

# State of New Hampshire HOUSE RECORD

## First Year of the 159<sup>th</sup> General Court Calendar and Journal of the 2005 Session

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Friday, May 6, 2005

No. 39

Contains: Reports and Amendments for May 11, Hearings, Meetings and Notices

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### HOUSE CALENDAR

#### NOTICE

The House will meet on **Wednesday, May 11<sup>th</sup>** at 10:00 a.m.

**Chairmen and Vice Chairmen** will meet on **Tuesday, May 10<sup>th</sup>** 9:00 a.m. in Room 203, LOB.

W.  
Douglas  
Scamman,  
Speaker

#### NOTICE

There will be a Republican Caucus on Wednesday, **May 11** at **9:15 a.m.** in Representatives Hall.

Rep.  
Michael  
O'Neil,  
Majority  
Leader

#### NOTICE

There will be a Democratic Caucus on Wednesday, **May 11** at **8:30 a.m.** in Rooms 205-207 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

## LAI D 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

|                                  |                                                                                |
|----------------------------------|--------------------------------------------------------------------------------|
| Wednesday, May 11, 2005          | Last day to act on Senate bills going to a second committee                    |
| Thursday, May 26, 2005           | Last day to report all Senate bills for action in 1 <sup>st</sup> 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, MAY 11

## CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**SB 21**, relative to voluntary mediated agreements in adoptions. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill establishes criteria for the adoption and enforcement of voluntary mediated agreements between birth parents, adoptive parents, and DCYF, in adoptions involving a child who is in the custody or guardianship of the department. The amendment clarifies the intent and purpose of this exception to adoption procedures. The department must state its reasons in writing if it is unwilling to participate in mediation. **Vote 15-0.**

### COMMERCE

**SB 86**, permitting on-site samples and retail sales by liquor manufacturer licensees. **OUGHT TO PASS**

Rep. Jane S. Langley for Commerce: This bill will permit on-site samples and retail sales by New Hampshire micro distilleries as New Hampshire law currently allows for beer and wine. It would permit the micro distilleries to allow tasting and sales on-site, limited to ½ ounce samples, and also limit sales to twelve 9 liter cases of liquor to any one customer in a calendar year. The bill has the support of the NH Liquor Commission, promotes tourism, keeps a rural agricultural scene for the fruits (apple and potatoes) needed to produce the liquor. The licensees will be required to report the sales to the commission and pay a tax on the sales. **Vote 17-1.**

## EDUCATION

**SB 12**, relative to contracts with non-profit public academies. **INEXPEDIENT TO LEGISLATE**

Rep. Emma L. Rous for Education: This bill addressed a particular funding situation in Bedford and was rendered moot when Bedford passed a bond to build a new high school. **Vote 12-1.**

**SB 40**, permitting special school district meetings to be held in conjunction with the biennial election in certain school districts. **OUGHT TO PASS**

Rep. Stephen H. L'Heureux for Education: This enabling legislation allows a special meeting of a school district to be held in conjunction with a biennial election. It includes language for this exception to current law only when approved by the court and when a school district has adopted the official ballot referendum form of meeting pursuant to RSA 40:14. **Vote 15-0.**

**SB 45-L**, relative to the Hanover school district tax stabilization fund. **OUGHT TO PASS**

Rep. W. Packy Campbell for Education: The committee felt this bill was a housekeeping measure and wanted to support the good people of Hanover in their responsible tax stabilization efforts. **Vote 15-0.**

**SB 68**, relative to certain costs for the development of a high school in the town of Bedford. **INEXPEDIENT TO LEGISLATE**

Rep. Kimberly S. Casey for Education: The passage of the high school bond in Bedford makes this legislation unnecessary. **Vote 13-0.**

**SB 141-L**, authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts. **OUGHT TO PASS**

Rep. Nancy F. Stiles for Education: All testimony heard by the committee supported SB 141-L which enables the individual districts within the newly formed cooperative to establish and fund reserve accounts for this previously directed purpose. **Vote 14-0.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 52**, establishing the state suggestion and extraordinary service award program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: The committee felt that there needed to be a program in state statute that would authorize funds for employee suggestions that save the state money. Current statute has the monies coming from each agency budget and no guidelines on how to approve awards. Testimony was given that one agency saved over \$1.5 million because of a suggestion and the employee got a \$100 award. This bill establishes a committee and the criteria for making an award. It also establishes that the \$10,000 will be included as part of the governor's budget and will not come from the agencies' budget. **Vote 10-4.**

**SB 65**, ratifying changes to the state building code adopted by the state building code review board. **OUGHT TO PASS**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee agrees with this bill which ratifies the changes or updates to the codes included in the state building code adopted by the State Building Review Board during 2003 and 2004 in Administrative Rules BCR300. The testimony received unanimously supported this bill. **Vote 14-0.**

## JUDICIARY

**SB 167**, relative to extension of guardianship. **OUGHT TO PASS**

Rep. Bette R. Lasky for Judiciary: This bill was introduced as a result of a Probate Court audit to amend the timeframe for the Probate Court to act on an extension of guardianship petition. According to testimony, these extensions are a rare occurrence, but SB 167 gives those who may object to such an extension additional time to do so. **Vote 18-0.**

**SB 168**, relative to administration of estates. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill makes simpler the process for administering small estates. Currently if someone petitions for administration of a small estate and later discovers another asset, he or she must file a new petition and if the new asset raises the value of the estate over the \$10,000 threshold for small estates, the petitioner must drop the small estate administration and petition for regular administration. This bill eliminates the separate track for small estates but incorporates the benefits of small estate administration, such as not requiring newspaper notice or a bond for those small estates, into full estate administration. The amendment reduces the amount under which newspaper notice is required from \$25,000 in the original bill to \$10,000 in the current law. **Vote 18-0.**

**SB 169**, relative to access to confidential court records. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: This bill allows the Supreme Court to grant access to confidential court records to any person conducting a “bona fide research or evaluation project.” The Supreme Court requested this bill and testified that Health and Human Services has a similar statute. The committee was very concerned about the lack of guidelines for who may be conducting the research project. There were no limits to how many or which cases may be looked at. The only rights for individuals to have their names redacted would be if the researcher wants to use their names in the final report. Because of privacy concerns, the committee voted unanimously inexpedient to legislate. **Vote 16-0.**

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**SB 58-FN**, making certain changes in the workers' compensation law. **OUGHT TO PASS**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill makes four basic changes to existing workers' compensation law. It changes the amount insurance carriers and self-insurers pay to the special fund for second injuries, clarifies when a decision of the commissioner or the compensation appeals board becomes final, allows the commissioner to suspend a board member who fails to render a decision in a timely manner as required by statute, and lastly, requires First Reports of Injury to be filed electronically unless it causes a carrier or self-insured employer undue hardship. The committee was unanimous in its decision to support these changes. **Vote 15-0.**

**SB 219-FN**, relative to examinations under workers' compensation. **OUGHT TO PASS**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill requires employees receiving medical benefits to submit to a medical examination if requested to do so by the employer or Commissioner of Labor. Current law only requires such an examination if the employee is receiving weekly compensation payments. This bill also declares that if medical bills for workers' compensation cases are in dispute, the employee must submit to an examination if requested to do so by the employer. If the employee does not comply, his or her right to a hearing shall be suspended until an examination has taken place. **Vote 15-0.**

**SB 222-FN**, relative to cumulative trauma under workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Ken Donahue for Labor, Industrial and Rehabilitative Services: This is a housekeeping bill that clears up the date of injury by establishing the date of injury to be the date of first medical treatment. The bill and amendment were supported by the Department of Labor and unanimously supported by the committee. **Vote 15-0.**

