

State of New Hampshire HOUSE RECORD

Second Year of the 159th General Court
Calendar and Journal of the 2006 Session

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Friday, January 27, 2006

No. 11

Contains: Reports and Amendments for February 1, Hearings, Meetings, Notices and Order Form for the 2005
Permanent Journal

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, February 1** and **Thursday, February 2** at **10:00 a.m.**

Chairmen and Vice Chairmen will meet on **Tuesday, January 31** at **9:00 a.m.** in Room 203, LOB.

For your planning purposes, please note that we will take a **break** from legislative business during the week of **February 27th – March 3rd**.

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **February 1** and Thursday, **February 2** at **9:00 a.m.** in Representatives Hall.

Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **February 1** and Thursday, **February 2** at **8:30 a.m.** in Rooms 302-304 of the Legislative Office Building.

Rep. James W. Craig, Democratic Leader

NOTICE

LEGISLATIVE ETHICS COMMITTEE

All legislators and legislative officers are required to complete and file the annual “**Financial Disclosure Form**” with the Legislative Ethics Committee no later than **January 31, 2006**.

Rep. Janet G. Wall, Vice Chairman
Legislative Ethics Committee

SHUTTLE SERVICE

For the convenience of members during the winter months once again we will have 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

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

HOUSE DEADLINES FOR 2006 SESSION

January 4 th , Wednesday	Last day to introduce 2006 House Bills
February 9 th , Thursday	Last day to REPORT HBs going to 2 nd committee (noon)
February 15 th , Wednesday	Last day to ACT on HBs going to 2 nd committee
February 23, Thursday	Last day to REPORT all other HBs (noon)
March 16 th , Thursday	Last day to REPORT HBs from 2 nd committee (noon)
March 22 nd , Wednesday	CROSSOVER Last day to ACT on HBs
April 6 th , Thursday	Last day to REPORT SBs going to 2 nd committee (noon)
April 12 th , Wednesday	Last day to ACT on SBs going to 2 nd committee
April 20 th , Thursday	Last day to REPORT all other SBs (noon)
April 27 th , Thursday	Last day to REPORT SBs from 2 nd committee (noon)
May 3 rd , Wednesday	Last day to ACT on SBs
May 11 th , Thursday	Last day to FORM Committees of Conference
May 18 th , Thursday	Last day to SIGN Comm. of Conference Reports (3:00 pm)
May 24 th , Wednesday	Last day to ACT on Comm. of Conference Reports

WEDNESDAY, FEBRUARY 1

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1135, making a technical correction to the Uniform Interstate Family Support Act. **OUGHT TO PASS**

Rep. Harriet E. Cady for Children and Family Law: The bill corrects 2 clerical errors in the Uniform Interstate Family Support Act. RSA 546-B:47-52. Since the statutory references to the procedure for registering and modifying a child support order in another state were now corrected, the committee voted ought to pass. **Vote 13-0.**

HB 1202, relative to the minimum age required for marriage. **REFER FOR INTERIM STUDY**

Rep. Mary Stuart Gile for Children and Family Law: This bill proposes to increase the minimum age required for marriage to 16. Current NH law allows males of 14 years and females of 13 years to marry with parental consent. A review of data for 2000-2004 indicated 6 teenagers married in that five year period. The committee felt the bill needs more work and following a review of marriage laws in the U.S.A by age, voted to refer to Interim Study. **Vote 14-1.**

HB 1214, establishing a task force to identify and assess community-based, educational and social/human services programs that serve families with children 8 years of age and younger. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eileen Flockhart for Children and Family Law: Up to date and accurate data on these programs is essential to the committee in developing policies. **Vote 12-0.**

HB 1285, making certain technical corrections to the adoption statute. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: This bill makes certain technical changes to the language in the adoption statute. For example, “consent” instead of “agree.” The bill also clarifies inheritance rights and privileges. The amendment removes language from the putative father registry. **Vote 11-1.**

HB 1363, relative to financial statements used to determine child support obligations. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The committee felt that the bill raised too many questions which in turn led to a discussion of the unintended consequences of a three year look back. The bill was fraught with problems of inequities in its intended implementation. **Vote 12-0.**

HB 1396, relative to competency of juvenile offenders. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Bettencourt for Children and Family Law: The committee unanimously found this legislation inexpedient to legislate per the request of the sponsor. The sponsor cited several flaws within the bill that were brought to his attention by the Department of Justice. The sponsor was told that concerns would be addressed only by extensive rewording by those who desired the legislation. **Vote 14-0.**

HB 1545, requiring mediation as part of participation in a juvenile diversion program. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The committee felt that mediation has to be voluntary and therefore, juveniles cannot be required to participate in mandatory mediation. There was also testimony that mediation was regularly being used where appropriate. **Vote 12-0.**

HB 1557, establishing guidelines for leaving children home alone and establishing babysitter age guidelines. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The committee was sympathetic to the problem presented but felt that the enforcement was difficult if not impossible. **Vote 12-1.**

COMMERCE

HB 1252, authorizing the use of a credit freeze as a means of deterring identity theft. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: The prime sponsor requested that this bill be withdrawn because an identical bill has been introduced in the Senate. The committee agreed to that and will wait for the Senate bill to study the issue. **Vote 17-0.**

HB 1413-FN, relative to daylight saving time. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would declare that daylight saving time in New Hampshire shall be two hours in advance of United States Standard Eastern Time, rather than one hour in advance of EST. The committee feels that changing the hours of daylight savings time by two hours rather than one hour would have to be done on a regional or national level. It would not be feasible to have a separate time zone just for New Hampshire. **Vote 15-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1607-FN, relative to reckless endangerment of roadway workers. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was introduced as the result of one cited instance in which a D. O. T. road crew was doing routine maintenance beside the interstate. It was a “rolling work zone” so called, meaning no signs or other warning devices were in use. As the workers completed a task, which in this instance, consisted of painting an arrow on pavement to locate storm drains, they would drive a short distance to the next drain, exit the truck and paint the next drain. A vehicle coming down the road veered into the breakdown lane. As was the accepted practice, one of the workers was over the guardrail watching for just such an occurrence and gave timely warning to his co-worker enabling him to get over the guardrail. The vehicle struck the highway vehicle in the rear. It was determined that the driver had been confused. As written, this bill would not have made any difference in reducing the risk as the driver of the car was not driving recklessly. Further, the highway workers were in violation of RSA 265:6-a by not posting signs at the work zone. Because current laws provide penalties for reckless operation, the committee feels this law is unnecessary. **Vote 16-1.**

HB 1623-FN, relative to harm or threats to public officials. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill is the result of a N.H. Supreme Court Committee on Court Security. This bill amends a paragraph to RSA 640:3. The Senate has submitted a similar bill adding Section 631:4-a to RSA 631:4. The sponsor has agreed with the recommendation of ITL. **Vote 14-0.**

HB 1669-FN, increasing the penalties for littering. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was introduced to solve a problem that is currently addressed in RSA 265:102 and RSA 163-B:3. A violator can be charged under either. The bill called for an increase in the fines and linked non-payment of the fine to suspension, or either the violator’s driving license and hunting and fishing licenses. The committee felt that the additional penalties were either not needed or not generally effective considering that not all violators might have either license. **Vote 17-0.**

HB 1680-FN, requiring law enforcement and corrections officers to complete training in appropriate techniques for dealing with persons with mental health conditions. **REFER FOR INTERIM STUDY**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is a much-needed bill. The majority of the committee agreed, as did those few who did not totally support the bill, yet they still expressed a genuine need for some type of training in

this ever increasingly difficult and often time's dangerous encounter of Law Enforcement and the person that has a mental health condition. Many questions have arisen from this public hearing; is this 28a mandate. Is forty hours of training too much? Is 4 hours enough? Should the Probate Courts advise the police in the communities and, or sheriffs and the family members when a person is well enough, on meds, to be placed back into society? All of these and more must be brought to the fore so we can determine a possible solution; hence the committee recommends this bill for interim study. **Vote 16-1.**

HB 1732-FN-A, repealing the fund for the domestic violence grant program and relative to marriage license fees. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: At the request of the sponsor, this bill was voted Inexpedient to Legislate. **Vote 15-0.**

EDUCATION

HB 1203-FN-L, relative to school building costs for athletic fields. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Eason for Education: The committee learned that since this bill was filed, Bedford was granted a waiver for artificial turf by the Department of Education. Thus, this bill is not necessary. **Vote 14-0.**

HB 1368, requiring elementary school instruction in proverbs. **INEXPEDIENT TO LEGISLATE**

Rep. Emma L. Rous for Education: This bill proposes curriculum already covered by state frameworks and currently taught throughout the state. **Vote 14-0.**

HB 1408-FN, allowing reserve and national guard members returning to New Hampshire after full-time active duty to take courses tuition free at any community-technical institute or college. **INEXPEDIENT TO LEGISLATE**

Rep. John L. Ward for Education: The committee believes that the bill was laudable. However, after a subcommittee review, there were too many unanswered questions. Those interested parties agreed and also recommended inexpedient to legislate. **Vote 15-0.**

HB 1489, relative to school emergency response plans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: The committee unanimously believes in the adoption of this bill which will serve to develop an "all hazards" approach to emergency planning in our New Hampshire schools. An amendment was offered that required plans to be forwarded to the NH Bureau of Emergency Management and that the Bureau be available to conduct the training and provide support to the school districts to aid in any plan implementation, established a 2-year development process, and made the drills part of what is currently in law mirroring the Life Safety Code on school evaluation drills. **Vote 13-0.**

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claire D. Clarke for Education: The committee feels a study committee is warranted to study the shortage of qualified speech language pathologists. Testimony heard indicated that there were hundreds of speech language pathologists available but a "critical shortage" declaration was being made so a district could hire the lesser-trained speech language specialist. It is the committee's feeling that this study committee will define what a critical shortage is, when it is declared, who declares it, and determines the need for speech language specialists and speech language pathologists. **Vote 12-0.**

ELECTION LAW

HB 1118, requiring paper ballots at all elections. **OUGHT TO PASS**

Rep. Jane A. Clemons for Election Law: This bill would codify the continued use of paper ballots for purposes of recounts, which New Hampshire has always required. Should new electronic ballot machines be used in the future, any such machine would be required to have the ability to produce paper ballots of some sort so visual inspection would show the intent of the individual voter. **Vote 17-0.**

HB 1122, relative to special elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to clarify the process for the establishment of a date for a special election. The language specifies that a special election, when possible, will coincide with a regularly scheduled election in the towns or wards as represented by the city. In the event the towns or wards can not agree on a date, the governor and council shall declare that the election be held on a Tuesday not less than 80 nor more than 87 days following the declaration by the governor and council. This procedure minimizes the financial impact on the district. **Vote 16-1.**

HB 1147, relative to the conduct of recounts. **OUGHT TO PASS**

Rep. Suzanne Harvey for Election Law: This bill would require visual inspection of ballots during recounts and prohibits the use of any mechanical, optical or electronics device to recount ballots. It would codify current practice, protect our tradition of paper ballots and strengthen creditability among voters in our election process. While machines can count ballots, they cannot discern intent of the voter when the markings may not be absolutely clear. Rather than have some ballots discounted in their entirety by machines which may happen on election night, these ballots would be fully considered in a recount by the secretary of state and his/her assistants and the candidates. **Vote 17-0.**

HB 1166, relative to electronic ballot counting machines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to provide that if electronic ballot counting machines are used at the polling place, they will be tested within five days preceding the election. The testing shall be open to public observation and examination at a date and a time duly posted by the moderator. **Vote 14-1.**

HB 1238-FN, relative to centralized voter registration database information. **OUGHT TO PASS WITH AMENDMENT**

Rep. William L. O'Brien for Election Law: Based on the requirements of the Help American Vote Act (HAVA), the secretary of state's office has compiled a statewide voter database that will be periodically updated based on information provided by the local supervisors of the checklist. The enabling legislation passed by the General Court to permit this statewide voter database does not allow the secretary of state to disseminate this checklist to anyone, and this prohibition covers candidates, political parties, and the courts seeking information for jury lists. House Bill 1238, as amended, does allow the statewide voter database to be distributed, but subjects this distribution to restrictions that are intended to protect both the revenue traditionally received by town and cities from selling voter lists, and also voters'. Thus, the cost to receive a statewide checklist will be at least \$400 based on the current number of voters and only local towns and cities can provide checklists of less than the full state. Also, anyone receiving the checklist from the secretary of state will be prohibited from using it for commercial purposes and distribution will be limited to candidates for elective office and political committees of political parties. Finally, this bill does not allow any information to be disclosed by the secretary of state that is not already available from local supervisors of the checklist, but it does specifically state that state and federal courts may obtain the checklist information. **Vote 16-0.**

ENVIRONMENT AND AGRICULTURE

HB 1283, relative to sheep and goat identification requirements. **OUGHT TO PASS**

Rep. Betty B. Hall for Environment and Agriculture: It is necessary to bring our state laws into compliance with federal requirements. Our livestock owners need to be able to operate in compliance with both state and federal regulations. **Vote 12-0.**

HB 1296, relative to the voluntary scrapie flock certification program. **OUGHT TO PASS**

Rep. James F. Powers for Environment and Agriculture: This bill will assist in preventing spread of scrapie, which is a fatal degenerative disease affecting the central nervous system of sheep and goats. Like HB 1283, it is required to bring New Hampshire law regarding sheep and goats into compliance with federal regulations. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 31, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor.

INEXPEDIENT TO LEGISLATE

Rep. Nelson S. Allan for Executive Departments and Administration: This constitutional amendment concurrent resolution removes the attorney general from the list of state officers nominated and appointed by the governor and council. It provides for the attorney general to be elected for the same term and in the same manner as the governor. This bill would inject the attorney general into the biennial political election process similar to the governor and with its attendant distractions and expense. An already weak executive branch would be further weakened with this resolution and politicize the attorney general's office. The current attorney general and a long line of attorneys general have opposed this change. In the traditional New Hampshire way, "if it ain't broke, don't fix it" was the decision at the committee executive session. **Vote 17-0.**

HB 1142, establishing a committee to study whether a general business license should replace the licensure of trades and professions. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: While the committee felt that this was an interesting approach to deal with the trades and professions, it was nearly unanimously agreed that unforeseen consequences could cause chaos. This would require the detailed review of 130 plus trades and professions. Additionally, many of our laws are directly attached to other state and federal agencies such as health and human services, insurance environmental services and others. Finally, the bill offers no recommendations to replace the current system to protect peoples' safety, administration or costs. **Vote 11-3.**

HB 1144, allowing dental hygienists to engage in independent practice. **INEXPEDIENT TO LEGISLATE**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill would remove the requirement that dental hygienists practice only under the supervision of licensed dentists and would allow for independent practice. After extensive testimony and subsequent subcommittee work, the committee concluded that the concept of independent practice had merit but was premature. Presently, only Colorado allows independent practice. However, there is a national movement to establish standards and expanded scope of practice. When over the next few years, additional education, development of standards and cooperation with dentists occurs, the Executive Department and Administration Committee anticipates working again with the dental hygienist. **Vote 17-2.**

HB 1183, relative to the terms of office for state department commissioners. **INEXPEDIENT TO LEGISLATE**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill sought to establish two year terms for all department commissioners and the executive director of fish and game department. While the committee appreciated the sponsor's intention to make terms uniform, it does not seem prudent for every commissioner's term to begin and end

simultaneously every two years. **Vote 15-1.**

HB 1185, relative to Volunteer NH. **OUGHT TO PASS**

Rep. Donald F. Ryder for Executive Departments and Administration: Volunteer NH is an established committee that coordinates volunteer organizations with the state. This bill allows the board of directors to appoint an executive director who will serve at the pleasure of the board. Members appointed by the governor and council shall serve renewable three (3) year terms. All others serve coterminous with their term of office. The bill removes a restriction of no compensation for the executive director. **Vote 16-1.**

HB 1358, establishing an investigatory commission for unethical conduct in state government. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: This bill as written would establish a legislatively driven investigation committee to act on allegations of unethical or improper conduct within a state agency. The committee agreed that investigating commissions, if established, should be in response to a specific and clearly articulated abuse of authority or blatant violation of rules and regulation. There already exist laws and rules that offer avenues for citizens, lawmakers, and state employees to seek redress for unethical and improper conduct. There is access to the attorney general's office; there are ombudsmen in many areas charged with handling abuse claims. There also exists, the Elder Abuse Advisory Council that seeks to improve the protection of New Hampshire seniors from abuse, neglect, and exploitation. **Vote 19-0.**

HB 1456-FN, relative to licensure of septic system inspectors. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Coburn for Executive Departments and Administration: This bill would require that septic system inspectors obtain a license from the Department of Environmental Services. The committee felt that the proposed legislation dealt more with consumer protection than public safety. There appeared to be only one organization in the state dealing with standards for this profession. There didn't seem to be much, if any, consumer abuse that licensing would cure. The committee saw no significant public benefit to the proposed licensing. **Vote 14-0.**

HB 1498, establishing a risk management unit within the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: The first part of this bill changes the RSA 21-I:4 to match the agency's current reporting relationship for the bureau of risk management. An administrative audit recommended that the commissioner should make the appropriate changes to the statute to match the current state. This bill moves the bureau of risk management unit. The second part of the bill cleans up some rule making requirements that are no longer necessary. **Vote 13-0.**

HB 1503, relative to financial programs administered by the postsecondary education commission. **OUGHT TO PASS**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill allows for all funds to be distributed to students and not revert to the general fund. The amount of money, between six and ten thousand dollars, is hugely significant to worthy applicants (such as the orphans of veterans programs) and makes miniscule difference to the general fund. In addition, the bill provides for some housekeeping details. **Vote 20-0.**

HB 1559, relative to training requirements for barbers, cosmetologists, manicurists, and estheticians. **INEXPEDIENT TO LEGISLATE**

Rep. Hector M. Velez for Executive Departments and Administration: This bill would reduce the training requirements for licensure as barbers, cosmetologists, manicurists and estheticians. This bill also requires topics of training adopted in rules of the board of barbering and cosmetology and esthetics to relate to the protection of public health. These changes will greatly reduce the level of education of salon professionals in New Hampshire and more importantly, will put consumers at risk by having under educated, inadequately trained professionals in salons and spas. There was an overwhelming number of professionally licensed barbers, cosmetologists, manicurists, and estheticians who opposed this legislation. **Vote 18-0.**

HB 1735-FN, relative to awarding the state employees' health insurance plan. **OUGHT TO PASS**

Rep. Peter F. Bergin for Executive Departments and Administration: This bill was requested by the committee studying the Department of Insurance and awarding of the bids for health insurance for state employees as established by 2005, 103 (HB 195). The bill repeals the law requiring a self-insured health plan for state employees. It gives the commissioner the flexibility to self insure or to get bids from insurance companies. The bill creates a legislative committee to make recommendations and advise the commissioner of administrative services on the state employee group insurance program. It also allows the inclusion of the university system if it so chooses into the state employees health insurance program. **Vote 16-0.**

FINANCE

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health. **OUGHT TO PASS**

Rep. Elizabeth Hager for Finance: This bill came to the Finance Committee to ascertain whether there were financial ramifications. The committee learned there is sufficient money in the fund for the changes in this bill. **Vote 16-0.**

HB 1108, relative to the transfer of funds among PAU's within a department. **OUGHT TO PASS**

Rep. Elizabeth Hager for Finance: This bill is a small step in removing the legislature from micro-management of state

agencies. It allows transfer of up to \$2,500 among PAUs in a given budget without Fiscal Committee approval. It will save money in both time and paperwork. **Vote 22-0.**

HB 1131, increasing the payment in lieu of taxes paid to the city of Portsmouth by the Pease development authority. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Finance: There is no impediment to negotiations between Pease Development Authority – Port Authority and the city of Portsmouth at the present time. Both parties are amenable to discussions to assure a more equitable payment for services to Portsmouth for its support of Port Authority related activities which impact Portsmouth tax payers. Portsmouth and the Pease Development Authority have an inclusive municipal services agreement and the port should be part of that agreement. **Vote 19-0.**

