall issue. Any party aggrieved by the decision may appeal to the superior court not later than 20 days from the date thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. [~~After hearing and upon consideration of the record, the court may affirm, vacate or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings.~~] ***The superior court may confirm, reverse, or modify the commissioner's decision or conduct a trial de novo, if it finds any error of law.*** In the absence of a seasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as a judgment of the court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this chapter for purposes of RSA 275:52 that a final order be immediately satisfied by the employer.

3 New Subparagraphs; Withholding of Wages; Deductions Allowed. Amend RSA 275:48, I by inserting after subparagraph (d)(2) the following new subparagraphs:

(3) Voluntary installment payments of legitimate loans made by the employer to the employee as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(4) Voluntary payments for the recovery of accidental overpayment of wages when the following conditions are met:

(A) The recovery is agreed to in writing.

(B) The deduction for the overpayment begins one pay period following the date the parties execute the written agreement.

(C) The written agreement specifies:

(i) The date the recovery of the overpayment will begin and end.

(ii) The amount to be deducted, which shall be agreed upon by the employer and the employee but which shall, in no event, be more than 20 percent of the employee's gross pay in any pay period.

(iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(5) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(6) Voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay pursuant to a written employment policy as required by RSA 275:49, III, when requested and paid to the employee in advance of eligibility and when the employee agrees in writing without coercion or pressure to allow the employer to deduct the amount owed from his or her final wages at the termination of employment.

4 Civil Penalties; Maximum Increased. Amend RSA 273:11-a, I to read as follows:

I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed [~~$1,000~~] ***$2,500***, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

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

AMENDED ANALYSIS

This bill:

I. Empowers the commissioner to hold hearings and investigate charges of violations of the labor protection statutes either on his or her own motion or on an employee complaint.

II. Adds the department of labor as a party entitled to initiate a wage claim and extends the period in which to file a wage claim from 18 months to 36 months.

III. Allows voluntary deductions from wages for loans, accidental overpayments, tuition, and certain time off.

IV. Increases the civil penalty that the commissioner may impose from $1,000 to $2,500.

2005-0916h

Floor Amendment to HB 350
Proposed by Rep. Holden - R

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

AN ACT relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

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

2 Enforcement; Wage Claim; Department or Employee May File, Date Extended. Amend RSA 275:51, V to read as follows:

V. [~~If an employee elects to file a wage claim under this section, the wage claim must be filed with the department no later than 18~~] ***A wage claim may be filed by an employee or by the department on its own motion no later than 36*** months from the date ***the employee knew the*** wages were due. The commissioner shall notify the employer by serving upon the employer a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross-examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall issue. Any party aggrieved by the decision may appeal to the superior court not later

than 20 days from the date thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. [~~The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings.~~] ***The superior court may confirm, reverse, or modify the commissioner's decision or conduct a trial de novo, as justice may require.*** In the absence of a seasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as a judgment of the court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this chapter for purposes of RSA 275:52 that a final order be immediately satisfied by the employer.

3 New Subparagraphs; Withholding of Wages; Deductions Allowed. Amend RSA 275:48, I by inserting after subparagraph (d)(2) the following new subparagraphs:

(3) Voluntary installment payments of legitimate loans made by the employer to the employee as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(4) Voluntary payments for the recovery of accidental overpayment of wages when the following conditions are met:

(A) The recovery is agreed to in writing.

(B) The deduction for the overpayment begins one pay period following the date the parties execute the written agreement.

(C) The written agreement specifies:

(i) The date the recovery of the overpayment will begin and end.

(ii) The amount to be deducted, which shall be agreed upon by the employer and the employee but which shall, in no event, be more than 20 percent of the employee's gross pay in any pay period.

(iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(5) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(6) Voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay pursuant to a written employment policy as required by RSA 275:49, III, when requested and paid to the employee in advance of eligibility and when the employee agrees in writing without coercion or pressure to allow the employer to deduct the amount owed from his or her final wages at the termination of employment.