## **MUNICIPAL AND COUNTY GOVERNMENT**

**SB 117-FN**, relative to utility property tax appeals. **OUGHT TO PASS**

Rep. Harry S. Gale for Municipal and County Government: Currently appeals of valuations and assessments of the utilities tax have been directed to the Board of Tax and Land Appeals (BTLA) or to the Superior Court. Under this bill, initial appeals will be made to the Department of Revenue Administration (DRA) where there is more technical expertise and understanding of assessing procedures. The insertion of an appeal to DRA prior to going to BTLA or Superior Court could reduce the number of such appeals to the Superior Court. It could also reduce the number of issues within appeals. This bill proposes that appeals occur pursuant to the procedure in RSA 21-J, which provides for a petition to DRA for reconsideration, hearing and decision prior to appealing to either the BTLA or Superior Court. It is assumed that this bill will result in approximately half of the appeals being resolved at the DRA level. This bill has widespread support among all the parties involved and strong bipartisan committee support. **Vote 10-2.**

**SB 189**, authorizing the use of interest rate swap agreements and other similar agreements by the cities of Manchester and Nashua. **OUGHT TO PASS**

Rep. Robert L. Theberge for Municipal and County Government: This bill authorizes the cities of Manchester and Nashua to enter into certain agreements for managing interest rates, investments, and other payments for bonded indebtedness. The purpose of a swap is to refinance a city's debt, thereby obtaining a better interest rate and as a consequence saving the municipality millions of dollars. The city of Manchester, with the authorization of the legislature, entered into a swap agreement during the early 1990's for the Manchester Airport, which resulted in a savings of \$6.0 million for the taxpayers. A swap agreement as proposed in this bill will not affect the State of New Hampshire's bonding rate. Both the U.S. Government Accounting Board (GASB) and the National

and Municipal Analyst have a derivative task force/working group overseeing the best practices for directive financial updating and disclosure law. Currently 43 or 50 states have utilized swap agreements to refinance their indebtedness. Some municipalities have taken advantage of the efficient pricing of “swaps” to convert fixed rate bonds into variable rate debt. Express statutory authority to establish an interest rate swap agreement, such as set forth in SB 189, is preferable as it establishes legal certainty and avoids extensive research and analyses necessary to determine whether the authority to enter into an agreement exists. In summary, this legislation, as presented, would provide the cities of Manchester and Nashua with additional methods and increased flexibility in the future when addressing specific risk management situations. With careful planning and policies in place, the cities of Manchester and Nashua may use interest rate swaps to successfully modernize their respective bond indentures, regain financial flexibility and better match their respective debts to finance assets. **Vote 12-0.**

## **TRANSPORTATION**

**SB 120**, relative to the purchase of rail properties. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: Currently all rail properties that are offered for sale to the state are in writing to the commissioner. This bill amends that practice requiring commissioner to promptly notify the Governor and Council when an offer has been accepted. The Governor will schedule the offer for consideration by the Council within 90 days of the date on the notice. **Vote 11-0.**

**SB 138-LOCAL**, relative to motor vehicle liability for municipal workers. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill adds municipal workers to current liability law for permanent, call and volunteer fire fighters and police officers. The law exempts a worker from having his or her insurance rates raised if involved in an accident when operating a municipal vehicle. **Vote 12-0.**

**SB 208-FN**, relative to certification of driver education instructors. **OUGHT TO PASS**

Rep. Robert W. Williams for Transportation: In New Hampshire all driving instructors have the same training. This bill allows persons who are not certified secondary school teachers to teach driver education in school programs. There are two kinds of driver education training schools: privately owned and operated driver education schools and publicly operated driving schools. The only difference is that in the secondary school setting the instructors are required to be certified as secondary school teachers. The proposed change in RSA 186:11 is that the driver education instructors in the secondary school setting shall not be required to be certified as secondary school teachers. **Vote 13-0.**

## **WAYS AND MEANS**

**SB 62-FN**, allowing court fees to be paid by credit card. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Ways and Means: This bill allows court fees and fines paid into any court to be paid by credit card. The committee amended the bill by removing a proposed \$5 processing fee for each credit card payment. The majority believed that the benefits of credit card payments would more than offset the additional revenues which the processing fee might engender. **Vote 22-0.**

**SB 87**, relative to extension of tax liens by the department of revenue administration. **OUGHT TO PASS**

Rep. Sharon M. Carson for Ways and Means: This bill is at the request of the Department of Revenue Administration. It permits the department to extend an existing lien by an additional six years in order to collect all monies due if the amount owed is not satisfied by the end of the existing lien. The committee felt this was a reasonable request. **Vote 21-0.**

**SB 202**, relative to property taxable as utility property. **OUGHT TO PASS**

Rep. Susan W. Almy for Ways and Means: When a property converts to utility status (such as a generating plant that comes out of PILOT status or starts up), it is taxed by the state Utility Property Tax at \$6.60 and, for the first two years, by the state Education Property Tax, because the latter's formula refers to two-year-old assessment data. The residents of the town end up paying for the double taxation. This bill eliminates the utility's value from the town assessment for Education Property Tax purposes after it is taxable by the Utility Property Tax, wherever this problem makes a significant difference to the taxpayers. **Vote 22-0.**

**SB 212**, relative to the railroad tax. **OUGHT TO PASS**

Rep. Sharon M. Carson for Ways and Means: This bill was requested by the Department of Revenue Administration and simply puts into statute an existing practice. It allows the Commissioner of

Revenue Administration to appraise property held by the railroads and their corporations, establishes a tax collection process, and creates an appeal procedure. **Vote 21-0.**

## **WEDNESDAY, MAY 11**

### **REGULAR CALENDAR**

#### **EDUCATION**

**SB 38-FN**, relative to school building aid for certain receiving districts. **OUGHT TO PASS**

Rep. Mark S. Carter for Education: This bill allows receiving districts providing education to pupils from sending districts to receive annual school building aid under certain conditions. Certain "tuition agreements" are not covered by the multi-district school building aid statute. This bill rectifies this inequity, and was carefully amended in the Senate in cooperation with the Department of Education to address issues that arose with the original bill text. **Vote 14-1.**

**SB 90-FN-A-L**, relative to kindergarten construction aid. **OUGHT TO PASS**

Rep. Emma L. Rous for Education: This bill continues the opportunity for towns to implement kindergarten programs by extending the kindergarten construction program and authority to bond for one year to June 30, 2006. **Vote 15-0.**

#### **JUDICIARY**

**SB 61**, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for the **Majority** of Judiciary: This bill, as amended, clarifies the procedure by which full-time judges give notice of their intention to retire. It also authorizes and establishes the rules by which retired full-time judges under the age of 70 may continue to serve on an as-needed basis, as senior active judges, and by which those over the age of 70 may continue to serve, on an as-needed basis, as judicial referees. **Vote 16-2.**

Rep. Robert H. Rowe for the **Minority** of Judiciary: New Hampshire has an asset in its full time judges who retire between the age of 60 to 70 years. Under the former retirement system the retirement pay was substantial and they were expected to sit temporarily as requested. The new judicial retirement is a contributory plan and results in a smaller income. With this bill as passed, the judges under the new retirement system will not be compensated on a per diem basis if they sit. As such, there will not be an incentive for these judges to sit. We will lose a trained cadre of professional judges. For the sake of a per diem income, there would be an incentive for them to sit as requested and a court backlog reduced. The minority amendment will allow full time retired judges to be compensated for their time.