HB 1148-FN-A, making an appropriation to the Seacoast Shipyard Association. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: Avenues to fund the requested appropriation of \$7,500 already exist in DRED in their Economic Development Fund (Seacoast Shipyard Association, SSA, did receive \$30,000 from the fund in the Fall of 2004) and the Economic Development Matching Grant program. Further, these application programs would be more timely and responsive to SSA needs than this worthy proposed legislative remedy. Accountability and reporting criteria exist in these programs and that path furthers the system and order of government in the funding of projects utilizing public funds. **Vote 23-0.**

HB 1226-FN, relative to the New Hampshire Humanities Council. **OUGHT TO PASS**

Rep. Christopher C. Pappas for Finance: New Hampshire provides no state funding to its Humanities Council unlike 41 other states and U.S. Territories. However, our state has a longstanding informal arrangement with the New Hampshire Humanities Council, whereby the state houses the Council in state office space rent-free. This bill simply formalizes that arrangement, begun by Governor Sununu and continued by each successive governor. The Department of Administrative Services supports this legislation, and will be able to work out any new terms with the Council or draft a lease agreement. The committee was satisfied that DAS is sufficiently, if necessary, protected by the bill and that the important work of the Council will be supported into the future. **Vote 20-0.**

HB 1267, establishing a committee to study the use of money in dedicated funds. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: In 2003, HB 368, Chapter 174 was signed into law. The bill was heard by the House Ways and Means Committee and the committee report stated, "This bill makes technical corrections to the list of dedicated funds that are now subject to reporting requirements through the State Treasurer to the relevant policy committee of the legislature. The committee supports continued interest in the issue of disclosure and oversight of dedicated funds". The issue has been addressed, thus the Finance Committee feels this bill is unnecessary. **Vote 22-0.**

HB 1280, establishing a committee to study all sources of grant funding received by the state. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The committee felt that with all the layers of review involved in grants; that is financial audits, performance audits, and committees specified to review grants by assignment, that further study appears to be redundant. **Vote 22-0.**

HB 1504-L, establishing a committee to study reimbursing towns for emergency services on interstate highways. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: The committee understands that this complicated issue affects every town and city in our state and agrees that the issue may warrant a comprehensive study that involves all state maintained roads and not just interstate highways. The committee believes that one of the policy committees should look at this type of legislation and hopes that a more inclusive bill will be constructed and filed for the January 2007 session. **Vote 20-2.**

HB 1617-FN-L, relative to the Franklin school district. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Finance: This bill would require the Franklin School District to forfeit education grant funds of more than \$7,000,000. There is probably a valuable message here, but passage of this bill would be punitive in the extreme. **Vote 22-0.**

HB 1644-FN, relative to funding the fuel assistance program in the office of energy and planning and requiring a one-time reduction in the rate of the statewide enhanced education tax and making appropriations therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth Hager for Finance: This bill is duplicative of other bills before the committee. We intend to deal with the two issues in those other bills. **Vote 22-0.**

FISH AND GAME

HB 1115, relative to the definition of resident for purposes of fish and game laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: The bill changes the residency requirement from six months to 60 days for the purpose of purchasing Fish and Games Licenses and also for registering snowmobiles. This is in conformity with the 60 day requirement to register a motor vehicle. The bill had full committee support. **Vote 10-0.**

HB 1269, relative to the taking of red deer or elk. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill enables a farmer to raise red deer and elk and permit them to be harvested directly by a purchaser. These elk and red deer farmers have the option of harvesting themselves and selling a whole carcass to a buyer or they may have the meat USDA inspected so it can be sold to restaurants and stores. This last option of USDA inspection has become too expensive to market meat at a profitable price. Hopefully this bill will help these farmers, and the state will not lose his agricultural activity. The bill was heard by the Fish and Game Committee because even raised and personally owned red deer and elk are legally defined as wildlife. **Vote 9-1.**

HB 1294, relative to antique snowmobiles. **OUGHT TO PASS WITH AMENDMENT**

Rep. John F. Klose for Fish and Game: This bill clarifies the definition of an antique snowmobile. To qualify for this distinction, a snowmobile must meet one of the following criteria: be manufactured prior to 1969; be 25 years old or more; or be a Model T Ford manufactured prior to 1940 which was converted to travel over snow. **Vote 9-1.**

HB 1348, requiring hunters to wear hunter orange. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Fish and Game: This bill requires only hunters to wear “hunter” orange during the hunting season although far more non-hunting are in the woods hiking, bird-watching, cutting firewood or simply taking a Sunday afternoon walk. During the 10 year period between 1993 and 2003 only one hunting accident was reported in New Hampshire. This was because we have an excellent hunter safety course which stresses the importance of clearly identifying your target, because not everyone will be wearing orange, nor would they be required to wear it according to HB 1348. Both the Department of Fish and Game and the New Hampshire Wildlife Federation oppose this legislation, as does a majority of the House Fish and Game Committee. **Vote 9-1.**

HB 1420-FN, prohibiting remote control and Internet hunting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Fish and Game: This bill as amended defines remote control internet hunting and makes any person operating such a program subject to a Class A misdemeanor and a civil fine of not less than \$10,000. A number of states have banned or are in the process of banning this type of activity. The committee unanimously agreed that New Hampshire should be included. **Vote 10-0.**

HB 1524, relative to regulation of dog training by the fish and game department. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Fish and Game: This bill would allow the Fish and Game Department to adopt rules governing the period for the training of bird dogs as well as bear dogs. Current law allows for the department to regulate the period of training for bear dogs. The committee unanimously believes that HB 1524 is unnecessary. **Vote 10-0.**

HB 1605-FN, relative to transfers from prepaid fish and game license fund. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: Last year a Fish and Game Subcommittee discovered that the lifetime license fund was being reduced annually at an over aggressive rate. This was as a result of the significant decline in interest rates from when the existing formula was enacted. The new formula should hold the fund balance steady, and provide a relatively stable annual income flow. **Vote 10-0.**

HB 1657, relative to uses of charitable donations for fish and wildlife conservation programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill enables and encourages the Fish and Game Department to become more actively involved with other groups and individuals who use our New Hampshire out-of-doors. Bird watchers, mountain bikers, hikers, etc., and the organizations that support these activities will all be targeted. Special licenses may be sold indicating various levels of donations. Special conservation decals may be given for a donation. Groups may be recognized for work done on behalf of Fish and Game (i.e. a Boy Scout project). This bill repeals the super sporting account fund acts, and transfers the small existing balances into the new Wildlife Legacy Initiative Account. These super sporting programs have not been successful. This bill is a part of a plan, with other legislation to be acted upon this year, that will help the Fish and Game Department address the financial problems that it is facing. **Vote 10-0.**

HB 1658, relative to the use by the fish and game department of charitable donations for the general administration of the department. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill is enabling the Fish and Game Department to interact with a private foundation that shall be formed to help solve the long term major funding needs of the department. The states of Florida, Colorado, Arkansas, and Wyoming have this source of support. This bill will give the forth coming program public recognition, and will show that the State of New Hampshire supports this action. All aspects of the legislation have been reviewed and approved by the Attorney General’s Office. **Vote 10-0.**

HB 1659, relative to the use of certain small caliber firearms in taking wildlife. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill is to clarify existing law. At the time the existing law was enacted, no firearms under .22 caliber were being marketed. We now have .17 caliber firearms. This legislation will change existing law to read as “.22 or smaller caliber rim fire firearms.” An effective date of 60 days after passage is called for, so it can be law by the fall 2006 hunting season. **Vote 10-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1104-FN-A, making an appropriation to the Good Neighbor Health Clinic. **INEXPEDIENT TO LEGISLATE**

Rep. April H. Mason for Health, Human Services and Elderly Affairs: This bill would make an appropriation to the Dept. of Health and Human Services for the purposes of making a payment to the Good Neighbor Health Clinic in White River Junction, Vermont. The committee heard compelling testimony from the Director of the Good Neighbor Health Clinic which provides services to an increasing percentage of New Hampshire residents who reside in towns that border Vermont. The clinic does not bill Medicare and Medicaid and serves the uninsured “working poor” in both Vermont and New Hampshire. It provides free medical care. While clearly the clinic is providing much needed services to this population, currently 56% are from New Hampshire, the committee was concerned about sending New Hampshire funds to support a clinic based in Vermont. New Hampshire has many citizens whose current health care needs are not being met and supporting legislation to appropriate funds to Vermont while we have unmet needs here in New Hampshire seemed counterproductive. Secondly, committee members suggested the Good Neighbor Health Clinic approach the border towns, whose residents they are serving, for funding. Many cities and towns will, via a warrant article, provide a mechanism to fund agencies such as the Good Neighbor Health Clinic. To date, the clinic has not pursued that option to secure funding. Lastly, New Hampshire physicians are donating a significant amount of their time as volunteers in the clinic. This “in kind” donation is a valuable contribution that New Hampshire is making through these wonderful volunteers. The committee agreed that the Good Neighbor Health Clinic is doing excellent work and providing valuable and necessary services. However, we felt other funding options, such as town warrant articles, should be attempted before approaching State funds. **Vote 17-1.**

HB 1121-L, relative to licensure levels of care in residential care facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill for purposes of administrative rules combined “residential care” and “supported residential care” together which are currently viewed as two levels of care. This bill primarily authorizes administrative rulemaking authority for DHHS. Testimony on this bill indicated that there is a significant concern, in general, about the clarity of administrative rules and their adaptation to the current system of the delivery of health care in New Hampshire. Therefore, the bill was amended to require a thorough study of RSA 151 and any other statutes that pertain to residential care and assisted level. The general consensus was that a legislative committee should review the overall administrative rule authority of DHHS before proceeding with specific changes in rules impacting on the continuum of health care services. **Vote 16-0.**

HB 1160, establishing a committee to study the effects of willful, habitual misconduct by individuals on their subsequent well-being which may impose a burden on public funds. **INEXPEDIENT TO LEGISLATE**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The bill proposed to study habitual misconduct by individuals, the subsequent effects on their well being, and the resulting costs on New Hampshire taxpayers, to provide programs to solve the problems caused by this conduct. The bill provided for sanctions to motivate good behavior. These included denial of state assistance, the limitation of or curtailment of services up to and including restitution. The committee believed this to be impractical in application. However, the committee found agreement in the sponsor’s intent which is to promote personal responsibility and consequences for bad behavior. To that end, it was suggested that the sponsor’s ideas would best be handled within existing committees. Those would include the Governor’s Commission on Alcohol & Drug Abuse Prevention, Intervention Aid Treatment as well as the Wellness and Primary Prevention Council. Based on these facts the committee voted to recommend ITL. **Vote 15-0.**

HB 1204, relative to human immunodeficiency virus education, prevention and control. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill deletes RSA 141 F, b, c, and d. Those sections of the statute required the Department of Health and Human Services to review applications from health care workers in the state who have HIV or Hepatitis B and who wish to perform or participate in any exposure prone invasive procedures. In fact, DHHS has never received any application for the process nor did the department convene the required expert panel since the legislation went into effect in 1993. OSHA directives provide guidance for health care workers and defines universal precautions. OSHA monitors health care entities for compliance with these regulations. Therefore, the state requirements listed above are all redundant and unnecessary. The committee unanimously agreed to delete the redundant sections. **Vote 15-0.**

HB 1208, establishing a committee to study transferring case management responsibilities for home and community based care programs from the department of health and human services to the counties. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gail Barry for Health, Human Services and Elderly Affairs: This bill is already covered in HB 691-FN which establishes that an oversight committee on Health and Human Services shall monitor the ongoing Medicaid modernization plan. This addition, under Section 175:13(I) allows the DHHS to establish “one or more pilot programs for the provisions of case management services through a program operated by or under contract with a county government” for individuals receiving services under the Medicaid home and community-based case waiver program. This is a well intentioned concept but legislation as indicated above already is available. Therefore, the legislation is not needed and would just be legislative duplication of existing law. **Vote 17-0.**

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was a request of the Dept. of Health and

Human Services. Over the past two to three years there has been extensive review of elderly abuse and exploitation. Several bills were generated by the Elder Abuse Council of DHHS and this is one of those bills. It establishes a legislative committee to consider whether there is evidence that could lead to the formation of a statewide review of unanticipated deaths and serious injury, particularly among the elderly. If it is felt that a review is needed, then this legislative committee would recommend a methodology to be used in such a study. This bill was unanimously supported by the committee and testimony in support of the bill included DHHS, and the Disability Rights Center. No one spoke in opposition. **Vote 15-0.**

HB 1230-FN, relative to clinical trials for pharmaceuticals. INEXPEDIENT TO LEGISLATE

Rep. Joseph M. Miller for Health, Human Services and Elderly Affairs: This bill focused on the possibility that publicizing the results of clinical drug trials would help the consumer become better aware of the adverse effects of prescription drugs. In actuality, clinical drug trials authorized by the FDA or the National Institute of Health are quite purposely performed before the approval of a drug's use by the public, and hence the public has no need to know of such side effects. When side effects do exist in the use of prescription drugs, adverse effects are usually advised by the prescribing physician or can be easily found in the Physician's Desk Reference (PDR), a volume available in all public libraries. To delve into the dangers of drugs which never become FDA approved would serve no use to the public. **Vote 14-0.**

HB 1279, establishing a commission to study state medicaid reimbursement. OUGHT TO PASS WITH AMENDMENT

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported the concepts that focused on the study of Medicaid reimbursement rates in New Hampshire. The study should include the adequacy of the current rates and if there is harm resulting from low rates, the study would provide suggestions as to possible remedies. The commission was reduced in size to include 5 legislative members and 4 representatives of pertinent constituencies: Medicaid Office, Home Care Association of NH, NH Health Care Association and the NH Hospital Association. The commission can consult with other experts as needed. The commission will report its findings on or before December 1, 2006. **Vote 15-0.**

HB 1281, establishing a committee to study the effectiveness of the department of health and human services. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill was an attempt to establish a committee to assess the overall effectiveness of the Department of Health and Human Services using appropriate survey tools. The presentation before the committee though dealt primarily with the sponsor's hope to have an investigation into certain practices of the department in the area of elder abuse using a survey tool the sponsor developed. The committee offered appropriate suggestions to the sponsor as to where an investigation might be undertaken. The committee felt that this bill was too broadly written and also that the department was assessing many of its programs and practices presently. Currently, the Statutory Oversight Committee on Health and Human Services has the authority and responsibility to conduct the studies outlined in this bill. Formation of another committee is not needed. **Vote 17-0.**

HB 1318, relative to prohibiting services for illegal immigrants. INEXPEDIENT TO LEGISLATE

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee was unanimous that there is a serious problem in this country regarding illegal immigrants. Primarily this is a federal responsibility under the Immigration and Naturalization Service. It is a matter of frustration in New Hampshire and elsewhere regarding the lack of enforcement. However, the committee does not agree that denying services or assistance to illegal aliens from the Department of Health and Human Services is an answer to the problem. Some services are required by federal law and regulation. The serious issues, for example, confronting the state regarding the treatment of infectious diseases is an example of the difficulty of denying services. The implications if individuals with tuberculosis who are denied treatment and instead spread the disease is frightening. Doctors and other health care providers would be required to break their confidentiality requirement. DCYF could not protect children in need. At present, the percentage of money spent by DHHS on illegal aliens is negligible. There are many who are without documents who are not illegal aliens. In testimony, it was heard that at least 1/3 of homeless individuals have no proof of citizenship even though most are citizens. For this and other reasons, the committee cannot support this denial of health and human services as written in this bill. The committee has agreed to put this entire matter into further study in a similar bill (HB 1563). We will take up this matter and include more data and study. Because of federal guidelines we need to insure our actions regarding this matter be addressed in a responsible manner. **Vote 15-0.**

HB 1332, establishing a commission to study health care in New Hampshire prisons. OUGHT TO PASS WITH AMENDMENT

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The commission shall study the adequacy of health care services in N.H. correctional facilities, including state prisons, county correctional facilities and youth correctional facilities and make such recommendations as the commission deems appropriate. The commission shall solicit information and testimony from such organizations and individuals as may assist the commission in the performance of its duties. It appears that there are mental health and drug problems in our correctional facilities where 85% of the population have medical conditions that can affect psychiatric conditions. 75% of the juveniles in the Youth Development Center have mental illness. Testimony indicated that Los Angeles, CA County Jail is the largest mental health facility in the United States. In New Hampshire some folks get arrested in the fall so they can stay in jail over the winter to receive medical attention and then are homeless the rest of the time. **Vote 16-0.**

HB 1359-FN, establishing a committee to study case management responsibility for certain elderly and adult services. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: The committee, along with the sponsor, agreed that this bill is no longer needed and acted accordingly. **Vote 15-0.**

HB 1409-FN, relative to organ and tissue donation. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill amends the existing statute to establish a donor registry for anatomical gifts and allows that an organ procurement organization have access to such information.

Testimony on this bill emphasized the importance of a central registry that can provide immediate information on a specific individual's decision as to their decision about anatomical gifts. Speed is critical to utilizing all organ donations. Under emergency conditions, the individual may not be capable of communicating his previously made decision to donate. This bill creates a donor registry agency that fills this existing critical gap in lack of access to decisions under emergency conditions. There is an existing agency that is accredited for that purpose and already is providing services in New England. This agency, the New England Organ Bank, is the federally designated agency for these purposes. Questions as to confidentiality regarding the identity of donors were raised. The agency operates under HIPPA regulation which require a very high level of confidentiality. There is no cost to the state of New Hampshire. All costs involved in these transactions are covered by the recipient of the organ donation. The only donor information provided to the Donor Registry for Anatomical Gifts will be the donor name, date of birth, and date of registration as a donor. All of that data is protected by HIPPA regulations. Children under the age of eighteen cannot make a designation. Nationally, over 25 states have adopted this type of legislation. Once a donor has made a designation, it cannot be changed by anyone except the donor. **Vote 16-0.**

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. **OUGHT TO PASS**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: The committee heard a great deal of testimony regarding the Temporary Assistance to Needy Families (TANF) program. This program is the Welfare to Work program which provides training to individuals so they can become self-sufficient. This particular bill establishes a task force to study if the funding awarded to participants is sufficient to cover the costs of necessities, such as utilities and rent. Duties of the task force include:

1. Are the current grant levels supportive of moving the TANF parents toward economic self-sufficiency while providing a safe, secure and healthy family life for children in the TANF families?
2. If the current grant levels are insufficient to support the desired objectives, what level is needed and what is the total budgetary cost.
3. Should the state retain the current flat TANF grant structure or adopt a structure which reflects regional differences in costs of housing, transportation, and other essentials or some other cost effective system.
4. Consider methods of future smooth transfer of state funds to cover changes in costs of essential services. Look at tying the TANF grant structure to the TANF standard of need.
5. Hold any public hearings the task force deems necessary to the successful discharge of the duties established.
6. Consider the alternatives to the private rental market in order to save state funds when providing affordable housing.
7. Recommend identified changes in the levels and structure of the TANF grant to the Governor, the Commissioner of HHS, the Speaker of the House and the President of the Senate. The information gathered can be used to establish guidelines and protocols to update the NH TANF programs. The Legislative Caucus for Young Children strongly supports passage of this bill. **Vote 17-0.**

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill creates the mosquito control fund which has the purpose of assisting cities and towns in a variety of ways to control mosquitoes and encourage abatement activities. One of the major reasons for this activity is to provide a variety of ways to address the threat of eastern equine encephalitis. This is a serious illness, for some, who have an infection of the central nervous system. This can include high fever (103 to 106 degrees), serious headaches and stiffness. These symptoms can be followed by seizures and comas. Of those who have these symptoms, about one-third die. Others have permanent brain damage and can require lifelong custodial care. The committee heard testimony from a New Hampshire mother whose four-year old son had the terrible symptoms described above. The good news is that her son is making excellent progress. Mosquito control needs to be a joint effort of state and local officials. Mosquitoes do not recognize town lines. In addition to creating the mosquito control fund, the bill requires statewide community planning. Also, it calls for a comprehensive public awareness program. It outlines procedures by the Department of Health and Human Services to determine a threat to the public health. It also describes the process DHHS will utilize to determine how a city or town become eligible to receive funds. DHHS will provide technical assistance to help in the development of local plans. **Vote 20-0.**