4 Civil Penalties; Maximum Increased. Amend RSA 273:11-a, I to read as follows:

I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed [~~$1,000~~] ***$2,500***, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

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

AMENDED ANALYSIS

This bill:

I. Empowers the commissioner to hold hearings and investigate charges of violations of the labor protection statutes either on his or her own motion or on an employee complaint.

II. Adds the department of labor as a party entitled to initiate a wage claim and extends the period in which to file a wage claim from 18 months to 36 months.

III. Allows voluntary deductions from wages for loans, accidental overpayments, tuition, and certain time off.

IV. Increases the civil penalty that the commissioner may impose from $1,000 to $2,500.

2005-0665h

Amendment to HB 371

Proposed by the Committee on Environment and Agriculture - C

Amend the introductory paragraph of RSA 149-M:58, V as inserted by section 1 of the bill by replacing it with the following:

V. Owners and operators of solid waste transfer stations and landfill facilities shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented any of the following mechanisms:

Amend RSA 149-M:58 as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraph VII to read as paragraph VI.

Amend the bill by replacing section 2 with the following:

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

2005-0431h

Amendment to HB 417

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

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

2005-0914h

Floor Amendment to HB 419

Proposed by Reps. Kurk, Spang, P. McMahon and S. Keans

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

AN ACT establishing a committee to study the sale or leasing of state property, including the expansion of the lease boundaries of the Mount Sunapee ski area.

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

1 Purpose.

I. The general court finds that state parks represent significant public trust resources belonging to all the people of the state. It is therefore appropriate that the legislature exercise oversight of the sale, lease, or major modifications of leases on state parks.

II. The general court hereby finds that the legislative record, statutes and 1998 lease of Mount Sunapee ski area need to be examined to determine whether they provide sufficient evidence of blanket legislative endorsement of any plan to expand the lease into park land beyond the 850 acres encompassed within the original lease boundary.

III. Further, the general court finds that it is necessary to establish a compelling benefit to the state's general population before sales, leases, or lease expansion are approved on state park lands, particularly when such contracts are primarily to benefit private real estate development.

2 Committee Established. There is established a committee to study the sale or leasing of state property, including the expansion of the lease boundaries of the Mount Sunapee ski area.

3 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, 2 of whom shall be members of the resources, recreation and development committee and one of whom shall be a member of the fish and game committee.

(b) Three members of the senate, appointed by the president of the senate, at least one of whom shall be from the environment and wildlife committee and one of whom shall be from the capital budget committee.

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

4 Duties.

I. The committee shall study, evaluate, and make recommendations regarding:

(a) The role of the legislature in the leasing and sale of significant state-owned property.

(b) The legislative history, relevant laws, and lease that enabled the current leasing of the ski area within Mount Sunapee state park, to determine whether the state is under any blanket obligation to approve future leasehold expansion amendments, and for what compelling public purpose leasehold expansion amendments are to be allowed.

(c) The process and criteria by which a sale, lease, or major modification of a lease of a state-owned public property should be evaluated to establish whether it would serve a compelling public purpose and benefit to the state's general population.

(d) What statutes need to be enacted to establish policy concerning the lease and sale of state-owned public property and what authority should be given to the pertinent agencies under RSA 541-A to develop administrative rules relative to these policies.

II. The committee may solicit the advice and expertise of any individual, organization, state agency, or state employee in fulfilling its duties.

5 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.

6 Report. The committee shall issue a preliminary report on or before November 1, 2005, and a final report on or before November 30, 2006, 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.

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

AMENDED ANALYSIS

This bill establishes a committee to study the sale or leasing of state property, including the expansion of the lease boundaries of the Mount Sunapee ski area.

2005-0798h

Amendment to HB 513
Proposed by the Committee on Transportation - R

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

AN ACT relative to on-board diagnostic system inspections.