**SB 63-FN-A**, establishing a court mediation fund to pay the costs of a mediation program in the district courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter S. Espieffs for the **Majority** of Judiciary: This bill authorizes the establishment of a voluntary mediation program for small claims filed in the district courts and funding to pay the costs of mediation. Small claims are the lowest level of civil case jurisdiction in the district courts. They include claims that do not exceed \$5000 and the title to real estate is not involved. In recent years, there has been a great increase in small claims cases. Over 18,000 were filed in 2004. This has created a tremendous strain on the courts' judicial and administrative time and resources and threatens the court's ability to properly handle its heavy dockets of criminal, civil, traffic, and juvenile matters. The mediation program is needed to relieve the growing pressure on the district court trial docket. It will give the litigants who opt for mediation an expeditious, less technical and less stressful solution of their dispute while reserving their right to a trial if not satisfied. It should be noted that a mediated resolution submitted to the court becomes a court order and is legally enforceable. The program will be funded through an increase of \$5 to the small claim filing fee (now \$55) collected by the court. The resulting fund will be a dedicated fund out of which mediators will be paid a flat fee of \$60 per case, regardless of the time involved. Mediation, funded by a filing fee increase, has been used by the NH probate court system for several years and has worked well in reducing the overload in its jurisdiction. Mediation has proven to be a most effective and expeditious alternative in many states. The need for it in the district court system is clear, the funding cost is

minimal to the users, and the ultimate savings to the district court system will be substantial. **Vote 12-6.**

Rep. Tony F. Soltani for the **Minority** of Judiciary: The minority agrees that mediation is an effective and speedy method of resolving disputes. However, this bill unnecessarily imposes a mandatory \$5 fee on those who can least afford it. The mediation program has been successfully operated at superior court through the use of volunteer attorneys who pay to attend the mediation training. Cases involving large sums of money are currently mediated at superior court without charge to the litigants because the mediators volunteer their time. It makes no sense to impose a fee and hire paid mediators for small claims; while a volunteer system is working well for large cases. This is simply an unjustifiable and regressive tax which would enrich only a few who refuse to volunteer.

**SB 75-FN**, relative to the statute of limitations for a civil actions based upon a sexual assault case. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maureen C. Mooney for Judiciary: This bill extends the statute of limitations for civil actions involving sexual assault on minors. Many victims suffer extensive psychological, mental, physical and emotional anguish that is not always apparent or discoverable until years after the alleged incident occurs. After careful consideration, the majority of the committee felt this bill incorporates into law a reasonable filing extension in order to justly compensate victims and deter child predators. **Vote 12-6.**

**SB 210-FN**, relative to a declaratory judgment to adjudicate constitutional nexus. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would add to the statutes a short new chapter, which would confer jurisdiction upon the superior courts to make declaratory judgments on the issue of whether a plaintiff New Hampshire business's contacts with another state were insufficient to justify that state's taxing authorities requiring it to collect and remit sales and use taxes on that state's behalf. The committee majority concluded that the superior courts already have such jurisdiction under their general declaratory judgment authority of RSA 491:22 and that the effect of enacting this bill would be to mislead New Hampshire businesses into believing that they were no longer subject to, and therefore did not have to respond to, suits brought in another state seeking either to enforce collection or to obtain similar declaratory relief, should its taxing authorities "win the race to the courthouse" and file suit in their home state first. No statute passed by the State of New Hampshire can deprive another state of its own jurisdiction over this subject. Moreover, the judicial branch indicated that specifying this authority in a separate statute would invite additional proceedings on this subject at considerable cost in court time, while the Department of Revenue Administration stated that it would invite retaliatory statutes in other states at considerable eventual cost in reduced tax revenues from out-of-state businesses. **Vote 12-6.**

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**SB 113-FN**, relative to the use of federal funds for technology improvements within the department of employment security. **OUGHT TO PASS**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The computer system used by the Department of Employment Security is in serious need of upgrade and replacement. This bill allows the department to use funds provided by the federal government through the REED Act funds. **Vote 9-6.**

**SB 172**, establishing a committee to study a medical fee schedule for workers' compensation. **OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Labor, Industrial and Rehabilitative Services: The bill is simply a feasibility study concerning a medical fee schedule for workers' compensation cases. Presently, all New England states, except New Hampshire, and forty-one other states have a medical fee schedule. **Vote 8-7.**

## **PUBLIC WORKS AND HIGHWAYS**

**SB 164-FN**, relative to the disposal of real property purchased with highway or turnpike funds. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James B. Rausch for the **Majority** of Public Works and Highways: This bill requires the Department of Transportation to contract with licensed real estate professionals to sell excess surplus commercial and industrial real estate owned by the department. All requests for disposal of surplus commercial and industrial property owned by the Department of Transportation must be

reviewed and approved by the Long Range Capital Planning and Utilization Committee prior to submission to the Governor and Council for approval. This bill further requires the proceeds from the sale of the properties to be deposited into either the highway or turnpike fund, depending on which fund was used to originally purchase the property. The legislation additionally makes the state comply with Article 6-a of the NH Constitution by eliminating the approval by the Council on Resources and Development (CORD) for disposal of property that was purchased with state or federal highway funds. Article 6-a states "No part of such revenues shall by transfer of funds, or otherwise, be diverted to any other purpose whatsoever." The CORD process has previously allowed for such diversion of property in violation of Article 6-a resulting in diminishing the funds available for highway and turnpike maintenance and construction. The CORD process is unchanged for all other state owned property, only the property purchased with highway, or turnpike funds is affected. Other agencies, counties, cities or towns have right of first refusal for the property, but must reimburse the highway or turnpike funds for the property value. The House has already passed HB 540 which was identical to SB 164 except it dealt with the disposal of residential property. This legislation, as well as HB 540, is a result of recommendations of the bipartisan committee established in Chapter 262:3, Laws of 2004 charged with reviewing funding of the state's transportation plan. **Vote 11-5.**

Rep. Bernard L. Benn for the **Minority** of Public Works and Highways: The minority agrees that non-essential surplus land bought with highway funds must and should be sold at fair market value and the proceeds returned to the Highway Trust Fund. However, the minority has concern about removing the Council on Resources and Economic Development (CORD) from the review process. In the bill, the review and approval is left solely to the Long Range Capital Planning and Utilization Committee prior to its submittal to Governor and Council. Limiting oversight in this way could result in a diminished range of input that might have important environmental or economic consequences to the state and/or communities. No compelling reason was brought forth to remove CORD from the process, although the minority understands that the CORD process may need some improvements to make it more efficient. In addition, some members feel that to save significant money for the Highway Trust Fund, the state should establish a professional real estate office to dispose of these properties rather than contracting with private real estate brokers. One former commercial broker dubbed SB 164 the "Real Estate Broker's Full Employment Act."