HB 1472-FN-A, establishing a home energy assistance program in the department of health and human services and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The sponsors of this bill requested that the bill be inexpedient to legislate. The legislature earlier took action to establish a home energy assistance program to assist low-income families and individuals with the payment of home heating costs. It is the unanimous opinion of the committee that this legislation is not needed due to the previous initiative of the legislature enacted after this bill was put into Legislative Services. **Vote 19-0.**

HB 1499, relative to the oversight committee on health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The Health and Human Services Oversight Committee, as presently constituted, has expertise in the field of health and human services with supportive help of financial experts. There did not appear any compelling need or argument to expand. Presently anyone can request to bring forth an item for the agenda and all are welcome to participate in all meetings. **Vote 16-0.**

HB 1728 FN-LOCAL, relative to time limits on eligibility for Temporary Assistance for Needy Families (TANF). **INEXPEDIENT TO LEGISLATE**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill seeks to change the time limit of eligibility for Temporary Assistance for Needy Families (TANF). Current TANF financial benefits are available for a lifetime maximum of 60 months. This bill would allow assistance for 24 months during any 60-month period. The federal government is in the process of reauthorizing the TANF program, and the committee overwhelmingly felt to make changes in our state program at this time would be a waste of time. The committee heard testimony from the department regarding their success with this program. Concerns of border crossing to receive New Hampshire benefits were raised; statistics from the department did not support this concern. In fact some surrounding states have similar TANF requirements, and the program is a state and federal one with a once in a lifetime cumulative of 60-month benefit, no matter where the recipient lives. The committee believed this bill sought to fix a problem that we did not have. **Vote 16-0.**

HB 1730-FN-L, relative to long-term care program management and cost controls. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would have amended certain sections of Chapter 151-E Long Term Care. This chapter was significantly revised in 2005 and those changes are now in effect. In general, the committee felt that time is needed to review the effectiveness of the changes before rushing to make further changes with no evidence to support the need for new changes. The committee was unanimous in voting to ITL this bill. This is a highly technical bill. Under the section dealing with Program Management and Cost Control: 151-E:11, the existing legislation placed significant controls into place. The Department (DHHS) shall not increase expenditures in approved budgets for these class lines (nursing facility, mid level, and home health care) or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, and the prior review of the county – state finance commission.” This bill would have changed this section to read: “Notwithstanding any provision of law to the contrary and except as provided in paragraph III, the department shall not increase expenditures in approved budgets for, or the number of persons to receive, mid-level or home care services, nor shall there be any transfer of funds into such class lines.” This eliminates the oversight protections built into any unanticipated need to transfer within the budget for the continuum of health care services and stops any transfers into these (budget) class lines. However, a new section III further addresses final transfers pertaining to nursing homes. “The department shall increase nursing home rates in accordance with nursing home funding increases in the state operating budget and the projection of the average number of persons to receive services which is included in the state operating budget.” The department is required to perform a semi-annual rate adjustment. Under this bill (HB 1730), the department is required to make rate adjustments which are based on changes in acuity levels “and shall make increases or decreases in payment which are directly related to actual increases or decreases in acuity.” If there is a decrease in the number of nursing home residents which results in a number below that contained in the budget, then a savings occurs. In this instance, the department is allowed to go to the fiscal committee and the governor and executive council. 50% of the savings would be used to increase nursing home reimbursement rates and 50% would go to the department. It appears that none of the savings would be used to increase the rates of the other levels of health services including mid-level and home health care. The department vigorously opposed this bill and outlined a number of unintended consequences. The bill was supported by nursing home representatives but was opposed by all of the other constituencies that would be impacted. However, the committee in opposing this bill strongly supports section 151-E:11 that requires the department to seek a review by the county-state finance commission and to seek approval by the legislative fiscal committee before increasing expenditures or the number of people who will be served in mid-level or home care services. **Vote 16-0.**

HB 1742-FN, relative to disclosing infections in hospitals and nursing homes. **INEXPEDIENT TO LEGISLATE**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: This bill would require hospitals and nursing homes to make quarterly reports to the Department of Health and Human Services on infections acquired in such facilities. This bill requires the DHHS to develop methodology for collecting and analyzing the infection rate data. The committee heard from: the Board of Infection Control, the New Hampshire Hospital Association, medical doctors, quality improvement, NHCQF, Board in Infection Disease. This bill was too broad. The reporting within the hospital and nursing homes are not standardized so until this is done on a federal and state level, this bill could not be enforced. Now hospitals and nursing homes are reporting on surgical site infection, ventilator- associated pneumonia, central line related blood stream infections and urinary tract infections for their joint commission survey. The Health & Human Services and Elderly Affairs Committee will be incorporating the good ideas in this bill into HB 1741, which covers the same topic. **Vote 15-0.**

HB 1746-FN-L, relative to eligibility for Temporary Assistance to Needy Families (TANF). **INEXPEDIENT TO LEGISLATE**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill seeks to amend the state plan for Temporary Assistance to Needy Families (TANF). This bill would have imposed a cap on benefits to a TANF recipient who had

an additional child while receiving program benefits. During testimony this raised concerns. Under the current program the birth of an additional child provides an additional \$63.00 per month to the recipient. Currently 1.6% of TANF recipients have an additional child while receiving program benefits . This bill also would have eliminated education programs from countable work activities – the current plan allows this. The bill also stiffened penalties for non-compliance with program requirements. The bill did retain the 60-month lifetime benefit, but required a 36 month period of ineligibility after receiving 24 months of benefits. Testimony heard expressed a concern about these interruptions and the ability of an individual to make progress toward gainful employment. The primary goal of the TANF program is to provide needy families assistance to break the cycle of dependence on public aid and support through financial assistance and education training opportunities provided through the New Hampshire Employment Program (NHEP). In each of the past 5 years this program has received awards for high performance resulting in 30 million dollars in federal aid to support the program. In addition, the federal government is in the process of reauthorizing the TANF program, and changes in the program are anticipated, according to testimony. The majority of the committee felt it prudent to not make changes in the state program until the federal changes were known. Also, the committee voted unanimously to support HB 1461 which establishes a task force to study TANF benefits, and believes this bill's recommendations would be best studied further by the task force established in that bill. **Vote 16-1.**

JUDICIARY

HB 1205, relative to service of process by New Hampshire plaintiffs on foreign corporations. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The New Hampshire Business Corporation Act was completely reviewed and re-enacted at RSA 293-A in 1992. Sections 15-10 of that act comprehensively addressed the subject of service of process, and the committee was unconvinced that that section, in conjunction with the “long-arm” statute, RSA 510:14, were no longer sufficient in scope and clarity to enable efficient and fair service for process. **Vote 14-0.**

HB 1411-FN, reducing certain fines for motor vehicle violations and repealing the surcharge on entry fees for small claims actions and the district court mediation fund. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill would repeal RSA 6:12 I(b)(235) establishing the count mediation fund which was passed a year ago. The reduction of fines for motor vehicle violations is the subject matter of HB 1243, which was referred to Way & Means. **Vote 13-4.**

HB 1654-FN, relative to the probate court mediation fund and fee. **OUGHT TO PASS**

Rep. Frances D. Potter for Judiciary: The probate court mediation program has been extremely successful, with 70% of the mediated cases settled, thus avoiding trial, and its attendant expense and emotional turmoil. Though not all parties chose to avail themselves of mediation, those that do seem to be satisfied with the process. We must do all we can to encourage inexpensive alternatives to resolve legal disputes. The Probate Court mediator program does just this and therefore the committee believes the mediation fund should not be allowed to sunset. **Vote 12-6.**

HB 1721-FN, Relative to changes in the use of weighted caseload statistics in the calculation of the salaries of part-time district court justices. **REFER FOR INTERIM STUDY**

Rep. Gregory M. Sorg for Judiciary: Presently, part-time district and probate court judges are paid on the basis of weighted values assigned to each type of case. Units are assigned related to the average judicial time that has been deemed to be required for each type of case. This bill would revise the weight among the various case types. The committee concluded that the entire concept of a case-type basis of payment requires an in-depth study so that justice may be rendered in the most financially efficient way. A possible alternative might be a case out-come basis, which would weight a case of a particular type that is settled by a plea differently from one that goes to trial, or that ends with an oral ruling from the bench differently from one that requires a detailed written opinion. **Vote 17-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1103, relative to creating county commissioner districts in Strafford County. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: The bill as presented to the committee would have established three separate county commissioner districts in Strafford County. The committee heard no compelling evidence as to why things should change. The argument was made that the nine other counties do this, why shouldn't Strafford? Strafford County is unique in that it is the smallest county in land mass and is serviced by only one daily paper. The end result is the concerns of all citizens are heard no matter where they reside. As chance may have it, the current commissioners now are from different regions of the county. This committee is uncomfortable changing the law without just cause. **Vote 15-0.**

HB 1212-FN, relative to the relocation of manufactured housing having delinquent property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G Stohl for Municipal and County Government: Currently no building or structure that is taxed as real estate can be moved or relocated unless the owner of the building or structure delivers to the person moving the same a receipted tax bill that gives evidence that taxes assessed as of April 1 have been paid in full or a statement signed by a majority of the board of selectmen or assessors that the same may be moved without payment of assessed taxes. The committee heard the original bill

on January 5, 2006 without the prime sponsor in attendance due to an injury. We heard testimony that opposed the bill from tax collectors and selectmen. There was one person that spoke in favor of the original bill. When asked what was good in the bill, the reply was that nothing could be found. The hearing was continued to January 17, 2006 to allow time for the prime sponsor to be in attendance. At this time, the prime sponsor submitted an amendment that made many major changes to the bill. What the amendment would do is allow for certain manufactured housing to be removed from a municipality without having documentation that the delinquent taxes were paid. The committee feels that this is not fair to all other property taxpayers who are required to pay their taxes. **Vote 12-0.**

HB 1245 FN-L, allowing municipalities to be paid usage fees for services provided to county government. **INEXPEDIENT TO LEGISLATE**

Rep. Jessie L Osborne for Municipal and County Government: This bill was introduced to allow municipalities that provide services to county government to adopt a county government usage fee program and be paid fees for such services. The municipality would set reasonable costs for these services and the bill further mandated that the municipality shall bill the commissioners all fees due. The passage of this bill would start to erode the property exemption granted for all political subdivisions granted by the General Court. This is a local issue regarding a host municipality and a governmental entity that requires the governing bodies of both entities to sit down and resolve their differences. There are benefits and costs associated with having a governmental entity within a municipality's boundaries. Although this bill was introduced with one municipality's issue, if passed it would have negatively affected the relationship between all host municipalities and their governmental entities. **Vote 13-2.**

HB 1251-FN, relative to receipt by counties of federal funds for public assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G Stohl for Municipal and County Government: This bill allows counties to directly receive federal funds designated for public assistance programs for which the counties are responsible for payment. The intent has merit but the bill itself does not lend itself to the intent. Much of the federal funding is received by the state in the form of Block Grants which also have generalized restrictions. So to do as this bill wishes, the federal government would need to change the process to allow the counties to receive the payment directly. **Vote 14-1.**

HB 1321, relative to qualifications for police chiefs in towns with populations of more than 3,000. **INEXPEDIENT TO LEGISLATE**

Rep Paul R Hopfgarten for Municipal and County Government: This bill proposes to ensure that anyone filing for the position of an elected police chief in towns with a population greater than 3,000 is pre-qualified to serve before holding office. The committee also believes that there are currently other available options such as appointment of this position where the governing body determines the terms under which a chief would be hired. Also this bill would have allowed a resident of any town in the state to run for elected office of police chief. While the committee respects and understands the intent of the sponsor, the committee was concerned about this potential precedent being set. The committee feels that if a person is elected as police chief of the municipality he or she should be a resident with a minimum length of residency prior to running for the position. This length of residency would add to the benefit of the candidate for police chief in having a general knowledge of the town and its residents. **Vote 13-0.**

HB 1371, relative to requiring approval for extended absences for elected county officers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires an elected county officer who wishes to take an absence from the position for more than two weeks, except for the case of illness, to get prior approval from the county commissioners. All elected county officers are independently elected and therefore they are responsible to the electorate for their actions. There is no recall for county officers. Therefore informing the voters of the individuals actions will give the electorate the opportunity to determine if they want the individual involved to continue serving them or not. **Vote 15-0.**

HB 1434, establishing a study committee to investigate municipal tax exemptions for nursing homes. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: The bill's sponsor was not present for the public hearing and none of the co-sponsors could explain the issue that justified this bill. The committee did not have any just cause to pass this bill. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll. **OUGHT TO PASS**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill names the bridge that spans the Ammonoosuc River on Route 302 in the town of Carroll, the Richard Monahan Bridge. The naming of the bridge recognizes Vietnam Veteran Richard Monahan, who died from complications of Agent Orange exposed to while serving his country in Vietnam. Richard Monahan grew up in Twin Mountain which is part of Carroll. After his service in Vietnam, Richard Monahan returned to Carroll and served as Chief of Police. The Carroll selectmen voted to support the naming of the bridge. No state funds will be used to pay for the design, construction, maintenance, or installation of the sign. **Vote 15-0.**

HB 1169-L, relative to highway construction safety. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Public Works and Highways: This bill would establish a new statute requirement for the wearing

of reflective highly visible clothing by persons working on state highways. Public testimony to the committee was that both current state policy and federal regulations required a higher standard than was outlined and that this bill would not improve safety for construction workers as written. Worker safety standards are currently set by Occupational Health and Safety Administration in Federal statutes. Currently all persons working on a state highway are required to wear highly reflective clothing, not just the one requested in this bill. **Vote 18-0.**

HB 1198, establishing a committee to study highway rest areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill establishes a committee to study highway rest areas to better serve tourists and other motorists. Testimony indicated a need to improve the state rest areas. The Department of Transportation and the Department of Resources and Economic Development have concerns that the rest areas are not fully integrating all of the resources of the state. Both departments want to enhance the rest areas to benefit our citizens, tourists and motorists. The Department of Transportation recognizes that the rest areas are valuable resources and hopes the study will find ways to utilize them so tourists and motorists will have access to all of the products and services New Hampshire has to offer. The amendment adds the Department of Agriculture to the list of agencies giving assistance to the study committee.

Vote 12-3.

HB 1228-FN, relative to the sale or lease of state-owned real estate. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This legislation is relative to the disposal of real property owned by the state. The Long Range Capital Planning and Utilization Committee requested this bill to require all state agencies to charge a fee that covers all administrative expenses incurred to dispose of the property. Currently some agencies do while others do not. Research by the Long Range Capital Planning and Utilization Committee with cooperation of the agencies has determined the cost basis for the fee is \$1,100. The amendment requires the revenue from the administrative fee be deposited into the state fund from which the property was initially purchased, or into the general fund. This administrative fee is still subject to the approval of the Long Range Capital Planning and Utilization Committee. **Vote 15-0.**

HB 1255, establishing a committee to study improvements to the Amoskeag Street interchange at exit 6 of the F.E. Everett Turnpike. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony describing the traffic and safety problems associated with Exit 6 of the Everett Turnpike and the Amoskeag interchange. While the testimony was compelling, it was noted by the committee that this project has never been presented by the City of Manchester, or the Regional Planning Commission to be included in the 10 Year Highway Plan through the GACIT process. If the City of Manchester wants this exit studied, it should submit a request to D. O. T. to have it studied in relation to Exit 5 (currently under construction) and Exit 7 which is in the 10 Year Plan. In general, the committee encourages following the normal process to be considered for the 10 Year Highway Transportation Plan and does not favor legislative "specials." The sponsors and proponents are welcome to attend the committee's hearings on the Ten Year Highway Plan which would be a more appropriate venue to consider this legislation. **Vote 14-0.**

HB 1268-FN-A, making a capital appropriation for air conditioning in the house of representatives chamber in the state house. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin T. Tilton for Public Works and Highways: A bid package has been issued for improvements to the ventilation system in the House of Representatives Chamber to be accomplished with previously appropriated funds. A bid option to add the additional elements that would complete the air conditioning is part of the package. Bids are expected to be in by mid March and it is anticipated that existing funds will be sufficient to cover the cost of installing the air system in the Chamber. Further, the committee is very reluctant to support a request for a capital appropriation during the second year of the biennial budget cycle. **Vote 13-0.**

HB 1364, establishing a commission to study the best use and possible transfer of certain state-owned land in the town of Brentwood. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: This bill called for a study committee to determine the best use and possible transfer of certain state-owned land in the Town of Brentwood. The land in question is a 35 acre reserve owned by the NH Fish and Game Department. It contains several buildings near the road; a house, single car garage, two car garage used for storage/workshop and several chicken coop type structures all of which are in some level of disrepair. The remainder of the parcel is an open space reserve. The Fish and Game Department testified that they intend to maintain the property as open space with public access and have no plans to sell the property. The committee determined that a study was not needed since the town's concern regarding any negative impact resulting from the future use of the property is not justified at this time. If the Fish and Game Department should, in the future, decide to sell the property it would have to go through the CORD process and the town would not only have input into that process, but would be first in line to acquire the property if it so chose. **Vote 13-0.**

HB 1468-FN-L, relative to Reservoir Road in the town of Deering. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bernard L. Benn for Public Works and Highways: At the request of the Town of Deering, this bill reclassifies a portion of a Class II state road to a Class V local road. In addition, the bill was amended to include a similar request from the Town of Hanover to extend the Urban Compact Area by reclassifying a portion of a Class I state highway to a Class IV road. In both

cases, the New Hampshire Department of Transportation agreed to the changes. **Vote 15-0.**

HB 1471-FN, repealing the statutes relative to regional highway conferences. **OUGHT TO PASS**

Rep. James B. Rausch for Public Works and Highways: This bill repeals the statutes relative to regional highway conferences. The legislation is at the request of the Department of Transportation as a housekeeping measure. The issues and public hearings are currently being held and discussed as part of the 10 Year Highway planning process. These conferences are redundant and not necessary. **Vote 12-0.**

HB 1540, establishing a committee to study implementation of the regional electronic toll collection system. **INEXPEDIENT TO LEGISLATE**

Rep. David B. Campbell for Public Works and Highways: There are already two committees directly overseeing the implementation of the E-Z Pass System. The two committees presently overseeing E-Z Pass are the Capital Budget Overview Committee and the House and Senate E-Z Pass Task Force, which consists of five Senators, five Representatives, two Councilors and two Gubernatorial appointees. **Vote 14-0.**

HB 1573, establishing a committee to study the scheduling and conduct of state construction projects. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin T. Tilton for Public Works and Highways: The committee proposed by this bill would be largely redundant to procedures and forums that currently are used to determine scheduling and conduct of state construction projects. The 10 Year Transportation Improvement Plan (TIP) is established and updated every two years using a well defined process. Improvements to this process can be considered as part of the process. Any member wishing to learn more about the 10 Year Highway Plan planning process may stop by Room 201 in the LOB to pick up a pamphlet describing this process. **Vote 15-0.**

HB 1619-FN, relative to a certain toll plaza in Merrimack. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Public Works and Highways: The State of New Hampshire has been able to expedite highway improvements and development with the use of toll roads in specific areas of the state. The toll roads are funded by means of the sale of public bonds and repaid by the revenue raised at the tolls. Removal of the toll plaza as outlined in this bill could affect the state's bond rating for current and future road projects and would affect the state's ability to repay current bonds. **Vote 14-1.**