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

1 New Paragraph; Department of Safety; Duties of Commissioner; Complaints. Amend RSA 21-P:4 by inserting after paragraph XI the following new paragraph:

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

2 Equipment of Vehicles; Inspections; Fees. Amend RSA 266:1, VII to read as follows:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged. ***No inspection station may charge more than $15 for the EPA OBD II test required by RSA 266:59-b.***

3 Emission Control Equipment; OBD II Testing Required. Amend RSA 266:59-b, III-V to read as follows:

III. [~~For all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards,~~] The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require [~~every motor vehicle~~] ***all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards*** driven on the ways of this state which [~~is~~] ***are*** subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. ***The test for OBD II indications of failure shall be conducted only after the inspection required by RSA 266:1 is completed.*** To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

IV.***(a)*** This section shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.

(b) Vehicles of a model year within 4 years of the date of inspection with an odometer reading of less than 80,000 miles shall be exempt from the OBD II testing requirements under paragraph III.

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. ***If the cost of the required repairs is more than $250, as determined by the inspection station or by written estimate from any other inspection station, the vehicle shall be issued an inspection sticker, provided that a vehicle may not be issued more than 2 consecutive inspection stickers based on the cost of repairs and no inspection sticker shall be issued to any vehicle registering a third consecutive OBD II indication of failure.***

VI. If a vehicle fails the EPA OBD II test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of the OBD II failure. If the owner fails to inform the purchaser of the OBD II failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney's fees.

VII.(a) There is established an OBD II testing advisory committee. The committee shall be composed of the following:

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

(2) Three senators, appointed by the president of the senate.

(3) The director of the division of motor vehicles of the department of safety.

(4) The attorney general, or designee.

(5) One member appointed by the New Hampshire Automobile Dealers Association.

(6) One member appointed by the New Hampshire Motor Transport Association.

(b) Members' terms shall be coterminous with their terms in office, except that members appointed pursuant to subparagraphs (a)(5) and (a)(6) shall serve at the discretion of the appointing authority.

(c) The committee shall:

(1) Review and approve any contracts between the state and any private entities relating to OBD II testing.

(2) Oversee any contracts between the state and any private entities relating to OBD II testing.

(d) The department shall not enter into any contract for services related to OBD II testing, or extend or renew any contract for services related to OBD II testing, without the prior approval of the committee.

4 Fees for Inspection-Related Services; Exemptions. Motor vehicle inspection stations that are authorized to inspect only motorcycles or private fleet vehicles and motor vehicle inspection stations operated by municipalities shall not be required to pay any fees to a private entity for inspection-related services pursuant to any contract executed by the state or the department of safety prior to the effective date of this act.

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

AMENDED ANALYSIS

This bill:

I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.

II. Modifies the applicability of the OBD II testing requirements.

III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than $250.

IV. Requires notice of an OBD II failure by a motor vehicle seller.

V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.

VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

2005-0925h

Floor Amendment to HB 513
Proposed by Reps. Packard and Ferland

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

AN ACT relative to on-board diagnostic system inspections.

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

1 New Paragraph; Department of Safety; Duties of Commissioner; Complaints. Amend RSA 21-P:4 by inserting after paragraph XI the following new paragraph:

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

2 Equipment of Vehicles; Inspections; Fees. Amend RSA 266:1, VII to read as follows:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged. ***No inspection station may charge more than $15 for the EPA OBD II test required by RSA 266:59-b.***

3 Emission Control Equipment; OBD II Testing Required. Amend RSA 266:59-b, III-V to read as follows:

III. [~~For all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards,~~] The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require [~~every motor vehicle~~] ***all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards*** driven on the ways of this state which [~~is~~] ***are*** subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

IV. This section shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. ***If the cost of the required repairs is more than $250, as determined by the inspection station or by written estimate from any other inspection station, the vehicle shall not be denied an inspection sticker for the OBD II failure, provided that a vehicle may not be issued more than 2 consecutive inspection stickers based on the cost of repairs and no inspection sticker shall be issued to any vehicle registering a third consecutive OBD II indication of failure.***

VI. If a vehicle fails the EPA OBD II test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of the OBD II failure. If the owner fails to inform the purchaser of the OBD II failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney's fees.

VII.(a) There is established an OBD II testing advisory committee. The committee shall be composed of the following:

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

(2) Three senators, appointed by the president of the senate.

(3) The director of the division of motor vehicles of the department of safety.

(4) The attorney general, or designee.