## **TRANSPORTATION**

**SB 145-FN**, establishing a medical/vision advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jennifer M. Brown for Transportation: This bill establishes a medical/vision advisory board to advise the Director of the Division of Motor Vehicles of the Department of Safety. We felt that instead of having the Division of Motor Vehicles make decisions alone on medical issues, they will have advice from the medical community which will consist of an advisory board made up of two licensed physicians and one licensed optometrist. This bill will sunset in two years. **Vote 9-4.**

## **WAYS AND MEANS**

**SB 18**, relative to sales of tickets for pure lotteries by those not employed by the lottery commission. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Parker for Ways and Means: This bill eliminates the restriction on lottery ticket sales by non-employees. Currently, licensed agents of the lottery can offer lottery tickets for sale from licensed locations and lottery employees can offer tickets at unlicensed locations. The Lottery Commission estimated the annual net profit for allowing non-lottery employees to sell lottery tickets at unlicensed locations at \$75,000 before any overhead expense allocation or supervision costs. The majority of the committee believes that extending the right to sell lottery tickets by non-lottery employees to unlicensed locations was not justified by the additional net profit it would generate and would not be an appropriate extension of the retail sale of lottery tickets. **Vote 12-8.**

**SB 20-FN**, relative to an increase in lottery ticket prices. **OUGHT TO PASS**

Rep. Benjamin E. Parker for Ways and Means: This bill allows the Lottery Commission to sell tickets at a price not to exceed \$20. Estimated net profits from an offer of a \$20 ticket are: \$2,125,200 in FY 06 and \$2,721,600 in FY 07. These estimates include the effect on sales of existing tickets. The majority of the committee believes that this request for a higher lottery ticket price is an appropriate incremental increase which will enhance the lottery as a revenue source for the state. **Vote 12-9.**

## HOUSE BILLS AMENDED BY THE SENATE

**HB 83**, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (House Nonconcurrent; C-of-C 5/4/05)

**HB 86**, relative to property held in police department property rooms. (House Concurred 5/4/05)

**HB 97**, relative to replacing school budget committee members. (House Concurred 5/4/05)

**HB 112**, relative to psychiatric evaluations in competency hearings. (SJ 4/28/05)

**HB 199**, relative to fish and game department expenditures for marine fisheries. (SJ 4/21/05)

**HB 229**, extending the committee to study the establishment of a farm viability program. (SJ 4/14/05)

**HB 263**, relative to the use of design build and construction management methods for state capital projects. (House Concurred 5/4/03)

**HB 280**, relative to the manner of service in divorce and child custody proceedings. (House Concurred 5/4/05)

**HB 303-FN**, relative to the fire standards and training commission. (House Concurred 5/4/05)

**HB 353**, relative to consent to haul lobster and crab gear of license holders. (SJ 4/14/05)

**HB 382**, establishing a committee to develop a strategic capital plan for department of corrections' facilities. (SJ 4/28/05)

**HB 401-FN-A**, making an appropriation to the Seacoast Shipyard Association. (House Concurred 5/4/05)

**HB 440**, relative to hearing ear dogs, guide dogs, and service dogs. (SJ 4/28/05)

**HB 447-FN**, relative to black bear license and tag fees. (SJ 4/28/05)

**HB 469**, regulating disputes between homeowners and contractors relative to residential construction defects. (House Concurred 5/4/05)

**HB 481**, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 171-B, and RSA 623:1. (SJ 4/28/05)

**HB 512**, establishing a commission to study property tax relief and reverse mortgages. (SJ 4/14/05)

**HB 672-FN**, relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts. (SJ 4/21/05)

## COMMITTEE OF CONFERENCE

**HB 83**, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Reps. Stohl, Dowd, Brundige and N. Johnson)

## COMMITTEE MEETINGS

### MONDAY, MAY 9

**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**

Noon Regular meeting.

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

1:00 p.m. Regular meeting.

**JOINT COMMITTEE ON EMPLOYEE RELATIONS (RSA 273-A:9,V), Room 307, LOB**

1:15 p.m. Regular meeting.

### TUESDAY, MAY 10

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

10:00 a.m. Full committee work session on children's issues.

**COMMERCE, Room 307, LOB (Please note room change.)**

10:00 a.m. Subcommittee work session on **SB 77**, relative to the review of proposed health care provider contracts and **SB 78**, relative to payment of health care providers by health

carriers.

**Rooms 302-304, LOB**

1:00 p.m. Continued public hearing on ***SB 125-FN***, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism.  
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

**COMMITTEE TO STUDY THE PRESCRIPTION AND USE OF PSYCHOTROPIC DRUGS IN CHILDCARE CENTERS, PRESCHOOLS, AND PUBLIC SCHOOLS (HB 551, Chapter 237:2, Laws of 2004), Room 205, LOB**

3:00 p.m. Regular meeting.

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

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

**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

9:00 a.m. **Retained** subcommittee work session on ***HB 634-FN-A***, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail, ***HB 659-FN-A***, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages and ***HB 663-FN***, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities.  
11:00 a.m. **Retained** subcommittee work session on ***HB 722***, relative to the spreading of biosolids in certain designated areas.  
1:00 p.m. Subcommittee work session on ***SB 187***, relative to allowing alternative certified hazardous waste coordinator programs.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

9:00 a.m. Subcommittee work session on ***SB 170***, revising the nurse practice act.  
10:00 a.m. Executive session on pending legislation.

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

9:30 a.m. **Rescheduled** public hearing on ***SB 146-FN-A-L***, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.  
10:30 a.m. ***SB 199***, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.  
11:30 a.m. ***SB 137-FN-A***, relative to the Conway Branch railroad.  
Full committee work and executive session on pending legislation, time permitting.

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

10:00 a.m. Ad hoc committee to study accessible housing needs and financial assistance for individuals with disabilities.

**JUDICIARY, Room 208, LOB**

10:00 a.m. Executive session on pending legislation.  
11:00 a.m. Full committee work session on ***SB 214***, relative to screening panels for medical injury claims.

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

10:00 a.m. Subcommittee work session on ***SB 69-L***, relative to certain insurance liens and ***SB 180-FN-A-L***, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs.  
1:30 p.m. Subcommittee work session on ***SB 192***, relative to service in a war or conflict qualifying for the veterans' tax credit.

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

4:00 p.m. Regular meeting.

**RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB**

- 10:00 a.m. Subcommittee work session on ***SB 83***, establishing a commission to study issues relative to the comprehensive shoreland protection act and the public waters of the state.
- 11:00 a.m. Executive session on pending legislation.

**TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003), Room 205, LOB**

- 1:00 p.m. Regular meeting.

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

- 9:00 a.m. Subcommittee work session on Health and Human Services revenues.
- 10:00 a.m. Full committee work and executive session on pending legislation and revenues.

**WEDNESDAY, MAY 11**

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

- 4:00 p.m. Agenda: Continued discussion on LRCP 05-016 Town of Gorham.

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

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

**SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB**

- 8:30 a.m. Full committee work session on ***SB 215-FN***, creating a committee to study banning the incineration of construction and demolition debris.

**THURSDAY, MAY 12**

**ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), 32 South Main Street, Concord**

- 1:30 p.m. Regular meeting.

**COMMERCE, Room 302, LOB**

- 10:00 a.m. Subcommittee work session on ***SB 196***, requiring a hearing when medical malpractice insurance rates change.
- 11:00 a.m. Subcommittee work session on ***SB 111***, relative to persons conducting securities broker-dealer and investment advisor businesses.
- 1:15 p.m. Subcommittee work session on ***SB 209-FN***, relative to licensing of money transmitters and check cashers.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

- 9:30 a.m. Subcommittee work session on ***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.
- 10:00 a.m. Subcommittee work session on ***SB 79***, relative to the governance of the regional community-technical colleges.

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

- 10:00 a.m. Subcommittee work session on ***SB 104-FN***, relative to the tax exemption for water and air pollution control facilities.

**STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB**

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

**FRIDAY, MAY 13**

**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), NH Department of Revenue Administration, Regional Drive, Concord**

- 9:30 a.m. Regular meeting.

**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.

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

9:30 a.m. Regular meeting.

**MONDAY, MAY 16**

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

1:00 p.m. Regular meeting.

**NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Senate Conference Room, 3<sup>rd</sup> Floor  
State House**

10:00 a.m. Regular meeting.

**TUESDAY, MAY 17**

**COMMERCE, Room 302, LOB**

10:00 a.m. Subcommittee work session on *SB 209-FN*, relative to licensing of money transmitters and check cashers.

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

10:00 a.m. Health and Human Services presentation to the committee on Medicare Part D.

**PUBLIC WORKS AND HIGHWAYS, Room 201, LOB**

10:00 a.m. Full committee work session on *SB 127-FN*, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.  
Executive session on pending legislation.

**RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB**

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

**WEDNESDAY, MAY 18**

**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.

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

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

**THURSDAY, MAY 19**

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

10:00 a.m. Full committee work session on retained bills.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

9:00 a.m. Full committee work session on *SB 70*, relative to the powers of special corporations.  
Executive session on pending legislation.

**FRIDAY, MAY 20**

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

12:30 p.m. Regular meeting.

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

9:00 a.m. Formal Hearing of Complaint #2004-2.

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

9:00 a.m. Regular meeting.

**MONDAY, MAY 23**

**COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 205, LOB**

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

**TUESDAY, MAY 24**

**FISH AND GAME/RESOURCES, RECREATION AND DEVELOPMENT, Rooms 305-307, LOB**

10:00 a.m. Public water information briefing by the Department of Environmental Services.

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

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

**WEDNESDAY, MAY 25**

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

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

**THURSDAY, MAY 26**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

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

**PUBLIC WORKS AND HIGHWAYS, Room 201, LOB**

9:30 a.m. Executive session on pending legislation, if needed.

**FRIDAY, MAY 27**

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB**

10:00 a.m. Regular meeting.

**OFFICIAL NOTICES**

**COUNTY DELEGATION NOTICE**

**Belknap** County Delegation will meet on **May 9<sup>th</sup>** at 7:00 p.m. at the Belknap County Complex, North Main Street, Laconia. The business of the meeting is the Gunstock final report.

**Belknap** County Executive Committee will meet on **May 31<sup>st</sup>** at 6:30 p.m. at the Belknap County Complex, North Main Street, Laconia.

Rep. John  
H.  
Thomas,  
Chairman  
Belknap

County  
Delegation

### COUNTY DELEGATION NOTICE

**Merrimack** County Executive Committee will meet on Monday, **May 9** at 8:00 a.m. at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is to review and approve the First Quarter Financial Report.

Rep.  
Jessie L.  
Osborne,  
Chairman  
Merrimack  
County  
Executive  
Committee

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### REVISED FISCAL NOTES

The following HBs and SBs have revised fiscal notes: HBs 25, 47, 59, 60, 71, 72, 100, 104, 116, 128, 130, 152, 153, 159, 190, 210, 215, 216, 234, 239, 240, 263, 272, 302, 303, 304, 339, 401, 430, 431, 432, 433, 456, 457, 460, 477, 513, 535, 594, 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, 691, 692, 693, 694, 695, 696, 697, 698, 699, 701, 703, 704, 708, 713, 716, 718. SBs 21, 27, 38, 52, 58, 79, 86, 93, 101, 108, 110, 112, 117, 125, 137, 140, 147, 152, 165, 206, 208, 210, 215.

Karen O.  
Wadsworth,  
Clerk of the  
House

\*\*\*\*\*

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

Rep.  
Michael  
O'Neil,  
Majority  
Leader

\*\*\*\*\*

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **June 6** at 6:00 p.m.

Karen O.  
Wadsworth,  
Clerk of the  
House

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

John R.M. Alger, 935 East Rumney Road, Rumney 03266-3037  
Peter R. Cote, 68 Bowers Street, Nashua 03060-3927  
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.

\*\*\*\*\*

All Representatives and Senators are invited to The Annual Gun Owners of New Hampshire's (GO-NH) Legislative Firearms Orientation Day to be held at the Pemigewasset Valley Fish & Game in Holderness, also called the GO-NH Legislative Shoot, on Monday, **May 9**, 2005 from 9:00 a.m. to 3:00 p.m. A lunch will be served, but we need you to reserve so we know how many to order, please reserve by calling Evelyn Logan at 1-877-841-1672 or emailing at [elogan@metrocast.net](mailto:elogan@metrocast.net) or emailing Toni Piper at [dzevv@worldpath.net](mailto:dzevv@worldpath.net), and please tell us how many in your party so lunches can be ordered.

Rifles, modern rifles, pistols, and muzzle loader shooting as well as a Cowboy Action shoot and trap shooting. Several New Hampshire firearms and related companies have been invited to demonstrate their products. A trip to the New Hampshire Fish and Game Owl Brook Hunter Education Center is also planned during the day. GO-NH and Pemigewasset Valley Fish and Game are sponsoring the event, which will be held at the Club's Holderness, New Hampshire location. Shooting, safety instructions, ammunition, targets, eye and ear protection, and loaner firearms will be provided for use by all. (Bring your own, if you like.) Finally, in your mailboxes will be a cover letter with directions, hope to see you all there.

Rep.  
Elbert  
I.  
Bicknell

\*\*\*\*\*

This month of May is ALS awareness month. The ALS Association, Northern New England Chapter, invites all legislators to participate in a candlelight vigil in front of the State House on Monday, **May 9** from 8:30 to 9:00 p.m. to honor and remember those with ALS, while also shining a light on the future research efforts giving those affected by ALS a reason for hope. Amyotrophic Lateral Sclerosis (ALS), often known as Lou Gehrig's disease, is a progressive disorder that occurs when motor nerve cells in the central nervous system cease functioning and die. ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic. ALS does not affect the patient's mental capacity, so that the patient remains alert and aware of his or her loss of motor functions and the inevitable outcome of continued deterioration and death.

Rep.  
James  
R.  
MacKay

\*\*\*\*\*

The House Republican Alliance will meet at 8:30 a.m. on Tuesday, **May 10<sup>th</sup>** at the Upham Walker House, Park Street, Concord.

Rep.  
Paul

Mirski

\*\*\*\*\*

US Congressman Charlie Bass, who serves on the House Energy and Commerce Committee, invites all interested Representatives and Senators, especially those who are on committees involved with environmental issues, to a special briefing on his efforts in Washington to address the serious MtBE contamination issues in the State of New Hampshire. The briefing will be held at 10:00 a.m. on Tuesday, **May 10** in Rooms 302-304, LOB. Members of the public are invited to attend with limited seating available.

Rep.  
Larry  
Ross

\*\*\*\*\*

The Main Street Republican Caucus will meet on Wednesday, **May 11<sup>th</sup>** at 8:15 a.m. at the Upham Walker House.

Rep.  
Kenneth  
H.  
Gould

\*\*\*\*\*

There may be no free lunch, but breakfast is on NHLI (NH League of Investigators) on **May 11** from 7:00 to 9:00 a.m. at the Capitol Grille. Buffet breakfast and PI (not parliamentary inquiries) and a video of an actual surveillance.

Rep.  
Jordan  
G.  
Ulery

\*\*\*\*\*

The members of the NH Snowmobile Association cordially invite all House members and staff for a cup of coffee and quick snack before session on Wednesday, **May 11<sup>th</sup>** from 7:30 to 9:30 a.m. in the State House Cafeteria. Look forward to seeing you there.

Rep.  
Pamela  
G.  
Price

\*\*\*\*\*

The Annual Osteoporosis Education and Prevention Celebration will take place on **May 11** from 11:00 a.m. to 1:30 p.m. in Room 105A, State House. All kinds of healthy snacks and lunch items will be available. All legislators and staff are invited.