HB 1712-FN-A, making an appropriation for design and engineering costs for the expansion of the northern New Hampshire correctional facility and for the design, engineering, and construction of a minimum security building at the northern New Hampshire correctional facility. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would have appropriated \$300,000 for designing an expansion of the Berlin Prison and an additional \$100,000 for the construction of a minimum security building. While the committee is supportive of the expansion of the Berlin facility, this bill is not the vehicle to accomplish this project. The Berlin Prison was built on a design/build concept to accommodate one thousand prisoners. However, the prison was constructed with 500 beds. The committee recommends that the Department of Corrections review the original plans and immediately institute a design build project for the expansion in order to be ready for the next capital budget. The committee is ready to work with the Department, if necessary, to bring this project forward. **Vote 15-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1210, restricting the speed of remote controlled model boats. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: This bill was introduced at the request of a constituent whose property had sustained substantial damage by a remote controlled boat. While the committee is certainly sympathetic to the case, the general consensus was that these cases are best handled locally. If that fails, certainly the civil courts could solve any litigation. For purposes of this bill, "headway speed" is not applicable. **Vote 14-1.**

HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. **OUGHT TO PASS**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Head's Pond is a 120 acre shallow pond surrounded by a 100 foot buffer and with the shore land owned by one corporate owner. The shore land owner allows access although there is not a road or launch ramp, carry-in boats could be used. This bill is supported by the Hooksett Planning Board and the Hooksett Conservation Commission. **Vote 14-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1120-FN-L, relative to Internet access in public libraries. **INEXPEDIENT TO LEGISLATE**

Rep. James M. Garrity for Science, Technology and Energy: Although the original intent of this bill is laudable, the committee found that most local libraries already have reasonable Internet access policies in place to address web access by children or minors. These policies include, but are not limited to: parental permission to use computers; parental accompaniment and direct supervision; separated filtered computers in children's areas; and visual supervision by library staff. The sponsor has agreed that this bill was not ready for prime time, and has started a dialogue within the New Hampshire Library Association to discuss on-going policy improvements or recommendations in this area. **Vote 14-1**

HB 1163, establishing a commission to study the feasibility of developing a conversion system for motor vehicles to operate on

multiple fuels. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Lawrence for Science, Technology and Energy: Although the majority of the committee fully supports the concept of exploring alternative fuel systems for motor vehicles, it does not feel it is necessary to have a study commission on this topic at this time. Currently there are already a number of initiatives in this area being looked at by the New Hampshire Department of Environmental Services. In addition the private sector has already taken the lead in developing and producing motor vehicle technologies aimed at the accomplishment of the goals proposed in this legislation. **Vote 12-1.**

HB 1164, requiring cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. **INEXPEDIENT TO LEGISLATE**

Rep. Lynne M. Ober for Science, Technology and Energy: This bill would require all cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. Cellular telephone providers have emergency plans which include mobile self-powered transmitters that can be moved into areas where a cellular tower has failed or areas where additional capacity is needed. Some cellular towers are located in areas where local ordinances prohibit installation of backup capacity. If this legislation is passed these towers could no longer be used resulting in a loss of cellular service in some areas of the state. The committee unanimously felt that the combination of existing backup plans coupled with the potential loss of service in many areas offered significant reasons for not requiring this legislation. **Vote 14-0.**

HB 1383-L, defining deconstruction for purposes of solid waste management. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill is directed at the existing solid waste management source reduction policy (RSA 149M: 2). The bill attempts to redefine the state's first priority in source reduction from recycle and reuse and instead require deconstruction as it relates to construction debris. The committee agreed that the issue is one of management of these construction materials as they are reclaimed and recycled and not a technical problem. The existing recycling market is reclaiming all salvageable material as a matter of economics today. **Vote 14-1.**

HB 1507, requiring the department of environmental services to report on and make recommendations on global warming issues in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill attempts to establish a green energy policy for the state. It would promulgate the purchase of 20% renewable energy, 'greening' of the state motor vehicle fleet, reduce government use of energy by 25% and control sprawl. It also requires the Department of Environmental Services to study, report and make recommendations on global warming. The committee agrees that this is an expansive bill that includes several items of interest and concern. However, existing policy and laws governing these processes in the state need to be considered. The costs associated with these principles require evaluation and several existing bill and studies this year will afford more participation and deliberation. We encourage the sponsor to work with the various committees working on these policies. **Vote 15-0.**

HB 1579, relative to membership of the air resources council. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Chase for Science, Technology and Energy: The air resources council advises the Department of Environmental Services (DES) on air pollution policy and serves as the appeals panel for decisions by the DES for violations of air pollution rules and regulations. The legislative statute creating the air resources council, RSA 21-0:11, specifies that one of the eleven members of the council be a licensed practicing physician. The council has been unable to obtain consistent physician representation. In order to obtain more consistent representation by a health care professional, the council and DES have requested that the requirement to have a physician as a member of the council be changed to "a licensed practicing physician or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution."

Vote 13-0.

HJR 22, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research. **OUGHT TO PASS**

Rep. James M. Garrity for Science, Technology and Energy: New Hampshire recently became a member of the Experimental Program to Stimulate Competitive Research (EPSCoR) and is pursuing grants from the National Science Foundation. Passage of this resolution is needed to show the National Science Foundation that the New Hampshire General Court stands firmly behind EPSCoR research, development and economic development efforts. **Vote 14-0.**

TRANSPORTATION

HB 1145, permitting vehicles to proceed straight through an intersection after stopping for a red light. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have permitted vehicles to proceed straight through an intersection on red after stopping. The committee saw this law becoming the disaster of right on red after stopping. Today so many don't stop, much less slow down. The sponsor of the bill believes this is a way to save fuel. The trade off is lives for gasoline, a poor trade at best. We have become a hurry-up society to the point that people speed up on yellows and then proceed through an intersection before the red is illuminated. Drivers will not focus on emergency vehicles coming from the opposite directions.

Vote 13-0.

HB 1161, requiring vehicles to be equipped with a useable spare tire. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: Even if you required this as statutory law, most people cannot change their own

tires because of age, health, spare tire may have gone flat, no knowledge of how to do it, no jack or don't know how to use one, and if the tire was put on with an air wrench most people will not be able to get the lug nuts off. We are concerned about people breaking down on the side of the road but this bill won't get them off the highway any faster by requiring a useable spare tire in vehicles. It also would have included trailers, motorcycles and trucks. Absent of a search warrant an officer cannot look into a person's trunk for enforcement. Today's technology of no flat tires will take care of the problem. **Vote 13-0.**
HB 1367, prohibiting vehicle number plate covers that obscure the plate numbers. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: This bill prohibited vehicle plate covers that obscure the plate numbers. Current inspection code already prohibits this practice, making this bill unnecessary. **Vote 13-0.**

WAYS AND MEANS

CACR 38, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. **INEXPEDIENT TO LEGISLATE**
Rep. Jim Ryan for Ways and Means: This bill seeks to amend Article 6-b of the Constitution of the State of New Hampshire by the insertion of four words, "and games of chance." Article 6-b is the provision of the constitution that requires that all monies and interest gained by lottery sales be appropriated exclusively for education. The sponsors indicate that inclusion of the four words will make certain that, should the General Court ever approve a state sanctioned system of gaming, the state's share of such revenue by way of tax would be dedicated to education. The proponents of the measure were less than clear in establishing the need for a constitutional amendment. One theory was that such an amendment would have the effect of a statewide referendum on gambling, while another theory advanced that enactment would increase the comfort level of legislators struggling with the reality of revenue needs against the perceived societal costs of legalized gaming. The committee is of the belief that an amendment to the constitution might be considered in the future, but only after the policy questions regarding gaming are resolved by legislative action, not the reverse situation as proposed by this bill. Absent a policy directive from the legislature and the public, there is no need to tinker with the New Hampshire Constitution. Accordingly, the committee recommends that this bill be voted inexpedient to legislate. **Vote 17-1.**

HB 716-FN, relative to securities regulation. **OUGHT TO PASS**
Rep. Jim Ryan for Ways and Means: This bill brings regulation of the security industry into the 21st century by improving aspects of regulation and oversight of the securities industry. The bill was carefully reviewed by the Commerce Committee and was passed to the Ways and Means Committee after unanimous action by the Commerce Committee. The Ways and Means Committee reviewed the bill in terms of licensing fees for broker-dealers and noted no decrease in revenue to the State. **Vote 13-0.**

HB 1179, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission. **OUGHT TO PASS**
Rep. Kevin L. Camm for Ways and Means: This bill repeals a requirement that DOT spend an amount of its budget for litter removal that is based on fees paid to the Liquor Commission. Testimony from DOT indicated they spend \$1.2 million annually on litter removal. The reference Liquor Commission requirement was approximately \$800,000. The committee agrees with the sponsors that the requirement is redundant and unnecessary. **Vote 12-1.**

HB 1473-FN-A, temporarily reducing the road toll. **INEXPEDIENT TO LEGISLATE**
Rep. Steve Vaillancourt for Ways and Means: "Road toll" as referenced in this legislation is more commonly known as the gasoline tax. It should not be confused with the tolls paid at booths on interstate highways. New Hampshire's "road toll" or gasoline tax is currently 18 cents per gallon. This bill would cut that amount in half for a nine month period from April 1 through December 31, 2006. State highway revenue would decrease by \$19,350,000 this fiscal year and \$38,700,000 next year. Local revenues would also be decreased, by \$2,322,000 and \$4,644,000 for the two fiscal years. While the committee sympathizes with the sponsor's desire to lower gasoline prices for consumers, the state simply cannot afford this loss of revenue if we are to maintain our roads. In fact, there is evidence that we need to spend more for highway maintenance and construction. We hear, for example, that the ten year highway plan is in reality a 14 or 16 year plan since that is how long it will take to accomplish the goals with currently projected revenues. While the consumer price index has been increasing at approximately three percent a year, costs of highway construction, including materials such as steel and cement, have far exceeded that. The cost of salt is up 30 percent this year. However, the "road toll" has not been increased since 1991. While some might view this as a tax, it is in the truest sense a user fee. Those who buy gasoline are using state and local highways, and the "road toll" is used to keep the highways in good repair and free of snow and ice in the winter. At the very time this bill was being heard, we were experiencing a winter storm which the Department of Transportation estimated was costing the state \$30,000 an hour to deal with. Also, some members of the committee expressed concern that even if the tax were to be cut in half for a nine month period, consumers would not realize significant savings since there is some evidence that oil companies or gas stations would simply raise their price by a commensurate amount. A decrease in the "road toll", which is already less than in most surrounding states, could have consequences the motoring public would not be willing to accept. **Vote 18-0.**
HB 1599-FN-A-LOCAL, reducing the rate of the business profits tax and repealing the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: This bill would reduce the business profit tax by 2 percent and eliminate the business enterprise tax. This would reduce state revenues by over \$143 million per year beginning July 1, 2006. The sponsor believes that this would encourage business growth in the state and force state government to eliminate wasteful spending. Unfortunately, no specific information was provided which would lead the committee to believe that either of these outcomes was likely. While cutting taxes is an admirable goal, New Hampshire is already a low tax state. Legislators who wish to cut spending should craft proposals for savings before they attempt to reduce the revenues which support a budget which has already been signed into law. **Vote 17-1.**

WEDNESDAY, FEBRUARY 1

SPECIAL ORDERS

REGULAR CALENDAR

EDUCATION

HB 39, relative to sex education in public schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara J. Hagan for the **Majority** of Education: This bill, with amendment, merely allows an additional method for parents to exercise to opt their children out of any courses in human sexuality or family relations which conflict with their religious beliefs. The bill is patterned after current New Hampshire law with respect to the New Hampshire Immunization Program whereby parents sign a Certificate of Religious Exemption and are thereby exempt from having to be immunized. The bill gives an opening to parents where inconsistencies appear in the local districts. **Vote 12-8.**

Rep. Emma L. Rous for the **Minority** of Education: This bill is unnecessary and provides options for parents already in place in rules and practice around the state. By specifying a religious basis for opting out of sex ed, we may actually narrow the basis for opting out. In addition, the bill mistakenly allows parents to opt out of a "course" rather than a "unit."

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

Rep. Claire D. Clarke for the **Majority** of Education: The majority of the committee agreed that local school districts should not have to make payments to charter schools from their adequacy dollars and then have to wait two years to be reimbursed by the state. Since New Hampshire law states charter schools are "public schools," they should be funded accordingly. Since the state provides for education as a common goal for the benefit of all, the public charter schools, in order to be successful, should be directly funded by the state. **Vote 17-1.**

Rep. Paul C. Ingbreton for the **Minority** of Education: While this bill addresses an important problem confronting charter school funding, a portion of the bill goes well beyond state law by disallowing religious based institutions that serve a secular purpose from ever receiving state funds or becoming charter schools.

HB 278, relative to the alternative budget procedure in school administrative units. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clifford A. Newton for the **Majority** of Education: This bill will allow communities to adopt the SAU budget at the annual school district elections. The committee feels that with the passage of this bill, towns belonging to multi-district SAU's will have better representation as more people come out to vote at district elections than at district meetings. **Vote 15-1.**

Rep. Michael A. Balboni for the **Minority** of Education: The bill would force towns to vote in SB 2 form even if not an SB 2 town. Why should the state dictate that a town must have a particular form of government when the residents of that town want a different form? This is a very dangerous precedent.

HB 650-FN-LOCAL, revising education funding and distribution and establishing needs-based matching grants. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David W. Hess for the **Majority** of Education: This bill is another education funding bill which was introduced last January and retained by the Education Committee. However, over the fall, the sponsor of the bill proposed an amendment which, if adopted, would have added yet another targeting factor to the five enacted into law in June. By an overwhelming, bi-partisan 3-1 majority, the committee rejected the amendment. The amendment would make an appropriation for education funding in addition to what is already in law commencing in the next biennium – FY 2008-2009, 20 months into the future. For the first four years, that appropriation would come from dedicated funds – the reductions in transition grants. The committee rejected the proposal for a number of reasons. First, the money that will become available from the reduction in transition grants is already intended to fund the increases in education funding automatically build into current law. Thus, this new targeting would require additional funding over increases already built into law, additional appropriations of approximately \$5 million dollars in FY 2008 and FY 2009, and approximately \$17 million in 2010. Second, such appropriations are being proposed almost 2 and 4 years before-the-fact when we don't know the fiscal condition of the state, either available revenue or new needs. Third, because the proposal is prospective only, we won't even know the exact size of the appropriation for 2008

until more than a year from now. Fourth, since the targeting is based on median household income, the data relied on will be 9 years out-of-date when it is first used, as this data is derived from the 2000 census and is not officially updated until the 2010 census. Fifth, there is no public call or outcry for such a formula. No one appeared in support of the amendment except the sponsor, and the overwhelming mood among the general public appears to be a request to, just once, leave the funding formula alone. There appears to be a near-universal feeling among the general public that what is needed now in education funding is stability, continuity and predictability. Sixth, no good reason was given for tinkering with the education funding formula this way this year. Any changes other than technical changes should be considered in the session in which they become effective. Seventh, using median household income will add confusion to education funding as current law already uses median family income in its calculations. Finally, many believe that there are better income criteria available than median household income. For example, the New Hampshire Center for Public Policy uses per capita income and median family income in its wealth formula, but not median household income. For one or more of these reasons, the committee rejected the proposed amendment and then voted by the same margin to recommend Inexpedient to Legislate. **Vote 14-5.**

Rep. Mark S. Carter for the **Minority** of Education: The minority of the committee supported an amendment to the original bill that would improve the existing targeted aid law by incorporating aid based upon community income, which current law fails to adequately accomplish. A floor amendment and vigorous debate will be offered. The House accepted HB 616, as amended by the Senate, last year, in order to avoid a Committee of Conference outcome that could have been less desirable than the Senate version. It is now time to look at necessary enhancements to achieve improved funding equity.

HB 664-FN-LOCAL, mandating open enrollment in all school districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the **Majority** of Education: This bill creates communication between students, parents and school boards by allowing reasons for wanting to leave a school and reasons why a student would want to attend a school to be discussed as a real outcome by removing residency requirements. This bill maintains local control by authorizing local school boards to adopt procedures for open enrollment. **Vote 14-6.**

Rep. Emma L. Rous for the **Minority** of Education: School districts currently have the option to choose open enrollment, but this bill would make it a requirement. The bill repeals residency requirements for school attendance (RSA 193:12, I), repeals a district's option to vote for open enrollment (RSA 194 B:2, I), and repeals the assurance that no public school shall be required to be open enrollment (RSA B:2, III). The bill places an unreasonable burden on local districts and will lead to greater inequities between districts.

ELECTION LAW

HB 345, requiring photo identification to obtain a ballot. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the **Majority** Election Law: Subsequent to the filing of this bill, two important developments occurred relative to the issue of requiring photo IDs in order to vote. The first was that on May 11, 2005 the Congress passed the REAL ID Act of 2005, which established minimum requirements for information displayed on state driver's licenses and for information that must be obtained in order to issue such a license if it was going to be accepted by a federal agency. The second development was that in September the Commission on Federal Election Reform, co-chaired by President Jimmy Carter and Secretary James Baker and including as commission members Senator Tom Daschle and Representatives Lee Hamilton, Bob Michel and Susan Molinari, as well as many others who have similarly distinguished themselves in service to our nation, issued a comprehensive report on needed election reforms. In that report the commission made the following observation: "The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important." Following this observation, the Carter/Baker commission noted further that the trend nationally is to require voter IDs, starting with 11 states in 2001, 24 states now and 12 additional states considering adding the requirements to their laws. Based on these observations, the commission recommended first "that the states use REAL ID cards for voting purposes." In addition, the commission recommended that one additional requirement be added to REAL ID cards if they are to be used for voting purposes: the cards should indicate citizen. Based on testimony received, the majority of the committee believes that requiring photo IDs to vote in New Hampshire would inspire greater confidence in our electoral process and thereby promote participation in voting. In recommending passage of this bill as amended, the majority was fully aware that some individuals may not have such an ID in effect. The bill therefore allows such voters to sign an affidavit claiming that has occurred and go forward and vote. The majority recommends this important measure that will address a perennial concern of many that our voting system does not have sufficient safeguards. **Vote 10-7.**

Rep. Charles F. Weed for the **Minority** of Election Law: This bill will create more harm than good. Some citizens who have lost or forgotten their picture identification cards will be denied their constitutionally protected right to vote. This bill tries to solve a problem which does not exist. No charge of voter fraud has been proven even though there have been many careful investigations by both the Secretary of State and the Attorney General.

HB 347, requiring proof of identity for voter registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William O'Brien for the **Majority** of Election Law: This bill relates to HB 345, which would establish a photo ID requirement for voting with an affidavit exception. The September 2005 Report of the Commission on Federal Elections (the Carter/Baker report) recommended that the citizenship information that state agencies are required under the REAL ID Act of 2005 to collect to issue driver's license should be placed on those IDs so they can be used for voting purposes. This bill will implement that recommendation. Testimony was given that the Department of Safety already collects information and issues IDs in compliance with the REAL ID Act of 2005 and is considering a license redesign in which citizenship could be displayed with no additional cost. Licenses already indicate lack of U.S. Citizenship for some individuals through shorter effective dates and testimony also was received that although law enforcement officials are aware of this indication there never have been complaints of discrimination by law enforcement personnel. The majority of the committee was unpersuaded by concerns expressed that discrimination by police officers would result from citizenship being shown on licenses. The bill, as amended, will ease voter registration and voting, as well as add to the integrity of our electoral process. **Vote 10-5.**

Rep. Charles F. Weed for the **Minority** of Election Law: This bill goes well beyond the requirements of the Federal REAL ID Act. We feel that the requirement of inclusion of national citizenship on the New Hampshire driver's license could lead to discrimination against innocent individuals during times of national stress.