(5) The commissioner of environmental services, or designee.

(6) One member appointed by the New Hampshire Automobile Dealers Association.

(7) One member appointed by the New Hampshire Motor Transport Association.

(b) Members' terms shall be coterminous with their terms in office, except that members appointed pursuant to subparagraphs (a)(5) and (a)(6) shall serve at the discretion of the appointing authority.

(c) The committee shall:

(1) Review and approve any contracts between the state and any private entities relating to OBD II testing.

(2) Oversee any contracts between the state and any private entities relating to OBD II testing.

(d) The department shall not enter into any contract for services related to OBD II testing, or extend or renew any contract for services related to OBD II testing, without the prior approval of the committee.

4 Fees for Inspection-Related Services; Exemptions. Motor vehicle inspection stations that are authorized to inspect only motorcycles or private fleet vehicles, motor vehicle inspections stations that inspect fewer than 200 vehicles per year, and motor vehicle inspection stations operated by municipalities shall not be required to pay any fees to a private entity for inspection-related services pursuant to any contract executed by the state or the department of safety prior to the effective date of this act.

5 Electronic Transfer of Inspection Information; Exemption. The department of safety shall not require an inspection station to transfer inspection information electronically for any vehicle of model year 1995 or older.

6 ODB II Testing; Applicability. Notwithstanding RSA 266:59-b, any EPA OBD II testing required by department of safety rules prior to May 1, 2006 shall be advisory only. No inspection station shall deny an inspection sticker to any vehicle because of OBD II failure prior to May 1, 2006.

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

AMENDED ANALYSIS

This bill:

I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.

II. Modifies the applicability of the OBD II testing requirements.

III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than $250.

IV. Requires notice of an OBD II failure by a motor vehicle seller.

V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.

VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

2005-0932h

Floor Amendment to HB 513
Proposed by Rep. Kurk

Amend RSA 266:59-b as inserted by section 3 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The department shall not collect, retain, use, or transfer the last 6 digits of any vehicle identification number (VIN) acquired in connection with the OBD II testing program established in paragraph III. No agent or contractor of the department shall collect, retain, use, or transfer the last 6 digits of such number so acquired except:

(a) To provide the vehicle owner or driver with a record of the test results; and

(b) To comply with the federal reporting requirements established for such testing program.

AMENDED ANALYSIS

This bill:

I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.

II. Modifies the applicability of the OBD II testing requirements.

III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than $250.

IV. Requires notice of an OBD II failure by a motor vehicle seller.

V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.

VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

VII. Limits the use of vehicle identification numbers in connection with OBD II testing.

2005-0947h

Floor Amendment to HB 513
Proposed by Rep. Hinkle

Amend the bill by deleting section 2 and renumbering the original sections 3-5 to read as 2-4, respectively.

AMENDED ANALYSIS

This bill:

I. Modifies the applicability of the OBD II testing requirements.

II. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than $250.

III. Requires notice of an OBD II failure by a motor vehicle seller.

IV. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.

V. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

2005-0981h

Floor Amendment to HB 513
Proposed by Rep. Kennedy

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

AN ACT eliminating EPA OBD II testing requirements.

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

1 Repeal. RSA 266:59-b, III and V, relative to EPA OBD II testing requirements, is repealed.

2 EPA OBD II Testing; Financial Obligations. All motor vehicle inspection stations are hereby released from any contractual or other financial obligations associated with the department of safety's EPA OBD II testing program. The state hereby assumes liability for any such obligations resulting from a motor vehicle inspection station entering into a contract with a private entity as a result of requirements established by the department of safety. The state and all motor vehicle inspection stations are hereby prohibited from charging or passing any costs related to the EPA OBD II testing program to consumers.

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

AMENDED ANALYSIS

This bill repeals the law authorizing EPA OBD II testing requirements. This bill also releases inspection stations from financial obligations associated with the OBD II program and prohibits charging consumers for costs associated with the program.