Rep.  
Barbara  
C.  
French

\*\*\*\*\*

All Representatives are invited to a very brief and simple ceremony in Portsmouth on **May 15<sup>th</sup>** at noon dedicating the plaque commemorating the first New Hampshire State House on the site of the original New Hampshire State House. The ceremony will take place in Market Square in front of the North Church.

Rep.  
Jacqueline  
A. Cali-  
Pitts

\*\*\*\*\*

The Legislative Caucus for Young Children (LCYC) will hold a **rescheduled** meeting on Monday, **May 16<sup>th</sup>** at 1:00 p.m. in Room 206, LOB. Attorney David Sandburg and Kathy Vachon, Senior Supervisor of CASA (Court Appointed Special Advocates) will speak on CASA's work on behalf of children who are abused and neglected. All members of the House and Senate are welcome.

Rep.  
Mary  
Stuart  
Gile

\*\*\*\*\*

All Representatives are invited to the **Governor's Conference on Volunteerism** on Wednesday, **May 18<sup>th</sup>** at the NH Technical Institute in Concord. The program includes many informative and useful workshops, Norm Bossio, an entertaining keynote speaker, lunch and the presentation of the Governor's Award for Outstanding Volunteer Management. Registration information is available online at [www.volunteernh.org](http://www.volunteernh.org) or by calling Volunteer NH! At 271-7200. Representatives can register at a special discount rate of \$30 for Representatives only. **Final deadline is May 11.**

Rep.  
Carolyn  
M.  
Gargas

\*\*\*\*\*

The New Hampshire Women's Lobby cordially invites you to attend SPRING CELEBS 2005 on Wednesday, **May 18**, 4:30 – 6:30 p.m. at the Kimball-Jenkins Carriage House, 266 North Main Street, Concord. This awards celebration is to honor legislators and citizens making a difference for women and families in the Granite State. Tickets are available from Lobby members and also at the door. A donation of \$10 for Women's Lobby members and \$20 for non-members is requested.

Rep.  
Deanna  
P.  
Rush

\*\*\*\*\*

The Seacoast Federation of Republican Women invites you to their Spring Luncheon on Thursday, **May 19<sup>th</sup>** at the Portsmouth Country Club, 80 Country Club Drive, Greenland. Social Hour from 11:00 a.m. to Noon. Lunch at 12 Noon. Guest speaker Captain Karen Baetzel, United States Navy (Reserve Component) on Emergency Preparedness. Lunch is \$30. For more information please call Rep. Stella Scamman at 772-3062. Please make reservations before **May 9<sup>th</sup>**

Rep.  
Stella  
Scamman

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In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Friday, **May 20**, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine.

Refreshments will be served immediately following the event. Please contact either Major Timothy J. Acerno of Fish and Game at 271-3129 or Chief Timothy Russell of the Henniker Department at 428-3213, if you have any questions.

W.  
Douglas  
Scamman,  
Speaker

\*\*\*\*\*

Cystic Fibrosis Foundation Walk. On Saturday, **May 21** there will be a walk in Manchester to raise funds for the Cystic Fibrosis Foundation. Many of us will be walking in memory of Juliana Buckley who passed away last Christmas night. Juliana was Ray Buckley's eleven year old niece. If you are interested you can pick up a form at either the House Democratic office or Senator D'Allesandro's office. You can also register to walk or contribute on-line at [www.cff.org/great\\_strides](http://www.cff.org/great_strides). Our team name is Juliana Buckley.

Rep.  
James  
W.  
Craig

\*\*\*\*\*

All legislators are invited to come join us for the 2<sup>nd</sup> Annual Blind Awareness Walk on Saturday, **May 21** from 11:00 a.m. to 2:00 p.m. to benefit the services of the NH Association for the Blind. The 2 mile walk in Concord will begin and end at the McGreal Center, 25 Walker Street, Concord. For more information on how you can get involved call 1-800-464-3075.

Rep.  
Stella  
Scamman

## STATE HOUSE VISITATION SCHEDULE 2005 SCHOOL YEAR FOR MAY & JUNE 2005

Virginia Drew, Public Information Administrator      Kenneth Leidner, Director

| <u>DATE</u> | <u>TIME</u>        | <u>GROUP</u>                     | <u>Grade/Size</u> |
|-------------|--------------------|----------------------------------|-------------------|
| M May 9     | 9:30               | Campton Elementary School        | 4/30              |
| M May 9     | 11:30 (10:00 SC)   | Greenfield Elementary School     | 4/15              |
| M May 9     | 11:30              | St. Mary's School – Claremont    | 4/10              |
| T May 10    | 9:30 & 11:00 SH/HM | Bartlett Elementary – Goffstown  | 4/60              |
| T May 10    | 1:00               | Hancock Elementary School        | 4/22              |
| T May 10    | 1:00               | Plainfield School – Meriden      | 4.35              |
| W May 11    | 9:30 & 11:00 SH/HM | Ashland Elementary School        | 4/20 & 6/32       |
| W May 11    | 1:00               | Bartlett Elementary- Berlin      | 4/21              |
| Th May 12   | 9:00               | New Hampton Community School     | 4/35              |
| Th May 12   | 11:00/12:30 SH/?   | Gilmanton Elementary             | 5/50              |
| F May 13    | 9:00 & 10:30 SH/HM | No Londonderry Elementary School | 4/78              |
| M May 16    | 9:00 & 10:30 SH/HM | No Londonderry Elem              | 4/52              |

|           |                              |                                       |          |
|-----------|------------------------------|---------------------------------------|----------|
| M May 16  | 11:45 & 1:00<br>SH/F&G       | Canaan School                         | 4/80     |
| Tu May 17 | 9:30 & 11:00<br>SH/HM        | Interlakes Elem – Meredith            | 4/80-100 |
| W May 18  | 9:30                         | Lisbon Regional School                | 4/26     |
| W May 18  | 11:00 & 12:30<br>SH/HM       | Chesterfield Elementary               | 4/50     |
| Th May 19 | 9:30 & 11:00<br>SH/HM        | Seminary Hill School – West Lebanon   | 4/50     |
| Th May 19 | 1:00                         | Holderness Central School             | 4/20     |
| F May 20  | 10:00<br>(11:30SC)           | Linwood Elem – Lincoln                | 4/20     |
| F May 20  | 10:00                        | Victory Baptist School – Londonderry  | 4/7      |
| F May 20  | 11:00 & 12:00<br>SH/FG       | Peterborough Elem                     | 4/69     |
| F May 20  | 1:00                         | Pierce Elem – Bennington              | 4/22     |
| M May 23  | 9:30 & 11:00<br>SH/SC        | Deerfield Community School            | 4/60     |
| M May 23  | 12:30 SH                     | Salem Christian School                | 4/18     |
| M May 23  | 12:30                        | Cornish Elementary School             | 4/14     |
| T May 24  | 9:30<br>(11:00HM)            | Ben Franklin School – Keene           | 4/42     |
| Tu May 24 | 10:30 & 12:00<br>SH/FG       | Enfield Elem School                   | 4/60     |
| W May 25  | 9:30 & 11:00<br>SH & HM      | Gossler Park Elem School – Manchester | 4/75     |
| W May 26  | 10:30 & 12:00<br>SH & HM     | Main Dunstable Elem School – Nashua   | 4/70     |
| F May 27  | 9:30 & 11:00<br>SH & HM      | Epsom Central School                  | 4/50     |
| F May 27  | 12:30                        | Bethlehem Elem                        | 4/25     |
| M May 30  |                              | SH Closed Memorial Day                |          |
| Tu May 31 | 9:30                         | St. Joseph School – Keene             | 4/12     |
| Tu May 31 | 10:30                        | The Well School – Peterborough        | 4/12     |
| Tu May 31 | 10:30                        | Mtn Shadows School – Dublin           | 6/10     |
| Tu May 31 | 12:00                        | St. Elizabeth Seton – Rochester       | 4/34     |
| W June 1  | 9:30 & 11:00<br>SH & HM      | Green Acres School – Manchester       | 4/88     |
| Th June 2 | 9:15                         | Kearsarge Middle School – New London  | 8/40     |
| Th June 2 | 10:30 & 12:30<br>SH & Planet | Lakeway Elem – Littleton              | 4/74     |
| F June 3  | 9:00/10:30<br>SH/HM          | St. Catherine’s School – Manchester   | 4/58     |
| F June 3  | 10:00 & 11:00<br>SH & Lawn   | Maple Ave School – Claremont          | 4/58     |
| M June 6  | 8:30 SH                      | Florence Rideout Elem School - Wilton | 4/35     |
| M June 6  | 10:00 & 11:00<br>SH & Lawn   | Pelham Elem School                    | 4/50     |
| Tu June 7 | 10:00 & 11:00<br>SH & Lawn   | Pelham Elem School                    | 4/50     |
| Tu June 7 | 12:30                        | Ed Fenn School - Gorham               | 4/35     |
| Tu June 7 | 2:00                         | Concord Chamber of Commerce           | 30       |
| W June 8  | 10:00 & 11:00<br>SH & Lawn   | Pelham Elem School                    | 4/50     |