HB 391, relative to voter registration forms for students. **OUGHT TO PASS WITH AMENDMENT**

Rep. William O'Brien for Election Law: There are some individuals who wish to register to vote in New Hampshire and appear, sometimes on election days, sometimes earlier, without sufficient evidence that they are U.S. citizens or that they are domiciled in New Hampshire or otherwise. In such circumstances, they are offered the opportunity to sign citizenship and domicile affidavits whereby on their word alone they are established as U.S. citizens with a New Hampshire domicile sufficient for voting purposes. Under present law, however, those affidavits become secret documents, hidden from public scrutiny by those who might know or be interested in the truthfulness of claims they make and information they provide. As Justice Oliver Wendell Holmes observed, and this legislature when it enacted RSA 91-A, the New Hampshire Right to Know Law, affirmed, "Sunshine is the best disinfectant." This bill allows the light of public attention to shine on such affidavits by making citizenship and domicile affidavits subject to RSA 91-A. It allows those who are interested in confirming the integrity of voter registration by affidavits to have access to the information needed for such a review. The committee views this opening of public records as an important reform that will strengthen the New Hampshire electoral process. **Vote 12-6.**

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for the **Majority** of Election Law: This bill would have required lobbyists to report all gifts and campaign contributions to the Secretary of State. In addition, it would have required a candidate to disclose donations from registered lobbyists. Both of these issues are covered in SB 206. **Vote 9-5.**

Rep. James R. Splaine for the **Minority** of Election Law: We as a legislature should stand behind the highest standards of honesty and disclosure for lobbyists. Our amendment accomplishes that goal.

HB 639-FN, relative to voter registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the **Majority** of the Election Law: During testimony many witnesses raised concerns over the integrity of election day registrations in which the registrants use one or both of the citizenship and domicile affidavits that are available when no other evidence of citizenship or domicile is brought to the attention of the election official handling the registration. We allow individuals who first appear on election day to vote based on their word alone that they are United States citizens and residents of New Hampshire. The committee's concerns over the integrity of this process have grown as we have become aware that investigation and prosecution of all election law is handled by a single assistant attorney general who handles those election law duties on very much a part time basis as he has other, and often more pressing, duties to perform. These concerns have not been abated when we have heard that few problems have appeared, because we know that these affidavits are withheld from the public, including candidates and those promoting or opposing ballot measures, so they cannot be challenged for accuracy and because – and this we have considered quite important – there is no incentive to find and challenge the false affidavit because there will be no way to identify and remove the improperly cast ballot from a count. Considering these concerns and limitations, the majority of the committee has fashioned what it submits is the least intrusive, most straight-forward method to allow these wrongful votes to be retrieved and discarded when they have influenced the results of an election. Using the existing election recount procedure, and not in any way extending the deadlines or changing the approach for such recounts, HB 639 would allow these affidavits to be challenged in a recount and, if the challenge is successful, the wrongful vote to be removed from the count. The procedure for how the challenge would proceed will be established by the Secretary of State, as would the mechanism for marking ballots given only to election day registrants using citizenship as domicile affidavits so those ballots can be associated with the affidavits. The only requirement for marking such ballots is that it be done in a manner that will promote voter privacy. Methods were discussed that would reach that result, but the final determination was to allow the Secretary of State to choose and implement the best method. The only ballots that need to be associated with particular affidavits and therefore particular voters will be those ballots that resulted from materially false

affidavits. **Vote 9-5.**

Rep. Charles F. Weed for the **Minority** of Election Law: Voters have a right to expect that they are casting a secret ballot. When they hear that challenged ballots will be marked and tracked it will lead to less trust and confidence in the election process, and will discourage transitional, homeless, and minority voters. More harm than good is caused by this bill which is strongly opposed by the people who conduct state, local, and federal elections, the city and town clerks association.

ENVIRONMENT AND AGRICULTURE

HB 722, relative to the spreading of biosolids in certain designated areas. **WITHOUT RECOMMENDATION**

JUDICIARY

HB 541, relative to repealing the incorporation of the New Hampshire Bar Association. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Stephen J. Shurtleff for the **Majority** of Judiciary: This bill seeks to revoke the corporate charter of the New Hampshire Bar Association and confiscate its assets due to the sponsor's erroneous belief that the association is an illegal monopoly. However, extensive testimony and legal research refuted this notion, and in fact, case law in New Hampshire and in most, if not all, jurisdictions affirm that mandatory bar associations are not illegal monopolies within the meaning of the law. Additionally, the minority mistakenly believes that the Bar Association regulates the practice of law. This is simply not correct. The Supreme Court, through rules and court committees, regulates the practice of law in this state. The majority of the committee could find no justification of revoking the charter, let alone confiscating its assets, without giving the association the benefit of due process of law. It is simply not the New Hampshire way. **Vote 13-7.**

Rep. Robert D. Mead for the **Minority** of Judiciary: This bill seeks to repeal the corporate charter granted to the New Hampshire Bar Association by the Legislature in 1873 on the basis of some very valid concerns. The legal system and the courts established by our Constitution are intended to protect the public and private rights of our citizens by providing remedies and redress when those rights have been violated. Over time, however, our legal system has come under the indirect control of a private fraternal organization through mandatory membership in, and regulation of those who practice law by that private organization. This obligatory membership and regulation has extended to including the very judges presiding over the courts established to protect and administer justice for our citizens. Originally founded as and chartered on the basis of its being – an independent fraternal corporation organized to pursue improvement of the administration of justice as determined by its membership, the Association has become a monopoly in violation of Article 83, Part Second. This has occurred because, the Supreme Court, which already regulated admission of attorneys to the practice of law, some 35 years ago made membership in the Association mandatory for all attorneys. The monopoly power illegally conferred on the Association has led to a situation in which the legal system established by the New Hampshire Constitution to protect the rights of, and to provide remedies and redress for, its citizens has come in no small part under the indirect control of this corporation, whose officers are neither employees of the state, nor elected to their position by the citizens of New Hampshire. Slowly, over time and through various legislative actions and administrative rulings by the Supreme Court, controlling influences in some judicial and executive branch policies and practices have been granted to this private organization. Unique among professional organizations, it has become an authorized licensing board along with the other state and municipal agencies (RSA 161-B:2 X). This private organization determines who is qualified to satisfy some “members only” appointments by Governor and Executive Council (RSA 494:1 VIII, IX) and contracts issued for public defenders are subject to approval by its board of governors, to whose deliberations the public has no right of access (RSA 604-B:4). To further protect their unique position, New Hampshire Bar Association members are exempt from the state licensing required of members of other professions, such as physicians, dentists, insurance agents, realtors, and the skilled trades. The administrative controls that have been woven into the fabric of our state government by this private fraternal organization strike at the very heart of a free, open and representative government and the legal system and set New Hampshire apart from our neighboring New England states of Maine, Vermont, Connecticut, and Massachusetts.

HB 626-FN-LOCAL, relative to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cynthia J. Dokmo for Judiciary: This bill updates the Right to Know law to reflect new types of communications created by advancements in technology, such as the Internet and sophisticated phone systems. It neither broadens nor narrows the reach of existing law, but simply acknowledges these new forms of communications and clarifies when they are subject to the law. The update was the product of a two year study by a commission formed specifically by the legislature to address modern technology. The commission continues to meet with the object of updating other provisions of the Right to Know Law, such as copy costs and penalties. It expects to file additional legislation in the next term. However, all parties agree that it was essential to make the changes proposed in the current bill, to clarify issues related to new types of communications. **Vote 20-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 657-FN-LOCAL, relative to promoting community revitalization. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: The intent of this bill is to enable a municipality to grant

short-term property tax relief as another economic tool to enhance the downtown areas. This bill allows municipalities to grant an owner of a building in a designated village center area of the municipality to apply for tax relief while improving the structure. The cost of the improvement must be at least \$75,000. The initial tax relief will be in the form of freezing the property assessment at its current value for the duration of the improvement, not to exceed five years. At the expiration of the relief period, the building will then be assessed at the improved value. If the improvement results in new residential units or has historical or cultural features, the tax relief may be extended after the initial five years. Once the governing body of the municipality receives the application, it shall hold a public hearing on the matter. Tax relief for a qualifying structure shall be effective when the governing body finds that the structure in question will be (1) a public benefit, (2) the property owner agrees to a covenant granted to the municipality, and (3) the proposed use of the structure after rehabilitation is consistent with the master plan of the municipality. The covenant shall include precise terms and duration of the tax relief as well as those requirements of the owner to maintain the building at a certain level for a set timeframe. If the owner of the building fails to follow the terms of the covenant or other requirements, the governing body of the municipality shall assess all taxes to the owner as though no tax relief was granted. **Vote 15-0.**

SB 104-FN, relative to the tax exemption for water and air pollution control facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the **Majority** of Municipal and County Government: Currently there is an exemption from the local property tax for any treatment facility, device, appliance or installation that has the effect of reducing, controlling or eliminating any source of water and air pollution. This property tax exemption is granted in RSA 72:12-a. Originally, this exemption was granted in 1971, prior to the Federal clean air and water acts, and was for a specific time of 25 years. This enabled the industry, if a by-product of the facility created pollutants that might affect water or air, to use pollution control devices to help make our water and air cleaner. The application process for this exemption was made to the Department of Environmental Services (DES). A thorough review of the device and the amount of pollution that was controlled was done by DES and a percentage of the value of the device that was eligible for the tax exemption was determined. Then the applicant and the municipality were notified. The statute requires that the local assessor shall appraise the device every year and report that assessment to the Department of Revenue Administration (DRA). In 1996, there was a change in the time period that this exemption would be valid – forever or as long as the pollution control device was reducing, controlling or eliminating pollution. This amendment changes the time period to “until reimbursement for the investments costs are recovered by accumulation of value through this property tax exemption.” A further restriction on this tax exemption was adopted that the exemption “shall not exceed 25 percent of the applicant’s total assessed value of the facility at the time of the exemption.” We all know that air and water pollution is part of our everyday lives and cleaning up that pollution is a duty and obligation that we all share. That is why we encourage everyone to recycle, reduce and reuse. As with any tax exemption, the other taxpayers in the community pick up the cost of the exemption – whether it is for elderly, veterans or pollution control devices. The difference here is that the municipality has no vote in granting or denying the pollution control device tax exemption. We also all agree that clean air and water benefit everyone in the state, not just the municipality where the device is located. This amendment is intended to bring a balance to the need for clean air and water, businesses and our local taxpayer. The amendment also shifts the requirement for assessing these pollution control devices from the local municipality to the DRA, so that the information gathered is correct and available when decisions regarding the pollution control device tax exemption are needed. The committee is aware that balance is necessary in order to have continued support for businesses to grow and prosper in New Hampshire. **Vote 13-3.**

Rep. Robert L. Theberge for the **Minority** of Municipal and County Government: The intent of this legislation was to resolve the on-going dispute which exists between the town of Bethlehem and a privately owned landfill. Although this bill aimed to help municipalities facing fiscal problems by dramatically reducing the amount of tax exemptions from which businesses currently benefit through the investment and installation of pollution control devices, the bill undermines years of good business working relationships between the state and industry. The minority believes that New Hampshire would lose its competitive advantage. By the reduction of tax exemptions, businesses may be forced either to downsize which would create a loss of jobs, increase the number of weeks of downtime, and/or locate to another state having a better tax exemption structure. In essence, any short-term gain will be offset by and or all of the above. The minority is gravely concerned that changes to RSA 72:12-a would negatively impact economic development, jobs and the environment. It was unclear on how the amendment is to be interpreted. As a consequence this bill may lead to unnecessary litigation.

RESOURCES, RECREATION AND DEVELOPMENT

HB 162, establishing boating speed limits for Lake Winnepesaukee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis F. Abbott for the **Majority** of Resource, Recreation and Development: This bill, as amended, establishes a speed limit on all state waters, provides for violations to be included in a person’s driving record, and provides for enforcement of a “reasonable and prudent” standard of boat operation. This bill was introduced relative to Lake Winnepesaukee but it was agreed by most of the committee that applying it only to that lake could have the unintended consequence of unfairly diverting the speed problem to other public waters in the state. The bill also allows for public safety exceptions and approved and

sanctioned races. Furthermore, a recent survey indicated a vast majority of New Hampshire residents favor a speed limit on all the state's waterways. In addition to the initial hearing, the committee held three public hearings in the Lakes Region over the summer, attended by upwards of a thousand individuals. In addition, the committee received hundreds of letters and petitions from citizens. The committee then conducted four additional meetings, solicited additional testimony and discussed and debated the issue in an attempt to reach the consensus that has been the hallmark of the committee during the past year. There was unanimous agreement that there is a serious problem on our public waters with real or perceived threats to the safety and enjoyment of a large number of individuals and families. The committee explored and debated various solutions including further education, better enforcement, a variety of speed limits, more discretion for marine patrol officers, and limiting high speeds to specific areas or times. The majority of the committee rejected the idea of merely applying a "reasonable and prudent" standard to speed enforcement because it would be confusing and unenforceable without a specific speed limit. Further, it would have little or no effect on boating safety. Expert testimony indicated that speed limits are enforceable, while the very low number of citations for "reckless operation" provide evidence that standards based on officer discretion are seldom used. In RSA 270:1 (II) the legislature states "...it is hereby declared that the public waters of New Hampshire shall be maintained and regulated in such a way as to provide for the safe and mutual enjoyment of a variety of uses, both from the shore and from water-borne conveyances." The testimony of hundreds of residents, visitors, businesses and camp directors indicated that many do not feel this policy is being carried out satisfactorily. This is gradually undermining the desirability of New Hampshire as a safe place for individuals and especially families to recreate. Our public waters are reaching the point where there are just too many recreationists of all types to safely accommodate high speeds. In order to effectively enact the legislative policy, the time has come for New Hampshire to impose a reasonable speed limit on our waters. **Vote 11-10.**

Rep. D. L. Chris Christensen for the **Minority** of Resources, Recreation and Development: The key difference between the majority amendment and the minority amendment is that the majority wants an arbitrary 45mph day/25mph night speed limit on all New Hampshire waterways. The minority finds that the arbitrary speed limits is the wrong solution to a perceived problem. Consider this. Tourism is up. Boat registrations are up. Boating accidents have gone down over the last five years since mandatory safety education was introduced. No evidence was presented to the committee showing that speed limits have improved water safety records anywhere. Law enforcement officials testified that speed limits will be difficult to enforce and the public opinion was split. State Police and Marine Patrol. We have two separate and distinct organizations because they face different tasks and operate in different environments. Traffic on the highway travels in one direction, mostly at similar speeds, in similar vehicles. Boats travel in all directions with a variety of speeds. Motor vehicle right-of-way is controlled by signs and traffic lanes. Boat right-of-way is controlled by navigation rules. There is no comparison. The minority looks to the Coast Guard for unbiased expertise. Speed should be reasonable and prudent for existing conditions, without using an arbitrary number. This is the approach used by the United State Coast Guard for inland waters. Other states reference Coast Guard regulations as their benchmark. The minority is sensitive to those who testified that they are scared to go out on the lakes. New Hampshire's waterways should be open to everyone. However, none of the incidents described would have been eliminated by the majority's proposed speed limit. Better enforcement of current laws and stricter penalties for violators are the solutions that the minority of the committee, most of whom are avid and experienced boaters, bring forward in the minority amendment. **SB 140**, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill establishes a mechanism for more meaningful mitigation for wetland disturbances of less than one acre or 200 feet of stream. Mitigation through very small scale wetland restoration or land conservation projects is ineffective ecologically and difficult for developers. By collecting and pooling fees from a number of small projects, larger wetland areas can be restored or conserved. The committee retained this bill to establish safeguards to assure the program would be carried out properly. **Vote 21-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). **INEXPEDIENT TO LEGISLATE**

Rep. Richard Marple for State-Federal Relations and Veterans Affairs: The committee is not insensitive to the plight of the people of Darfur but the language of the resolution would commit 10,000 U.S. forces to the mission that the committee did not feel appropriate. **Vote 11-0.**

TRANSPORTATION

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: The current law for suspension of license after a report of an accident reads that the director shall suspend the license of the driver. The committee has added one line saying that after a receipt of the report of an accident and notice that there has been an adjudication by a court that the driver was at fault, then the director shall suspend the license. **Vote 9-0.**

WAYS AND MEANS

HB 553-FN-A, relative to a state tax on large lottery winnings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howie Lund for the **Majority** of Ways and Means: The majority of the committee felt that a 10% state tax on lottery winnings of \$5,000 and higher would be double taxation for some and triple taxation for others. A state resident must pay a federal income tax on all winnings over \$599. The passage of this bill would cause our state resident to pay a double tax on all winnings of \$5,000 and over. Our “out of state” residents who purchase lottery tickets and have a winnings of \$5,000 or more would face a triple tax. They would first pay the federal income tax, second the New Hampshire 10% tax and third their home state income tax. The other concern was the fiscal note, which was incomplete. It was based on one year’s numbers. When you look back six years, you see very erratic revenue streams. Those revenue streams are good in years when there are large power ball winnings and are poor in years without the big power ball winnings. **Vote 11-7.**

Rep. William Butynski for the **Minority** of Ways and Means: Many of the members who did not support the ITL motion felt that this bill would provide some additional necessary revenue to both the Land and Community Heritage Investment Trust Program (LCHIP) fund and the general fund. Also, since the bill would tax only large lottery winners (i.e. \$5,000 and above), most lottery players and winners would not feel any negative impact from the bill, while the additional revenue generated would provide substantial support for LCHIP, as well as some additional revenue for necessary state services supported by the general fund. Large lottery winners should not be excluded from paying taxes that businesses and individual consultants must pay.

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

Rep. Philip G. Osgood for Ways and Means: The Department of Environmental Services (DES) favored a rise in fees because they have not been adjusted since 1999. They also wanted the fees to be compatible with private labs and to add specific tests that were not on the 1999 list. After hearing testimony on three occasions and two committee members taking a trip to the state laboratory, the committee had these concerns. One concern was about the amount of funds that would be available to this department without legislative oversight. The equipment fund at DES is managed at the discretion of the department. The current balance in the fund is over \$900,000. The capital budget has appropriated \$497,000 for the conversion of approximately 2000 square feet of vacant space into a new “clean room” at the DES lab. This new clean room will be established primarily for testing of water samples from sewage treatment plants, rivers, lakes and streams. It was not clear if these unrestricted funds (that are generated mainly by drinking water testing fees) would be used for equipment directly connected to other purposes. Others questioned fees as high as independent laboratories, while receiving operating funds from the state. Concerns about fees for one test on equipment that automatically runs multiple tests and gives these results raised the questions as to whether the fee structure should be tailored to compensate for this group testing. The committee felt that some adjustments should be made to the fee schedule. However, an increase to the amount proposed would have a significant impact on municipalities, water systems and individuals that rely on the lab. The new laboratory at DES is spacious, impressive, well run and staffed. The fund is in good shape. To that end the committee felt this request needs more work and it was best to leave the fees as they are and work with the department for a more palatable fee schedule in the future. **Vote 19-0.**

WEDNESDAY, FEBRUARY 1

REGULAR CALENDAR

COMMERCE

HB 1454-FN, relative to delivery sales of cigarettes. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This bill pertains to collection of tobacco taxes on the out-of-state purchase of cigarettes via the Internet or by mail order. It was the committee’s opinion that while this bill was well intended our ability to enforce it was severely limited due to our inability to regulate the Internet or the US Postal Service. Also, a substantial number of these cigarettes are being purchased from Indian reservations which are exempt from tax regulations. In view of this it was felt these problems should be addressed by the federal government before state regulations are made. **Vote 15-1.**

EDUCATION

HB 1187, requiring a school district to disclose the percentage of its total education budget used for direct support of education. **INEXPEDIENT TO LEGISLATE**

Rep. Charles B. Yeaton for Education: The committee saw several problems with this bill. There is a question as to what expenditures are direct support of education and which are not. School districts already have their methods of presenting their budgets which are most helpful in informing their voters. There is also the danger that costs not included as direct instruction might also be considered less necessary. **Vote 11-2.**

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor. **OUGHT TO PASS**

Rep. Nancy F. Stiles for Education: Recognizing the rapid increase of overweight and obesity in children and its negative impact on academics and health and that hospital costs related to childhood obesity alone have tripled in the last 20 years (Center for Disease Control), as well as the NH data for the 1998-2000 years indicate a \$302 million expenditure on obesity-related illness, this bill will direct state money from the Department of Education budget directly to the local school districts at the rate of \$.03, per US Department of Agriculture requirements, performance based, school breakfast. This bill also works in support of local school wellness policies and is a cooperative effort to improve overall wellness in our school environment. **Vote 13-0.**

HB 1362, relative to permitting audio and video recording on school buses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: The committee strongly believes in the adoption of this enabling legislation which provides an open process to allow a school board, after a public hearing, to adopt administrative procedures and rules regarding the addition of audio taping within a school bus while students are in transit to and from school or school functions. It limits who can view the tape, how long the audio is kept, and assures that it is only utilized when a complaint has been received relative to an incident on the bus. **Vote 12-1.**

ELECTION LAW

HB 1125, relative to the filing period for candidates in the presidential primary. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. Splaine for the **Majority** of Election Law: This legislation permits the secretary of state to change the filing period for candidates running in the New Hampshire presidential primary at a time that he decides is necessary to ensure our lead-off status. Current law requires the secretary of state to accept filings during a period of the first Monday in November through the third Friday in November. To provide more flexibility to the secretary of state in administering our First In the Nation Presidential Primary Law, this bill allows that filing period to be moved earlier, or later, as he may decide is necessary to respond to any threat to our lead-off status from other states or by any of the national political parties. The amendment clarifies the language of the statute. It is the belief of the committee that passage of this legislation will greatly enhance our protection of the importance, relevance, and "first" status which New Hampshire has had since 1916 in the national presidential selection process. With approval of this bill, all states and the national political parties should be put on notice that New Hampshire will do what is necessary to preserve our tradition. The governor and the secretary of state also strongly endorse this legislation. **Vote 15-2.**

Rep. William L. O'Brien for the **Minority** of Election Law: This bill seeks to address a situation created by a national democrat commission having voted to do away with New Hampshire's first in the nation primary status. During committee hearings and work sessions on this bill, the sponsor and democratic leadership were asked if they were confident that this bill will solve the problems and if the impression on when presidential candidates are to file would not be cited by democrat presidential candidates as being so arbitrary and capricious that they could award New Hampshire presidential primary. The response we received was that they are confident that the legislation "does a job" and "sends a message," but they did not say either that the legislation would solve the problem created by the Democrat Commission or the legislation would not be used by democrat candidates for not participating in New Hampshire's presidential primary. Before we change New Hampshire laws to accommodate national party assaults on New Hampshire's presidential primary, we ought to be assured that the change will defend out state against the assault and not be used against the state.