2005-0853h

Amendment to HB 665-FN-LOCAL
Proposed by the Committee on Labor, Industrial and Rehabilitative Services - R

Amend the introductory paragraph of RSA 279:21 as inserted by section 1 of the bill by replacing it with the following:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
[~~April 1, 1991 to September 30, 1996~~	~~$4.25~~
~~October 1, 1996 to August 31, 1997~~	~~$4.75~~]
On and after September 1, 1997	$5.15
On and after September 1, 2005	***$5.65***
On and after September 1, 2006	***$6.15***

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than $20 a month in tips directly from the customers will receive a base rate from the employer of not less than $2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees $2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

2005-0885h

Amendment to HB 710-FN
Proposed by the Committee on Municipal and County Government - C

Amend the title of the bill by replacing it with the following:
AN ACT relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.
Amend the bill by replacing all after the enacting clause with the following:

1 Five-Year Valuation. RSA 75:8-a is repealed and reenacted to read as follows:

75:8-a Five-Year Valuation. The assessors and selectmen shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every fifth year, beginning with the later of either of the following:

I. The first year a municipality's assessments were reviewed by the commissioner of the department of revenue administration pursuant to RSA 21-J:3, XXVI and the municipality's assessments were determined to be in accordance with RSA 75:1; or

II. The municipality conducted a full revaluation monitored by the department of revenue administration pursuant to RSA 21-J:11, II, provided that the full revaluation was effective on or after April 1, 1999.

2 Town of Roxbury; Total Valuation Adjusted By the Department of Revenue Administration. The commissioner of revenue administration shall adjust the 2003 total town valuation for the town of Roxbury to exclude the $2,143,500 of exempt property previously included as taxable property. Notwithstanding RSA 21-J:35, the department shall forthwith utilize such adjusted total valuation in all calculations of town, county, state education, and local education tax rates, and in the determination of equalized assessed valuation.

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

AMENDED ANALYSIS

This bill clarifies the 5-year period in which municipalities reappraise real property to full and true value. The bill also directs the department of revenue administration to adjust the 2003 total valuation for the town of Roxbury.

2005-0922h

Floor Amendment to HB 710-FN
Proposed by Reps. Patten and Stohl

Amend the title of the bill by replacing it with the following:
AN ACT relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.
Amend the bill by replacing all after the enacting clause with the following:

1 Five-Year Valuation. RSA 75:8-a is repealed and reenacted to read as follows:

75:8-a Five-Year Valuation. The assessors and/or selectmen shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every fifth year, beginning with the later of either of the following:

I. The first year a municipality's assessments were reviewed by the commissioner of the department of revenue administration pursuant to RSA 21-J:3, XXVI and the municipality's assessments were determined to be in accordance with RSA 75:1; or

II. The municipality conducted a full revaluation monitored by the department of revenue administration pursuant to RSA 21-J:11, II, provided that the full revaluation was effective on or after April 1, 1999.

2 Town of Roxbury; Total Valuation Adjusted By the Department of Revenue Administration. The commissioner of revenue administration shall adjust the 2003 total town valuation for the town

of Roxbury to exclude the $2,143,500 of exempt property previously included as taxable property. Notwithstanding RSA 21-J:35, the department shall forthwith utilize such adjusted total valuation in all calculations of town, county, state education, and local education tax rates, and in the determination of equalized assessed valuation.

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

AMENDED ANALYSIS

This bill clarifies the 5-year period in which municipalities reappraise real property to full and true value. The bill also directs the department of revenue administration to adjust the 2003 total valuation for the town of Roxbury.

2005-0255h

Amendment to HCR 7

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION urging the United States Congress to establish a task force to review and revise the current drug policy.

AMENDED ANALYSIS

This house concurrent resolution urges the United States Congress to establish a task force to review and revise the current drug policy.

2005-0926h

Floor Amendment to SB 23

Proposed by Reps. Dickinson, Currier, Spang and Merrow

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

1 New Subparagraph; Public Water Access Advisory Board; Membership; Coastal or Marine Member Added. Amend RSA 233-A:2, I by inserting after subparagraph (p) the following new subparagraph:

(q) A public member representing coastal or marine interests, appointed by the governor and council.

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

AMENDED ANALYSIS

This bill adds a member representing coastal or marine interests to the public water access advisory board.