|            |               |                                 |      |
|------------|---------------|---------------------------------|------|
| W June 8   | 12:30         | Nashua Christian Academy        | 4/16 |
| Thr June 9 | 10:00 & 11:00 | Pelham Elem School              | 4/50 |
|            | SH & Lawn     |                                 |      |
| F June 10  | 10:00         | Jonathan Daniels School – Keene | 4/35 |
| F June 10  | 11:30         | Kensington Elem School          | 4/34 |

## NOTICE

The 32<sup>nd</sup> 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 20<sup>th</sup>** to Sandra Anderson at the LOB Lobby Desk. Checks should be made payable to Sandra Anderson.

W.  
Douglas  
Scamman,  
Speaker  
of the  
House

□

32<sup>nd</sup> Annual Bill White Memorial Golf Tournament  
Canterbury Woods Country Club  
Canterbury, NH

Name: 1. \_\_\_\_\_  
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## WEDNESDAY, MAY 11

### AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2005-1343h

#### Amendment to SB 21

#### Proposed by the Committee on Children and Family Law - C

Amend the introductory paragraph of RSA 170-B:14, II and RSA 170-B:14, II(a) as inserted by section 2 of the bill by replacing them with the following:

II. In adoptions involving a child who is under either the legal custody or guardianship of the department, a voluntarily mediated agreement shall be enforceable as provided in this

paragraph. The purpose of this paragraph is to facilitate the timely achievement of permanency for children who are in the custody or guardianship of the department by providing an option for the parties to enter into a voluntarily mediated agreement for ongoing communication or contact that is in the best interests of the child, that recognizes the parties' interests and desires for ongoing communication or contact, that is appropriate given the role of the parties in the child's life, and that is legally enforceable by the courts.

(a) Prior to the entry of any adoption decree, the department, prospective adoptive parents, and birth parents may voluntarily participate in a court-approved mediation program in order to reach a voluntarily mediated agreement. If the department is the only party unwilling to participate in mediation, the department shall provide a written explanation of its position to the court, the birth parents, and the prospective adoptive parents. Venue for approval and enforcement of such agreement shall lie in a court of competent jurisdiction that would otherwise issue the termination decree under RSA 170-C. Any breach, modification, or invalidation of the agreement, or any part of it, shall not affect the validity of any surrender of parental rights or the interlocutory or final decree of adoption.

2005-1270h

#### **Amendment to SB 52**

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

Amend RSA 99-E:7 as inserted by section 1 of the bill by replacing it with the following:

##### **99-E:7 Amount of Monetary Awards.**

I. The amount of any monetary award recommended by a committee in regard to any one suggestion or service shall not be greater than \$5,000.

II. If an award evaluation committee determines, in its discretion, that an appropriate measure of award would be the amount of any savings or increase in revenue realized by the state as the result of a service performed by an employee, or as the result of a suggestion which has been implemented, the amount of a monetary award recommended by the committee may not exceed 10 percent of the amount of the savings or increase in revenue to the state during the first fiscal year of the implementation of the suggestion, or the fiscal year in which the service was performed, nor may it exceed the amount of \$5,000.

III. If a monetary award is issued by the governor and council based upon the amount of savings or increase under paragraph II, an amount equal to the monetary award may, in the discretion of the governor and council, be paid from the budget of the specific department or the departments believed to have received the benefit of the suggestion or service during the first fiscal year of implementation of a suggestion, or during the fiscal year in which the service was performed. Any remaining savings or increases resulting from the suggestion or service shall lapse to the general fund. If the unit from which the award is paid is self-funding, the award shall be paid from the unit's operating budget. The commissioner of a department from which an award is to be paid under this paragraph, shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

IV. If a suggestion which has previously been submitted or nominated for award is again submitted or nominated under RSA 99-E:4, X as the result of larger-scale implementation, the amount of any additional monetary award recommended shall be in such amount as the committee, in its discretion, believes is proper, but shall not, in any event, exceed \$5,000.

V. The total amount of monetary awards recommended by the state suggestion and extraordinary service award evaluation committee between October 1 of one year and September 30 of the following year shall not exceed \$10,000.

VI. There is hereby established in the office of the governor a special fund in the amount of \$10,000, which shall be used for employee suggestion and extraordinary service awards, if any. If the entire appropriation is not used for employee suggestion and extraordinary service awards in any fiscal year, the amount appropriated for the fund in the next fiscal year shall be only such amount as is necessary to bring the total amount of the fund to \$10,000.

VII. This chapter shall not be construed to limit the availability of any employee award or recognition not arising pursuant to this chapter

VIII. The governor, with the consent of council, is hereby authorized to draw a warrant for monetary awards under this chapter out of any money contained in the fund established under paragraph VI. The governor and council shall not approve expenditures from the fund in excess of \$10,000 in any fiscal year, shall not issue any single award in excess of the amount indicated in paragraph I, or, in case of additional awards under paragraph IV, shall not issue any award in

excess of the amount set forth in paragraph IV. In issuing awards or recognition, the governor and council shall not be limited by any recommendation of the state suggestion and extraordinary service award evaluation committee. The decision of whether to issue a monetary award for suggestions and services under this chapter, and the amount thereof, if any, shall, with the foregoing limitations, be solely within the discretion of the governor and council.

IX. Award evaluation committees recommending monetary awards may consider, but shall not be required to make recommendations according to, the following suggested ranges of award for the following types of suggestions or services:

(a) For suggestions to improve government cost savings, \$500 to \$2,500, or a percentage of the amount of savings as specified under paragraph II.

(b) For suggestions to improve government efficiency, \$250 to \$1,500, or a percentage of the amount of savings or revenue increase as specified under paragraph II.

(c) For suggestions to increase revenue to the state by a means other than the establishment of a new, or an increase in an existing, tax, \$250 to \$1,500 or a percentage of the amount of increase as specified under subparagraph II.