HB 1222-FN, relative to unlawful voting. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Forsing for the **Majority** of Election Law: This bill makes it a Class B felony to vote in more than one state at the same election. This bill clarifies existing law that now prohibits an individual from voting more than once for any office or measure in the same election. As a practical matter, the bill allows the marking of a checklist by an election official, for a voter, to be sufficient evidence that a voter voted in that election although it does not shift the burden of proof from the state in any criminal prosecution. The attorney general's office spoke in favor of the bill at the public hearing. **Vote 11-6.**

Rep. Charles F. Weed for the **Minority** of Election Law: We believe that existing law already forbids voters casting ballots in the same election in different states. We support underlining our commitment to the integrity of New Hampshire elections, if that is the intent of the sponsor. But we feel it goes too far when it uses the term prima facie evidence as defined, "sufficient to establish a fact or raise a presumption unless disproved or rebutted." We believe this may, in some jurisdictions, shift the burden to prove innocence to the accused. The burden of proof of guilt beyond a reasonable doubt must remain unequivocally with the state.

HB 1286-FN, authorizing the secretary of state to initiate recounts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph G. Boehm for the **Majority** of Election Law: This bill would authorize the secretary of state to initiate a recount and conduct random audit recounts. The current recount procedure works well. This bill will cause confusion as to the outcome of some elections and may cause a lack of finality in declaring election results. **Vote 11-5.**

Rep. James R. Splaine for the **Minority** of Election Law: This bill would authorize the secretary of state to initiate a recount

when there is evidence that the election night count may be inaccurate. It also authorizes the secretary of state to conduct random audit recounts. The minority believes the integrity and creditability of the election process is enhanced when there is assurance that all ballots are counted accurately. While 50% of the democratic process of voting is to ensure that all qualified voters can vote, 50% of the processes is to guarantee the ballots are accurately counted.

FINANCE

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth S. Hager for the **Majority** of Finance: This important bill places last year's state surplus into the revenue stabilization reserve account (rainy day fund). The majority of the committee agreed with the sponsor, the state treasurer and the governor that it should be a legislative priority to start to bring the rainy day fund up to an agreed to, basic level of 5% of general fund revenues. In addition, the majority believes if there is a need for any funding this year, current revenues are potentially available. **Vote 13-9.**

Rep. Marjorie Smith for the **Minority** of Finance: The unofficial FY 2005 surplus exceeds \$80 million of money already in hand. So far this year we have had two emergencies – fuel assistance and prescriptions for seniors, which we addressed. Other emergencies are out there, some of which we already know about including the state response to the floods in the south-west portion of the state. The minority would like to reserve \$10 million of the 2005 surplus to address crises. If the money is not spent by the end of the year it could then go into the rainy day account. While FY 2006 figures currently indicate a \$43 million surplus, we cannot now be sure what the final 2006 surplus will be. The minority amendment reserves \$10 million of the existing \$80 million surplus as a responsible way to provide for emergencies while honoring our fiduciary responsibility.

HB 1678-FN-A, relative to state reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state university. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Finance: The committee felt that the relationship between the state university system and the Town of Plymouth is a local, non-legislative issue. Although the committee is sympathetic to Plymouth, the town currently has a contract with the university system to provide a payment in lieu of taxes that expires in 2010. When unusual events occur that strain the local public safety budget, we would expect the university system to continue to work in good faith to resolve the problem in an equitable manner. **Vote 19-1.**

HB 1716-FN, relative to state reimbursement for public safety expenditures made by towns on behalf of public higher education residence halls. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: In an annual budget of 4.5 billion dollars, New Hampshire distributes over one billion to cities and towns under 28 different funds. This bill would propose an additional state distribution of funds to pay for public safety in a municipality that hosts a part of the university system or a community technical college. Elements of public safety are already paid for by the state as represented by the state police and also it's detective bureau. County sheriffs also back up local police when called. A major portion of public safety is supported by property taxes. Studies in the past have shown that host communities of these schools have a more favorable tax structure as to the ratio of businesses to residences. The student spending supports many of these businesses. In almost all cases, the communities involved lobbied to have these schools located there. Although some in the community may judge what was once an advantage has now become a disadvantage, the point would be difficult to prove if all statistics were fairly compared. Isolating one community expense and attributing it to the state was not judged to be a fair charge. **Vote 19-1.**

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee felt that the objective of paying the differential to reserve and national guard people called to active duty from their regular job was important and the amendment helps clarify that objective. In addition we changed lines 16-18 (Section IV(a) (3)) to a reference to RSA-100 to continue what is done now at NHRS and eliminated section IV-2, III lines 25-27 dealing with workers comp. as unnecessary. **Vote 16-7.**

JUDICIARY

HB 1647-FN, relative to lowering the legal drinking age for members of the armed forces. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Donald R. Buxton for the **Majority** of Judiciary: The sponsors of this bill have good intentions, but passage of this bill most likely will result in tragic and unintended consequences. It is a fact that 4.8% of all drivers are within this age group that we are concerned with here. They account for 17% of all fatal accidents and 22% of all accidents. The majority of the committee feels that 18, 19, and 20 year olds lack the maturity and judgment necessary when dealing with alcohol. Another issue involved here is the question of constitutionality, whether or not one can apply one set of laws to members of the armed forces and another set of laws to non-service citizens in the same group. History has shown us that lowering the drinking age did not work and there is no evidence advanced that shows us that it will work now. Representatives of the Attorney General, Department of Safety, the Liquor Commission, active and inactive military veterans and others were all opposed to this bill as was a medical

doctor. Five of the seven veterans on the Judiciary Committee voted against the bill. **Vote 17-2.**

Rep. Bernard E. Buzzell for the **Minority** of Judiciary: The minority hopes to offer a floor amendment that would address the concerns of underage drinking, the DWI, and treating all citizens as equals.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1743-FN, relative to reimbursing towns for the operating expenses of certain railroad passenger facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew Renzullo for the **Majority** of Municipal and County Government: The intent of this bill appears to try and correct an issue of fairness. The issue is who should pay for the operating expenses of the Amtrak Downeaster owned by Northern New England Public Railroad Association, located in Maine. The committee heard testimony from representatives of the University System of New Hampshire (UNH), the town of Exeter, and the city of Dover. The history of how Amtrak came to New Hampshire and these locations in particular, was addressed. An agreement between UNH, Exeter and Dover with Amtrak and the track owner took place about five years ago. Exeter, Dover and UNH agreed to pay for platform lease, platform maintenance, and liability insurance for the operation. Now with the costs of everything going up, these three entities are requesting that the Department of Transportation reimburse them for these expenses. While the committee sympathizes with the situation that UNH, Exeter, and Dover are in, we cannot support a bill that requires the state to pick up this cost. We feel that these communities can address this issue with Amtrak through negotiations. If that fails, due to the fact that the players in the original deal also included federal agencies, the issue should be presented to New Hampshire's senators and congressmen for attention. **Vote 11-2.**

Rep. Jessie Osborne for the **Minority** of Municipal and County Government: The minority of the committee finds that the State of New Hampshire should aid and support the sponsoring towns of Exeter, Durham, and the City of Dover, and reimburse them for their expenses related to the platform maintenance and liability insurance expenses caused by their acceptance of train stations in their municipalities. These train stops service the entire region of the southeastern section of the state not solely the host towns. The State of New Hampshire has evidenced a commitment to public transportation by supporting regional transportation centers, Airports, Park & Rides and finally state and interstate highways with money and reimbursements. Department of Transportation has encouraged and helped to finalize this rail transportation contract, and left the finance payments to the municipalities. The contract which was state negotiated did not allow the towns any options for how the local communities would pay for the continued upkeep. New Hampshire needs to support and encourage public transportation as an alternative to the automobile. We need to find alternatives to promote energy conservation and to protect the state from increasing air pollution.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1401, exempting certain all terrain vehicle (ATV) and trail bike trail criteria from the change in use designation of rail trails. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher R. Irish for Resources, Recreation and Development: The use of ATVs as a recreation activity is increasing rapidly on both public and private lands. The need for trail development on state lands is both necessary and required by statute. The committee received testimony from the Trails Bureau that this bill would all but eliminate the possibility of the change in use designation of rail trails to include any new rail trails for ATV or trail bike use. Individually, the criteria included in RSA 215-A:43 could be applied to the change in use designation of rail trails. However when considered as a whole, it would almost be impossible for any specific section of rail trail to meet the requirements and thus ATVs and trail bikes would be prohibited. It was also stated that there could be conflicts with federal law due to possible use of federal funds for rail trail acquisition. Concern was also raised that this is targeted legislation as other motorized vehicles were not considered, such as snowmobiles. In order to change a use designation, the municipality must request it, and an environmental impact statement from the federal government must be considered. Therefore the committee felt that sufficient safeguards are already in place. **Vote 12-7.**

LAIID ON TABLE

HB 646-FN-LOCAL, proposing a definition of an adequate education. (Pending question adoption of committee report of Ought to Pass with Amendment)

MONDAY, JANUARY 30

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

1:00 p.m. **Rescheduled** complaint hearing.

COMMERCE, Room 302, LOB

9:00 a.m. **Rescheduled** subcommittee work session on **HB 1660-FN**, regulating identity theft, **HB 1404**, relative to

breach of security of computerized personal information, ***HB 1414-FN***, relative to the protection of personal information by mandatory notice of security breach and ***HB 1374***, establishing a committee to require personal information holders to disclose a security breach.

1:00 p.m. **Rescheduled** subcommittee work session on ***HB 1723-FN***, relative to health care and health insurance data.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 100, State House

10:00 a.m. Regular meeting.

EDUCATION, Room 207, LOB

10:00 a.m. Subcommittee work session on ***HB 1707-FN-A-LOCAL***, establishing a school choice certificate program.

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

1:00 p.m. Regular meeting.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 205, LOB

11:30 a.m. Regular meeting.

TUESDAY, JANUARY 31

CHILDREN AND FAMILY LAW, Room 206, LOB

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

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on ***HB 1668***, relative to providing bank account balance information.

10:00 a.m. ***HB 1483***, authorizing vehicle licensing, title, and registration recovery fees by motor vehicle rental companies.

10:30 a.m. ***HB 1295***, requiring disclosure regarding brake shift interlock by automobile dealers.

1:15 p.m. ***HB 1274***, relative to certain disclosures to the department of health and human services.

2:00 p.m. ***HB 1372***, establishing a committee to study affordable and accessible health care services for all uninsured citizens of New Hampshire.

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

9:00 a.m. Subcommittee work session on ***HB 1645-FN***, relative to fireworks permit fees and the position of permissible fireworks inspector.

9:30 a.m. Subcommittee work session on ***HB 1467-FN***, requiring the registration of drug offenders.

9:40 a.m. Subcommittee work session on ***HB 1406-FN***, adding to the penalty provisions of the controlled drug act and relative to fines for violations of the controlled drug act.

10:00 a.m. ***HB 1387***, relative to emergency management powers of the governor concerning medical and health care professionals from other jurisdictions.

10:30 a.m. ***HB 1435***, relative to the emergency plan for service dogs and other animals.

11:00 a.m. ***HB 1522***, relative to extended authority for law enforcement assistance.

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

1:00 p.m. Subcommittee work session on ***HB 1377***, relative to certain mandatory minimum sentences, ***HB 1231-FN***, relative to the penalty for assaulting a firefighter, emergency medical technician, or law enforcement officer and ***HB 1246-FN***, relative to assault on law enforcement, corrections, and probation-parole officers.

EDUCATION, Room 207, LOB

9:30 a.m. **Continued** public hearing on ***HB 1685-FN***, establishing a special needs scholarship program.

10:00 a.m. ***HB 1412-FN***, establishing a remedy for failing to file a copy of the annual town report with the department of education.

11:00 a.m. ***HB 1518***, relative to the joint board of a school administrative unit.

1:00 p.m. ***HB 1640-FN-LOCAL***, requiring school boards to disclose financial costs of contracts to the voters.

2:00 p.m. ***HB 1695-FN***, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants.

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

3:00 p.m. Subcommittee work session on ***HB 1241-FN-LOCAL***, mandating the inclusion of kindergarten as part of an elementary school.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. **HB 1217**, requiring the secretary of state to publish certain information on campaign contributions.
- 11:00 a.m. **HB 1172-FN**, relative to registration of political committees.
- 1:00 p.m. **HB 1385**, relative to nomination papers and the definition of “party.”
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 8:30 a.m. Subcommittee work session on **HB 1521**, requiring the appointment of alternate members to the juvenile parole board.
- 9:00 a.m. Subcommittee work session on **HB 1347**, relative to licensure, registration, or certification of regulated professions, **HB 1415-FN-A**, establishing the office of corrections ombudsman and **HB 1634-FN**, making technical changes to the law governing the New Hampshire retirement system.
- 10:00 a.m. **HB 1661-FN**, relative to the practice of real estate sales and eliminating the real estate commission.
- 11:00 a.m. **Rescheduled** public hearing on **HB 1715-FN**, relative to funding of the professional assistance program of dentists.
- 1:00 p.m. **Rescheduled** public hearing on **HB 1739-FN**, relative to body art practitioners.
- 2:00 p.m. **Rescheduled** public hearing on **HB 1671-FN**, relative to the regulation of dentists and dental hygienists by the board of dental examiners.
- 2:30 p.m. **Rescheduled** public hearing on **HB 1670-FN**, relative to membership on certain professional regulatory boards.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Rooms 210-211, LOB

- 10:30 a.m. **SB 110-FN-A**, establishing the New Hampshire Rx plus program for prescription drugs.
- 1:00 p.m. **HB 1765-FN-A-LOCAL**, appropriating matching funds for disaster relief resulting from the October 2005 floods.
- Executive session and work session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FISH AND GAME, Room 307, LOB

- 10:00 a.m. **HB 1646-FN**, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear.
- 11:30 a.m. **HB 1747-FN**, establishing a New Hampshire healthy tidal waters and shellfish protection program and fund and establishing fees.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

- 10:00 a.m. **HB 1465-FN**, relative to food stamp overpayments.
- 11:30 a.m. **HB 1708-FN**, relative to Temporary Assistance to Needy Families
- 1:30 p.m. **HB 1709-FN**, establishing an autism registry in the department of health and human services.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1382**, regulating the disclosure of personal information.
- 10:45 a.m. **HB 1505**, relative to private actions under the consumer protection act.
- 11:15 a.m. **HB 1316**, exempting records of the National Animal Identification System from the right-to-know law.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 3:00 p.m. Subcommittee work session on **CACR 30**, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development, **CACR 32**, relating to eminent domain. Providing that property can only be taken for public benefit other than increased tax revenues, **CACR 40**, relating to taking of property. Providing that property may not be taken for a public purpose, but only for a public use, **HB 1129**, relative to eminent domain, **HB 1254**, relative to eminent domain, **HB 1511**, relative to business replacement costs resulting from government program displacement, **HB 1554**, relative to the amount paid for property in eminent domain and **HB 1596-FN**, relative to eminent domain compensation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1162**, relative to village districts.

- 10:30 a.m. **HB 1257**, relative to conflicts of interest of municipal officials.
- 11:00 a.m. **HB 1273**, relative to the disposition of municipal records.
Public hearing on proposed amendment to **HB 1273**, relative to the disposition of municipal records. The proposed amendment is relative to legalizing the special meeting of the town of Brookline. Copies of the proposed amendment will be available in the Sergeant-at-Arms office.
- 1:00 p.m. **HB 1330**, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments.
- 1:30 p.m. **HB 1430**, allowing cities, towns, and counties to adopt an October 1 fiscal year.
- 2:00 p.m. **HB 1757**, relative to taxation of renewable generation facilities.
- 2:30 p.m. Public hearing on proposed amendment to **HB 1305-LOCAL**, relative to license fees charged by municipalities for coin operated amusement devices. The proposed amendment authorizes cities to adopt certain ordinances relative to businesses obtaining city permits. Copies of the proposed amendment will be available in the Sergeant-at-Arms office.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 8:15 a.m. Subcommittee work session on **HB 1737-FN-A**, establishing a beverage fee to be paid by beverage manufacturers and distributors.
- 9:30 a.m. **HB 1324**, relative to leasing the Cannon Mountain ski area.
- 1:15 p.m. **HB 1609-FN**, requiring an impact study before a large groundwater withdrawal permit may be issued.
- 2:30 p.m. **Continued** public hearing on **HB 1491**, establishing a committee to study the publicly owned treatment plant needs of New Hampshire.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:00 a.m. Subcommittee work session on **HB 1690**, relative to renewable energy.
- 10:00 a.m. **HB 1756**, relative to alternative regulation of small incumbent local exchange carriers.
- 11:00 a.m. **Continued** public hearing on **HB 1425**, establishing a commission to study the efficacy of current laws in reducing exposure of children to lead hazards.
- 1:00 p.m. **Rescheduled** public hearing on **HB 1758**, classifying biodiesel as a renewable energy source.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

- 9:30 a.m. Executive session on pending legislation.
- 10:00 a.m. **HB 1132**, relative to qualifications for the Global War on Terrorism operations service bonus payment.
- 11:00 a.m. **HCR 21**, urging the Department of Homeland Security to study New Hampshire's northern border and protection for our dam network.
- 11:30 a.m. **HCR 22**, relative to the right to pursue a livelihood in natural resources industries.
- 1:00 p.m. **HB 1754**, relative to canteen privileges at veterans' clubs licensed by the liquor commission.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. Subcommittee work session on **HB 1303-FN**, requiring sex offenders to renew their drivers' licenses annually.
- 11:00 a.m. Subcommittee work session on **HB 1470**, relative to overweight vehicle permit fees.
- 11:30 a.m. Subcommittee work session on **HB 1663-FN-LOCAL**, relative to the licensing fee for motor vehicle recycling yards and **HB 1307**, relative to application requirements for motor vehicle recycling yard licenses.
- 1:00 p.m. Subcommittee work session on **HB 1261**, relative to driver's license revocation or denial for drugs or alcohol involvement, **HB 1260**, relative to informing first-time driver's license applicants of the controlled drug laws, and prohibiting the issuance of a youth operator's license to controlled drug violators and **HB 1448**, relative to the applicability of drivers' license revocations for drugs or alcohol involvement.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **Continued** public hearing on **HB 1638-FN-A**, reducing the rate of the communications services tax.
- 11:00 a.m. **HB 634-FN-A**, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the

committee is initially convened.

1:00 p.m. Subcommittee work session on ***HB 1329-FN-A-LOCAL***, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected.

WEDNESDAY, FEBRUARY 1

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY (RSA 186-C:3-b), Department of Education, Room 15, 101, Pleasant Street, Concord

4:00 p.m. Regular meeting.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

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

WAYS AND MEANS, Room 202, LOB

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

THURSDAY, FEBRUARY 2

CHILDREN AND FAMILY LAW, Room 206, LOB

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

8:30 a.m. **Rescheduled** public hearing on ***HB 1751***, relative to penalties for failure to have workers' compensation coverage.

9:00 a.m. **Rescheduled** public hearing on ***HB 1752***, requiring notice regarding the classifications of employee and independent contractor.

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

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

FRIDAY, FEBRUARY 3

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

9:00 a.m. **Continued** regular meeting.

CHILDREN AND FAMILY LAW, Room 206, LOB

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

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

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **Rescheduled** public hearing on ***HB 1527***, allowing municipalities to establish local community services and care planning boards.

11:00 a.m. **Rescheduled** public hearing on ***HB 1597-FN-LOCAL***, relative to municipal obligations for indigent medical expenses.

1:00 p.m. ***HB 1753***, allowing municipalities to adopt a property tax exemption for geoechange energy systems.

1:30 p.m. **Rescheduled** public hearing on ***HB 1558***, relative to regulation of smoking by cities and towns.

2:30 p.m. **Rescheduled** public hearing on ***HB 1379***, relative to the investment of trust funds.

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

MONDAY, FEBRUARY 6

COMMISSION TO STUDY THE STATE PARK SYSTEM (SB 5, Chapter 276:1, Laws of 2005), Room 103, LOB

1:00 p.m. Subcommittee work session

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **Rescheduled** public hearing on ***HB 1729-FN***, implementing a "good time" sentence reduction system for inmates in the state prison system.

- 11:00 a.m. **Rescheduled** public hearing on ***HB 1674-FN***, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials.
- 11:30 a.m. **Rescheduled** public hearing on ***HB 1706-FN***, requiring certain persons to have Transportation Security Administration training and certification to provide airport security support in emergency situations.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **Rescheduled** subcommittee work session on ***HB 1622-FN***, relative to the state recycling program.
- 11:00 a.m. **Rescheduled** subcommittee work session on ***HB 1438-FN***, relative to mandatory recycling of solid waste.
- 1:00 p.m. **Rescheduled** subcommittee work session on ***HB 1429***, relative to municipal exemptions for hazardous waste cleanup liability.
- 2:00 p.m. **Rescheduled** subcommittee work session on ***HB 1455-FN-A***, relative to the recovery, reuse, and recycling of used electronic devices.

TUESDAY, FEBRUARY 7

COMMERCE, Room 302, LOB

- 9:00 a.m. Subcommittee work session on ***HB 1533***, relative to services provided by manufacturers and distributors of beer to beer retailers and ***HB 1606-FN***, relative to coupons and rebates used to purchase alcohol.
- 10:00 a.m. **Rescheduled** public hearing on ***HB 1592-FN***, making certain changes in the insurance laws.
- 11:00 a.m. **Rescheduled** public hearing on ***HB 1190***, establishing a committee to study refunds of insurance premiums overcharged under SB 110.
- 1:15 p.m. **Rescheduled** public hearing on ***HB 1276***, relative to automobile insurance.
- 2:00 p.m. **Rescheduled** public hearing on ***HB 1291***, relative to automobile insurance coverage for drivers in the same household as the policyholder.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.
- 2:30 p.m. Subcommittee work session on ***HB 1549***, excluding certain acts based on bona fide economic and public safety considerations from the prohibition against age discrimination in public accommodations.
- 3:00 p.m. Subcommittee work session on ***HB 1218***, relative to the unauthorized use of the name of a financial institution.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 9:00 a.m. Subcommittee work session on ***HB 1625***, establishing penalties for court-appointed advocates who fail to file reports which are required by the court.
- 10:00 a.m. ***HB 1354***, relative to physical force in defense of a person.
- 11:00 a.m. ***HB 1538***, relative to penalties for toll evasion.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

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

ELECTION LAW, Room 308, LOB

- 10:00 a.m. ***HB 1547***, clarifying what constitutes physical presence for purposes of establishing domicile under the election laws.
- 11:00 a.m. ***HB 1577***, relative to the eligibility of persons with nontraditional domicile to vote.
- 1:00 p.m. ***HB 1566***, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes.
- 2:00 p.m. ***HB 1544***, establishing a committee to study the propriety of a university of New Hampshire employee working in and being paid by the governor's office.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

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

FISH AND GAME, Room 307, LOB

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

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

- 10:00 a.m. ***HB 1714-FN***, relative to an electronic controlled drug prescription monitoring program.

- 11:30 a.m. ***HB 1727-FN-LOCAL***, relative to transfer or discharge of patients in residential care facilities.
1:30 p.m. ***HJR 20***, supporting stem cell research.
2:30 p.m. **Rescheduled** public hearing on ***HB 1722-FN***, relative to the New Hampshire council on developmental disabilities.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY, Representatives Hall

- 10:00 a.m. ***CACR 34***, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state.
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. Executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **Continued** public hearing on ***HB 1426***, granting a right-of-way over and a license to use certain parcels of state-owned land.
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

- 9:30 a.m. Subcommittee work session on ***HB 1443***, relative to priorities for development of all terrain
10:00 a.m. Subcommittee work session on ***HB 1317***, relative to the eradication of exotic aquatic weeds.
11:00 a.m. Subcommittee work session on ***HB 1446***, establishing requirements for the development of a regional all terrain vehicle.
1:30 p.m. Subcommittee work session on ***HB 1519***, relative to all-terrain vehicle and trail bike trails and ***HB 1686-FN***, relative to the allocation of certain off highway recreational vehicle fees.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

- 9:30 a.m. Executive session on pending legislation.
10:00 a.m. ***HCR 23***, urging the President to find it necessary to drawdown the strategic petroleum reserve.
10:30 a.m. ***HCR 25***, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution.
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. Full committee work and executive session on pending legislation.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Subcommittee work session on ***HB 1699-FN-A-LOCAL***, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way.

WEDNESDAY, FEBRUARY 8

COMMERCE, Room 302, LOB

- 10:00 a.m. Subcommittee work session on ***HB 1325***, relative to state regulation of martial arts schools.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 11:00 a.m. ***HB 298***, relative to consolidating statutes relating to driving while intoxicated.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on ***HB 1265***, establishing the council on the relationship between public health and the environment.
- 10:30 a.m. Subcommittee work session on ***HB 1433***, establishing a committee to study secured landfills.
- 1:00 p.m. Subcommittee work session on ***HB 1479***, relative to debris and solid waste removal at manufactured housing parks.
- 2:00 p.m. Subcommittee work session on ***HB 1534***, relative to maintaining construction and demolition debris as a solid waste.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. ***HB 1381***, requiring the department of environmental services to do a criminal background check on any applicant for a permit.
- 10:00 a.m. ***HB 1258-FN-A***, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor.
- 10:30 a.m. **Rescheduled** public hearing on ***HB 1574***, relative to membership on the public employees deferred compensation commission.
- 11:00 a.m. ***HB 1602-FN***, eliminating the reduction of a New Hampshire retirement system annuity at age 65.
- 1:00 p.m. ***HB 1633-FN***, relative to membership, eligibility, and financing of the New Hampshire retirement system.
- 2:00 p.m. **Rescheduled** public hearing on ***HB 1156***, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

- 9:30 a.m. **Rescheduled** public hearing on ***HB 1672-FN***, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults.
- 10:45 a.m. **Rescheduled** public hearing on ***HB 1717-FN***, requiring certain direct care services in nursing homes.
- 1:30 p.m. **Rescheduled** public hearing on ***HB 1718-FN***, relative to the provision of medical services at nursing facilities.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY, Room 208, LOB

- 9:00 a.m. Subcommittee work session on ***HB 1224-FN***, establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions.
- 9:30 a.m. ***HB 1552***, relative to the authority of land surveyors to enter onto land to make surveys.
- 10:00 a.m. ***HB 1636-FN***, relative to appeals from class A misdemeanor sentences imposed by the district courts.
- 10:45 a.m. ***HB 1676-FN***, relative to misdemeanor jury trials.
- 11:15 a.m. ***HB 1641-FN***, establishing a common law court.
- 1:00 p.m. ***HB 1322***, relative to the establishment of allodial rights.
- 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. ***HB 1206***, relative to the assessing standards board.
- 10:30 a.m. **Rescheduled** public hearing on ***HB 1439***, relative to petitioned zoning ordinance amendments.
- 1:00 p.m. ***HB 1451-FN-LOCAL***, requiring a prorated assessment of new construction in the year completed.
- 1:30 p.m. ***HB 1631-FN-LOCAL***, relative to property taxation of certain property of the Appalachian Mountain Club.
- 2:30 p.m. ***HB 1627***, relative to the assessment of open space land.
- 3:00 p.m. ***HB 1760***, allowing municipalities to adopt a property tax exemption for property using, manufacturing, or supplying bio-heat systems.
- 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

- 9:00 a.m. Subcommittee work session on ***HB 1495***, relative to setback requirements for landfills located near rivers.

THURSDAY, FEBRUARY 9

COMMERCE, Room 302, LOB

- 10:00 a.m. Subcommittee work session on ***HB 1177***, prohibiting smoking in restaurants and cocktail lounges.
- 1:00 p.m. Subcommittee work session on ***HB 1555***, establishing a commission to investigate cost drivers in providing

health care.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

ELECTION LAW, Room 308, LOB

9:30 a.m. **HB 1567**, relative to removing names from the checklist.

10:15 a.m. **HB 1613-FN-LOCAL**, relative to polling place arrangement and accessibility.

11:15 a.m. **HB 1312**, relative to the definition of gift as it applies to elected officials.

1:15 p.m. **HB 1635-FN-LOCAL**, relative to direct recall elections.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. **Rescheduled** public hearing on **HB 1696-FN**, relative to the cremation of human remains.

11:00 a.m. **Rescheduled** public hearing on **HB 1683-FN**, establishing a homestead food license for residential, non-commercial kitchens.

1:00 p.m. **Rescheduled** public hearing on **HB 1711-FN**, relative to the regulation of fuel gas fitters.

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

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

9:30 a.m. **HB 1764**, relative to the committee to study Medicaid reimbursement rates for pharmacy providers.

11:00 a.m. **HB 1763**, extending a committee and adding certain duties relative to pharmacy reimbursement.

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

JUDICIARY, Room 208, LOB

9:30 a.m. **HB 1560**, shortening the enforcement period for a restraining order against one's spouse.

10:30 a.m. **HB 1234-FN**, reducing the maximum amount of debt or damages for small claims actions.

11:15 a.m. **HB 1598-FN**, relative to publication of the New Hampshire Revised Statutes Annotated.

1:00 p.m. **HB 1719-FN**, defining human life as beginning at the moment of fertilization.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:00 a.m. **HB 1194**, relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel.

11:00 a.m. **HB 1310**, relative to strikes by public employees.

1:00 p.m. **HB 1510**, relative to leave of absences to serve as a legislator.

2:00 p.m. **HB 1543**, relative to protections for temporary workers.

3:00 p.m. **HB 1564**, prohibiting mandatory tip charges for small parties.

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. **HB 1629-FN-LOCAL**, relative to property revaluation schedules in towns and cities and review by the department of revenue administration.

10:30 a.m. **Rescheduled** public hearing on **HB 1449-FN-LOCAL**, requiring a reduced property assessment when a building is damaged.

11:00 a.m. **HB 1529**, establishing a committee to study the implementation and use of growth management ordinances.

1:30 p.m. **HB 1614-FN-LOCAL**, relative to bonding requirements for certain roads.

2:00 p.m. **HB 1282**, establishing a committee to study the reasons why the economically disadvantaged are relocating to rural communities.

2:30 p.m. **HB 1637-FN-LOCAL**, reducing the rate of the timber tax.

3:00 p.m. **HB 1755**, establishing a statutory property tax relief commission, and relative to information on property tax bills.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **Continued** public hearing on **HB 1462-FN-LOCAL**, placing a temporary moratorium on the issue of certain

water permits.

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

FRIDAY, FEBRUARY 10

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration Training Room, 45 Chenell Drive, Concord

9:30 a.m. Regular meeting.

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 202, LOB

10:00 a.m. Regular meeting.

MONDAY, FEBRUARY 13

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

1:00 p.m. Regular meeting.

ISSUES RELATIVE TO THE COMPREHENSIVE SHORELAND PROTECTION ACT (SB 83, Chapter 209:1, Laws of 2005), Room 305, LOB

10:00 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room 14 Dixon Avenue, Concord

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 14

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on ***HB 1233-FN***, including public officials under the real estate practice act.

10:00 a.m. Subcommittee work session on ***HB 1327***, requiring a vote by the tenants who are owners of manufactured housing park units prior to purchase of the manufactured housing park by the tenant or tenants' association.

10:30 a.m. Subcommittee work session on ***HB 1355***, permitting the use of certain campers or recreational vehicles in manufactured housing parks.

11:15 a.m. Subcommittee work session on ***HB 1188***, relative to notice before entry into a condominium unit.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

11:00 a.m. ***HB 1749-FN***, relative to access to motor vehicle records by certain defense contractors.

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

EDUCATION, Room 207, LOB

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

ELECTION LAW, Room 308, LOB

10:00 a.m. ***HB 1421-FN***, relative to campaign contributions and expenditures.

11:00 a.m. ***HB 1481***, establishing a moratorium period for lobbying by certain state officers.

1:00 p.m. ***HB 1403***, relative to explanations of proposed constitutional amendments appearing on the ballot.

2:00 p.m. ***HB 1553***, relative to electioneering.

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

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

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

JUDICIARY, Room 208, LOB

10:00 a.m. ***HB 1340***, relative to references to "United States citizen" in the New Hampshire statutes.

10:30 a.m. ***HB 1492***, granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill.

1:00 p.m. ***HB 1682***, relative to parental notification of a parent or legal guardian of a child who has been provided with emergency contraception by a pharmacist.

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. **HB 1141**, relative to innovative land use controls.
 - 10:30 a.m. **HB 1339**, relative to voting procedures for local land use boards.
 - 11:00 a.m. **HB 1342**, relative to the development of land and cutting of trees on land surrounding burial grounds and cemeteries.
 - 1:00 p.m. **HB 1272**, relative to the authority of elected police chiefs in towns with populations of more than 3,000.
 - 1:30 p.m. **HB 1253**, authorizing contracts and probationary periods for the hiring of appointed police chiefs.
 - 2:00 p.m. **HB 1117**, relative to the economic development section of a master plan.
- 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. **HJR 25**, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain.
 - 11:00 a.m. **HJR 26**, urging Congress to reevaluate Title IX.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

THURSDAY, FEBRUARY 16

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 11:00 a.m. **HB 624-FN**, relative to penalties in certain health and health-related professions.
 - 1:00 p.m. **HB 1349**, relative to costs of personnel and rates for equipment use in hazardous waste incidents.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 10:00 a.m. **Rescheduled** House Education joint with Senate Education for a briefing from the United States Department of Education on No Child Left Behind.
- 11:30 a.m. **Rescheduled** ad hoc committee on Highly Qualified Teachers.

ELECTION LAW, Room 308, LOB

- 9:30 a.m. **HB 1304-FN**, relative to the scope of registration of lobbyists and statements of lobbying activities.
 - 10:15 a.m. **HB 1490**, relative to procedures on ethics violations by legislators.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on **HB 1433**, establishing a committee to study secured landfills.
- 11:00 a.m. Subcommittee work session on **HB 1534**, relative to maintaining construction and demolition debris as a solid waste.

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

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

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1759**, relative to liens for labor and materials.
 - 11:00 a.m. **CACR 35**, relating to an automatic address of judges every 10 years. Providing that all judges shall be reviewed every 10 years by governor and council as if there has been an address for removal of the judge by both houses of the legislature.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Rooms 305-307, LOB

- 10:00 a.m. **Rescheduled** public hearing on **HB 1133**, establishing the employee civic duty act.
 - 11:00 a.m. **HB 1496**, establishing a right to work act which provides for freedom of choice on whether to join a labor union.
- 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. **HB 1124**, relative to the wording of ballot questions and specifying that a simple majority is required to pass a ballot question, unless a supermajority vote is otherwise required.

10:30 a.m. **HB 1174**, requiring that voters who request a secret ballot be present at the town meeting.

11:00 a.m. **HB 1196**, relative to cost items submitted to the town meeting.

1:30 p.m. **HB 1487**, relative to marriage licenses.

2:00 p.m. **HB 1392**, relative to school budget committee membership.

2:30 p.m. **HB 1366**, relative to a planning board's authority to require public access to open space as a condition of subdivision approval.

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

FRIDAY, FEBRUARY 17

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

LOCATION OF A SECURE PSYCHIATRIC UNIT STUDY (HB 2-FN-A, Chapter 177:184, Laws of 2005), Room 212, LOB

10:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 21

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

FEASIBILITY OF DEVELOPING A MATERIALS RESOURCE AND RECOVERY FACILITY IN SULLIVAN COUNTY (HB 293, Chapter 265:1, Laws of 2005), Sugar River Technical Center, Newport

7:00 p.m. Presentation by DES on "Pay as You Throw."

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

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

WEDNESDAY, FEBRUARY 22

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

EDUCATION, Room 207, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

FRIDAY, FEBRUARY 24

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration Training Room, 45 Chenell Drive, Concord

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular business.

9:30 a.m. Audit: State of New Hampshire Lottery Commission management letter for the fiscal year ended June 20, 2005.

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 202, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **January 27** at 9:00 a.m. at the County Complex Bouchard Building in Goffstown. Please call Marcia at 627-5631 if you cannot attend.

Rep. Nelson S. Allan, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet on Friday, **February 10** at 9:30 a.m. at the Hilton Auditorium, RCNH, Brentwood, to receive reports from the subcommittees on budget recommendations. The Executive Committee will vote on budget to be presented to the full delegation. The Executive Committee will also meet on Tuesday, **February 21** at 5:30 p.m. to finalize any unfinished business prior to the Delegation meeting.

Rep. David Welch, Clerk
Rockingham County Executive Committee

Rockingham County Delegation will meet on Tuesday, **February 21** at 6:00 p.m. at the Hilton Auditorium, RCNH, Brentwood to adopt the county budget for 2006. Storm date: Thursday, February 23.

Rep. David Welch, Clerk
Rockingham County Delegation

COUNTY DELEGATION NOTICE

Strafford County Delegation will hold a public hearing and meeting on Wednesday, **February 1** at 7:00 p.m. (Snow Date: Thursday, February 2 at 7:00 p.m.) in Superior Courtroom II of the William A. Grimes Strafford County Justice and Administration Building. This meeting was previously scheduled for Wednesday, January 25, 2006. At this time, the Delegation will receive public input on the Commissioners Proposed 2006 Operating Budget at the public hearing; after the public hearing, the Delegation will meet to discuss any other business that legally comes before the Delegation at that time.