(d) For services outside of or beyond the scope of an employee's regular job responsibilities or functions involving circumstances where only immediate action by the employee could avoid or avert probable harm to an individual, to property, or to the financial interests of the state, \$500 to \$2,500, or a percentage of the amount of increase or savings as specified under subparagraph II above.

(e) For services within the scope of an employee's regular job responsibilities or functions involving the demonstration of abilities or efforts greatly above and beyond any standard of performance expected of the employee, \$250 to \$1,500 or a percentage of the amount of increase or savings as specified under subparagraph II above.

2005-1223h

#### **Amendment to SB 61**

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

Amend the bill by replacing section 1 with the following:

1 Tenure of Judges; Optional Retirement. RSA 493:3 is repealed and reenacted to read as follows:

493:3 Optional Retirement. Any supreme or superior court judge, full-time district court judge, or full-time probate court judge who is eligible to retire pursuant to the provisions of RSA 100-C may retire. The judge shall give not less than 30 days' notice nor more than 90 days' notice of the judge's intention to retire to the chief justice of the supreme court or the administrative judge of the judge's court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. If a chief justice wishes to retire, the chief justice shall give not less than 30 days' notice nor more than 90 days' notice of the chief justice's intention to retire to the senior associate justice of the chief justice's court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. If an administrative judge wishes to retire, the administrative judge shall give not less than 30 days' notice nor more than 90 days' notice of the administrative judge's intention to retire to the chief justice of the supreme court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. Retirement shall be effective upon acceptance by the governor and council. The vacancy created by the retirement of a judge shall be filled according to law.

Amend the bill by replacing sections 4 and 5 with the following:

4 New Section; Judicial Referees; Assignment. Amend RSA 493-A by inserting after section 1 the following new section:

493-A:1-a Judicial Referees.

I. Any full-time justice of the supreme, superior, district, or probate court who is mandatorily retired from either regular active service or senior active service upon reaching age 70, and any part-time district or probate court justice who is mandatorily retired upon reaching age 70, shall thereafter be eligible to serve as a judicial referee on the court from which he or she retired or on any other court in which his or her service as a referee is authorized by law.

II. A judicial referee may be assigned to take testimony, receive and review evidence, and make recommendations for findings of fact and conclusions of law in any court specified in paragraph I by the chief justice of the supreme court or superior court, from which the referee retired, or the administrative justice of any other court from which the referee retired. All recommendations of judicial referees shall be approved by a justice in regular active service or senior

active service of the court to which the referee is assigned. A judicial referee shall not preside over jury trials and shall not enter final orders in any case.

III. Nothing in this section shall prevent a retired justice of the supreme, superior, district, or probate courts from sitting as a temporary justice of the supreme court when selected to do so pursuant to the procedures specified in RSA 490:3.

IV. A retired part-time district or probate court justice appointed as a referee under this section shall be allowed his or her expenses and a per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council, established pursuant to supreme court rule.

5 Repeal. The following are repealed:

I. RSA 491:23, relative to appointment of former judges as referees, auditors and masters.

II. RSA 502-A:6-b, relative to retired justices of the district court.

III. RSA 547:19-c, relative to retired justices of the probate court.

2005-1310h

#### **Amendment to SB 61**

##### **Proposed by the Minority of the Committee on Judiciary - R**

Amend the bill by replacing section 1 with the following:

1 Tenure of Judges; Optional Retirement. RSA 493:3 is repealed and reenacted to read as follows:

493:3 Optional Retirement. Any supreme or superior court judge, full-time district court judge, or full-time probate court judge who is eligible to retire pursuant to the provisions of RSA 100-C may retire. The judge shall give not less than 30 days' notice nor more than 90 days' notice of the judge's intention to retire to the chief justice of the supreme court or the administrative judge of the judge's court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. If a chief justice wishes to retire, the chief justice shall give not less than 30 days' notice nor more than 90 days' notice of the chief justice's intention to retire to the senior associate justice of the chief justice's court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. If an administrative judge wishes to retire, the administrative judge shall give not less than 30 days' notice nor more than 90 days' notice of the administrative judge's intention to retire to the chief justice of the supreme court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. Retirement shall be effective upon acceptance by the governor and council. The vacancy created by the retirement of a judge shall be filled according to law.

Amend RSA 493-A:1-a, II as inserted by section 4 of the bill by replacing it with the following:

II. A judicial referee may be assigned to take testimony, receive and review evidence, and make recommendations for findings of fact and conclusions of law in any court specified in paragraph I by the chief justice of the supreme court or superior court, from which the referee retired, or the administrative justice of any other court from which the referee retired. All recommendations of judicial referees shall be approved by a justice in regular active service or senior active service of the court to which the referee is assigned. A judicial referee shall not preside over jury trials and shall not enter final orders in any case.

2005-1325h

#### **Amendment to SB 62-FN**

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

Amend RSA 490:26-a as inserted by section 2 of the bill by replacing it with the following:

490:26-a Court Fees ***and Fines; Credit Card Payments***. The supreme court shall establish by rule an equitable fee schedule for all courts in the state ~~[by January 1, 1982]~~. ***All court fees and all fines paid into any court may be paid by credit card in lieu of cash payment.***

##### **AMENDED ANALYSIS**

This bill allows court fees and fines paid into any court to be paid by credit card.

2005-1248h

#### **Amendment to SB 75-FN**

##### **Proposed by the Committee on Judiciary - R**

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

1 New Section; Limitation of Actions; Sexual Assault and Related Offenses. Amend RSA 508 by inserting after section 4-f the following new section:

508:4-g Actions Based on Sexual Assault and Related Offenses. A person, alleging to have been subjected to any offense under RSA 632-A or an offense under RSA 639:2, who was under 18 years

of age when the alleged offense occurred, may commence a personal action based on the incident within the later of:

- I. Ten years of the person's eighteenth birthday; or
- II. Three years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of.

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

2005-1346h

#### **Amendment to SB 145-FN**

##### **Proposed by the Committee on Transportation - R**

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

2 Repeal. RSA 263:6-b, relative to the medical/vision advisory board, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2007.

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

2005-1227h

#### **Amendment to SB 168**

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

Amend RSA 553:16 as inserted by section 2 of the bill by replacing it with the following:

553:16 Publication of Notice of Appointment. Upon appointment of an administrator ~~or executor~~, the register of probate shall, within 15 days of such appointment, cause notice thereof to be published in accordance with the provisions of RSA 550:10. Notwithstanding the foregoing, no publication of notice shall be required ~~[in the administration of small estates under RSA 553:31]~~ **when the estate has a gross value of \$10,000 or less.**

2005-1115h

#### **Amendment to SB 222-FN**

##### **Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C**

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Cumulative Trauma. Amend RSA 281-A:16 to read as follows:

281-A:16 Determining Date of Injury for Occupational Disease **and Cumulative Trauma**. For the purpose of determining the date of injury for an occupational disease, the date of injury shall be taken to be the last date of injurious exposure to the hazards of such disease or the date on which the employee first knew or reasonably should have known of the condition and its relationship to the employee's employment, whichever is the later. ***For an injury caused by cumulative trauma, the date of injury shall be the date of first medical treatment. For an injury or condition aggravated by cumulative trauma, the date of injury shall be the date of first medical treatment for the aggravation.***

#### **AMENDED ANALYSIS**

This bill establishes the date of injury for cumulative trauma to be the date of first medical treatment for the purposes of workers' compensation. The bill also establishes a date of injury for injuries or conditions aggravated by cumulative trauma.