Rep. Peter B. Schmidt, Chairman
Strafford County Delegation

COUNTY DELEGATION NOTICE

Sullivan County Delegation will meet on Friday, **January 27** at 10:15 a.m. in the Jury Assembly Room of Newport's Woodhull Complex to hear N.H. Health & Human Services Comptroller Jim Fredyma discuss Proshare & MQIP Funds as well as take up other important business

Rep. John R. Cloutier, Chairman
Sullivan County Delegation

NOTICE

Reservations for the use of the Upham Walker House are now being made with Doug Dolcino, Director of Operations for the General Court, at 271-3324.

W. Douglas Scamman, Speaker

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 100, 234, 349, 489, 515, 649, 688, 690, 716, 718, 1474, 1515, 1661, 1671, 1676, 1677, 1691, 1692, 1693, 1694, 1695, 1697, 1698, 1701, 1702, 1704, 1708, 1711, 1713, 1714, 1715, 1716, 1717, 1718, 1720, 1722, 1723, 1724, 1726, 1725, 1727, 1730, 1731, 1732, 1734, 1735, 1741, 1742, 1745, 1746.

Karen O. Wadsworth, Clerk of the House

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.

Ed M. Putnam, II, 12 Wakefield Drive. Hampstead. NH 03841-2611

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

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.

The Internal Revenue Service has set the standard mileage rate for transportation expenses for 2006 at forty-four and one half cents (\$0.445) per mile. The federal mileage reimbursement rate for members of the House of Representatives decreases from forty-eight and one-half cents (\$0.485) per mile to forty-four and one-half cents (\$0.445) per mile for all miles incurred on or after January 1, 2006.

W. Douglas Scamman, Speaker

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. (Lift tickets are to be picked up at Guest Services at the Peabody Base Lodge or the Tramway Window at Cannon).

W. Douglas Scamman, Speaker

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

Rep. Michael A. Balboni

The Main Street Republican Caucus will meet every Tuesday at noon at the Upham Walker House. All Republicans are welcome.

Rep. Kenneth H. Gould

There will be a meeting on Tuesday, **January 31** from 12:00 to 1:00 p.m. in the Executive Council Chambers to review the Commission's recommendations relative to the Area Agencies Executive Order 2005-3. The Developmental Disabilities Waitlist Oversight Committee, the Health and Human Services Oversight Committee and members of the House and Senate Health, Human Services Committees are invited to attend this meeting. Thank you for your interest in this matter.

Rep. Peter L. Batula

House members are invited to attend the 2006 Legislative Breakfast of Champions sponsored by Bi-State Primary Care Association and New Hampshire's Community Health Centers. This event will be held on **February 2** (snow date February 9th) from 7:30 to 8:30 am at St. Paul's Church, 21 Centre Street, Concord. A hot breakfast will be served. Community Health Center Champions speaking at the event will include Tom Metzger, former CEO, Citizens Bank-NH and Group Executive Vice President - Risk Management for Citizens Financial Group, and Dr. A.J. "Skip" Homicz, NH Dentist and former President of the NH Dental Society. This is an opportunity to meet the Executive Directors of New Hampshire's Community Health Centers. Please RSVP by January 25th to: Barbara Cutting (603) 228-2830 or bcutting@bistatepca.org.

Reps. Elizabeth S. Hager and Daniel A. Eaton

The Derry, Portsmouth and Rockingham County Republican Committees will host the 2006 Lincoln – Reagan Day Dinner with special guest US Senate Majority Leader, Bill Frist, MD, on Friday, **February 3** at the Granite Rose, Route 111, Hampstead.

Social hour is at 6:00 p.m. and dinner at 7:00 p.m. Tickets are \$50. Please see Rep. Sharon Carson or call 434-2489 for tickets and information.

Reps. Nancy F. Stiles and Sharon M. Carson

The Legislative Methamphetamine Caucus will meet on **February 10** at 10:00 a.m. in Room 205, LOB. Any one interested is invited to attend.

Rep. Joy K. Tilton and Deborah J. Hogancamp

The Board of Directors of the Greater Concord Chamber of Commerce cordially invites members to the 2006 Legislative Breakfast Reception on Wednesday, **February 15** from 7:30 a.m. to 9:00 a.m. Brief program will begin at 8:15 a.m. The breakfast will be held at The Barley House, 132 North Main Street, Concord. Please RSVP by February 10 to 224-2508.

Rep. James R. MacKay

The Retail Merchants Association of NH and its 900+ members invite all legislators and staff to their 40th Annual Legislative Reception on Wednesday, **February 15th** from 4:30 p.m. or after session, in the Bartlett Room at the Concord Holiday Inn. Attend to congratulate our “Legislator of the Year” and maybe go home with one of the great door prizes.

Rep. Pamela G. Price

House members and staff are cordially invited to a breakfast reception hosted by the NH City and Town Clerks Association on **February 16th** from 8:00 a.m. to 9:30 a.m. in the State House Cafeteria.

Reps. James W. Craig and Michael O'Neil

The Department of Transportation will hold the following meeting:
Feb 8 Windham Middle School, 112A Lowell Road, Windham, NH, 7:00 p.m. Public hearing commission, Windham, Lowell Road from NH Route 111 to NH Route 111A.

Rep. Gene G. Chandler, Chairman
Public Works and Highways Committee

STATE HOUSE VISITATION SCHEDULE
2005 & 2006 SCHOOL YEAR

Virginia Drew, Public Information Administrator Kenneth Leidner, Director			
<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
Jan. 30	10:00/11:30 SH/HM	Charlotte Avenue Elementary School-Nashua	4/50
Jan 31	10:30	Hills Garrison School – Hudson	4/50
Feb. 1	9:30/11:00 SH/HM	Peter Woodbury School – Bedford	4/85
Feb 1	12:30 SH	Plainfield Elementary	6/36
Feb. 2	9:30	Peter Woodbury School – Bedford	4/45
Feb. 3	9:30/11:00 SH/SC	Bakersville Elementary School – Manchester	4/60
Feb. 6	9:00	Broken Ground School – Concord	4/24
Feb. 6	10:00/11:30 SH/SC	Moultonboro Central School	4/50
Feb. 7	9:00	Broken Ground School – Concord	4/24
Feb. 7	10:00/11:30 SH/HM	Ernest P. Barka School – Derry	4/60
Feb. 8	9:00	Broken Ground School – Concord	4/24

Feb. 8	10:00/11:30 SH/HM	Bicentennial School – Nashua	4/65
Feb. 9	9:00	Broken Ground School – Concord	4/24
Feb. 9	10:00/11:30 SH/HM	Bicentennial School- Nashua	4/50
Feb. 10	9:30	Sandwich Central School	4/8
Feb. 10	9:30/11:00 SH/SC	Henry Moore School – Candia	4/55
Feb. 10	12:30	Presentation of Mary – Hudson	34/4
Feb. 13	9:00/10:30/12:00 SH/SC/ Planet	Rochester Middle School	8/100
Feb. 14	9:00	Broken Ground School – Concord	4/24
Feb. 14	10:00/11:30 SH/HM	Ernest P. Barka School – Derry	4/60
Feb. 15	9:30/11:00 SH/HM	Interlakes School – Meredith	4/83
Feb. 16	9:45/11:00 SH/Manse	Loudon Elementary School	4/60
Feb 16	1:30	NH City & Town Clerks Assc	Adults 25
Feb. 17	9:40	Wheelock Elementary – Keene	4/24
Feb. 17	10:15/11:45 SH/SC	Stratham Memorial School	4/40
Feb. 17	1:00	Superior Court Law Clerks	Adults 10-15
Feb. 21	9:00	Broken Ground School – Concord	4/24
Feb. 21	11:00/1:00	Merrimack Valley High School	10/50
Feb. 22	10:00/11:30 SH/HM	DJ Bakie School – Kingston	4/88
Feb 22	2:00	Carlise Place	Adults 10
Feb 23	10:00/11:30	North Hampton Elementary	4/55
Feb. 24	10:00/11:30 SH/SC	Stratham Memorial School	4/60
Feb 24	1:30	Trip Center – Franklin	12 Adults
Feb 28	11:00	Davenport High School	8-11/15
Feb. 28	1:00	Keene Area Home School Network	

NOTICE

The House Clerk's Office is now accepting orders for the **2005** hardcover Permanent House Journals. Work on the journal is awaiting final adjournment from the 2005 session.

Upon request, members of the Legislature in **2005**, and all state agencies are entitled to one Journal at no charge. There will be a charge for additional copies ordered by legislators and agencies, as well as any others who would like a copy. We estimate this cost to be approximately \$50 each, plus any applicable mailing expenses. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

In an effort to contain costs, the number of Journals printed will be determined by the number of advance orders received. Please do not order a Journal if you have no intention of claiming it.

Please clip this form and return it in person or via mail to:

Office of the House Clerk
Room 317, State House
107 North Main Street
Concord, NH 03301

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CONTACT _____

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ADDRESS _____

CITY/STATE/ZIP _____

_____ COPY(IES) 2005 JOURNAL

SIGNED _____

WEDNESDAY, FEBRUARY 1
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2006-0104h

Amendment to HB 39

Proposed by the Majority of the Committee on Education - R

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

AN ACT permitting a religious exemption from courses on human sexuality or family relations.

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

1 New Section; School Boards; Religious Exemption. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Religious Exemption for Courses in Human Sexuality or Family Relations.

I.(a) Each public and nonpublic school shall permit a pupil to claim a religious exemption from any course on human sexuality or family relations upon the execution of a notarized religious exemption form. The form shall be available in the school principal's office, school nurse's office, and the guidance office, and shall be as follows:

CERTIFICATE OF RELIGIOUS EXEMPTION

PUPIL'S NAME _____

BIRTH DATE _____

ADDRESS _____

NAME OF COURSE _____

The above-named school health course or health instruction in human sexuality or family relations conflicts with the above-named pupil's and/or parent/guardian's religious beliefs. By the affixed signature below, I/we the parent(s)/guardian(s) affirm that the above-named pupil is exempt from attendance or participation in such course. (Only one parent/guardian signature is necessary to execute this exemption.)

Signature of parent/guardian

Date _____

Signature of parent/guardian

Date _____

I hereby affirm that this affidavit was signed in my presence on this ____ day of _____ by _____ known to me or demonstrated to me to be the legal parent(s)/guardian(s) of the above-named pupil.

Notary Public Seal

Notary Public/Justice of the Peace

(b) The school district shall retain a copy of the executed form and shall furnish a copy to the parent or legal guardian of an exempt pupil.

- II. The form shall be posted on the website of the department of education and the website of the local school district, and shall be contained in the policy handbook, orientation materials, or other similar publications presented to parents at the beginning of the school year.
 - III. Nothing in this section shall be construed to prohibit instruction in personal hygiene or biology.
 - IV. The execution of this form shall not constitute grounds for denial of credits to a pupil.
- 2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill implements a procedure requiring public and nonpublic schools to grant a religious exemption from any course on human sexuality or family relations.

2006-0319h

Floor Amendment to HB 39
Proposed by Rep. Giuda

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

1 New Section; School Boards; Religious Exemption. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Religious Exemption for Courses in Human Sexuality or Family Relations.

- I. Any parent or legal guardian may remove their child from any course or unit of instruction on human sexuality or family relations based on religious principles.
 - II. A school administrator may contact a parent or legal guardian to confirm such removal. Verbal confirmation by a parent or legal guardian shall be sufficient and no written record of the removal or non-participation in such course or unit of instruction shall be maintained.
 - III. A child removed from a course or unit of instruction under this section shall be granted an “excused” grade and shall not be denied graduation for non-participation in such course or unit of instruction.
- 2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows a parent or legal guardian to remove a child from a course or unit of instruction on human sexuality or family relations based on religious principles.

2006-0441h

Floor Amendment to HB 39
Proposed by Rep. Hagan

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

AN ACT permitting a religious exemption from courses on human sexuality or family relations.

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

1 New Section; School Boards; Religious Exemption. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Religious Exemption for Courses in Human Sexuality or Family Relations.

- I.(a) Each public and nonpublic school shall permit a pupil to claim a religious exemption from any course on human sexuality or family relations upon the execution of a religious exemption form. The form shall be available in the school principal’s office, school nurse’s office, and the guidance office, and shall be as follows:

CERTIFICATE OF RELIGIOUS EXEMPTION

PUPIL’S NAME _____

BIRTH DATE _____

ADDRESS _____

NAME OF COURSE _____

The above-named school health course or health instruction in human sexuality or family relations conflicts with the above-named pupil’s and/or parent/guardian’s religious beliefs. By the affixed signature below, I/we the parent(s)/guardian(s) affirm that the above-named pupil is exempt from attendance or participation in such course. (Only one parent/guardian signature is necessary to execute this exemption.)

Signature of parent/guardian

Date _____

Signature of parent/guardian

Date _____

- (b) The school district shall retain a copy of the executed form and shall furnish a copy to the parent or legal

guardian of an exempt pupil.

II. The form shall be posted on the website of the department of education and the website of the local school district, and shall be contained in the policy handbook, orientation materials, or other similar publications presented to parents at the beginning of the school year.

III. Nothing in this section shall be construed to prohibit instruction in personal hygiene or biology.

IV. The execution of this form shall not constitute grounds for denial of credits to a pupil.

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

AMENDED ANALYSIS

This bill implements a procedure requiring public and nonpublic schools to grant a religious exemption from any course on human sexuality or family relations.

2006-0024h

Amendment to HB 76

Proposed by the Majority of the Committee on Education - R

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

AN ACT relative to distribution of state aid to charter schools.

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

1] Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, ~~[the pupil's resident district shall pay tuition beginning July 1, 2005 and every fiscal year thereafter,]~~ **and not approved by the local school district, the state shall pay education aid directly to the charter school for each pupil who is a resident of this state in attendance at such charter school** ~~[in an amount per pupil determined]~~ as follows:

(a) For the fiscal year beginning July 1, 2005, \$3,500 annual tuition.

(b) For every fiscal year thereafter, the department of education shall determine the tuition rate by adjusting for the average annual percentage rate of inflation based on the northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The average shall be based on the 4 calendar years ending 18 months before the beginning of the fiscal year for which the tuition rate is to be determined.

(c) Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of equitable education grants under RSA 198:42 or on such other terms as are mutually acceptable.

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools.

2] Charter and Open Enrollment Schools; Definitions. Amend RSA 194-B:1, III to read as follows:

III. "Charter school" means an open enrollment public school, operated independent of any school board and managed by a board of trustees. A charter school shall operate as a nonprofit secular organization under a charter granted by the state board and in conformance with this chapter **and shall not be affiliated with any religious institution or any nonpublic or sectarian school.**

3] New Paragraph; Charter and Open Enrollment Schools; Board of Trustees. Amend RSA 194-B:5 by inserting after paragraph VI the following new paragraph:

VII. Any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services shall make public disclosure of such fact and shall recuse oneself from any business the charter school may have with the for-profit entity. Any contract executed in violation of this paragraph shall be voidable at the discretion of the commissioner of the department of education. A member of a charter school board of trustees who executes a contract in violation of this paragraph may be held personally liable to the charter school for any damages caused by such contract.

4] Repeal. RSA 194-B:11, IX, relative to the issuance of reimbursement anticipation notes to charter schools, is repealed.

5] Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires the state to pay education aid directly to a charter school approved by the state board of education.

II. Prohibits a charter school from being affiliated with a religious institution, nonpublic, or sectarian school.

III. Requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of

any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

2006-0401h

Floor Amendment to HB 76
Proposed by Rep. Ingbreton

Amend RSA 194-B:11, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools ***from the education trust fund established in RSA 198:39.***

Amend the bill by replacing section 2 with the following:

2 State Aid; Education Trust Fund. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts ***and to approved charter schools*** pursuant to RSA 198:42, and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61. The state treasurer shall deposit into this fund immediately upon receipt:

AMENDED ANALYSIS

This bill requires the state to pay education aid directly to a charter school approved by the state board of education and requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

2006-0057h

Amendment to HB 162

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

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

AN ACT relative to general rules for vessels operating on water.

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

1 New Paragraphs; General Rules for Vessels Operating on Water. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraphs:

X.(a) No person shall operate a vessel at a speed greater than is reasonable and prudent under the existing conditions and without regard for the actual and potential hazards then existing. In all cases, speed shall be controlled so that the operator will be able to avoid endangering or colliding with any person, vessel, object, or shore.

(b) Where no hazard exists that requires lower speed for compliance with subparagraph (a), the speed of any vessel in excess of the limit specified in this subparagraph shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

- (1) 25 miles per hour during the period from 1/2 hour after sunset to 1/2 hour before sunrise; and
- (2) 45 miles per hour at any other time.

(c) The speed limitations set forth in subparagraph (b) shall not apply to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

(d) The speed limitations set forth in subparagraph (b) shall not apply to boat racing permitted under RSA 270:27.

XI. Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes general speed limitations for vessels. This bill also requires that violations of the general rules for vessels operating on water become a part of the motor vehicle driving record of the person convicted.

2006-0030h

Amendment to HB 162

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

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

AN ACT relative to safe operation of vessels on New Hampshire waters.

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

1 Careless and Negligent Operation of Boats; Driving Record. Amend RSA 270:29-a to read as follows:

270:29-a Careless and Negligent Operation of Boats. Any person who shall operate a power boat upon any waters of the state in a careless and negligent manner or so that the lives and safety of the public are endangered shall be guilty of a misdemeanor. ***Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.***

2 New Paragraph; General Rules for Vessels Operating on Water; Speed. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraph:

X. No person shall operate a vessel at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

3 Boating and Water Safety; Penalties; Driving Record. Amend RSA 270-D:9 to read as follows:

270-D:9 Penalties. Any person who violates any provisions of this chapter or any rule adopted under RSA 270-D:8 shall be guilty of a violation. ***Any conviction under RSA 270-D:2 shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.***

4 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes a general standard for vessel operation speed. This bill also makes certain vessel operation violations a part of the convicted person's driving record.

2006-0412h

Floor Amendment to HB 162

Proposed by Reps. Abbott, Dickinson, Pilliod, Patten and Spang

Amend RSA 270-D:2, X(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The speed limitations set forth in subparagraph (b) shall not apply to ocean waters or to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

2006-0235h

Amendment to HB 345

Proposed by the Majority of the Committee on Election Law - R

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

1 Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. ***The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13 to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, a voter identification affidavit pursuant to paragraph II.*** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, ***or unless failing to present the required identification,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:

Voter Identification Affidavit

1. My name is _____ . I reside at _____ .

2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit.

3. This affidavit is dated _____ .

I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.

Signature

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot.

2006-0448h

Floor Amendment to HB 345

Proposed by Rep. Kurk

Amend the bill by replacing section 1 with the following:

□ Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. ***The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued photo identification to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, a voter identification affidavit pursuant to paragraph II.*** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, ***or unless failing to present the required identification,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued photo identification, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:

Voter Identification Affidavit

1. My name is _____. I reside at _____.

2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit.

3. This affidavit is dated _____.

I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.

Signature

2006-0443h

Floor Amendment to HB 345

Proposed by Rep. O'Brien

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

□ Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. ***The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13 to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, a voter identification affidavit pursuant to paragraph II.*** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, ***or unless failing to present the required identification,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law

109-13, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:

Voter Identification Affidavit

1. My name is _____. I reside at _____.
2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit or I have lost possession of, or misplaced such an identification within the past 14 days.
3. This affidavit is dated _____.

I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.

Signature

III. Notwithstanding the requirement for an identification, if a person desiring to vote states that he or she does not have a sufficient identification, but such person is personally known to any of the city or town clerk, moderator, supervisors of the checklist, or ballot clerks as a person qualified to vote at such location, such person shall not be refused a ballot for lack of identification if the city or town clerk, moderator, supervisor of the checklist, or ballot clerk records the name of the voter and the name of the city or town clerk, moderator, supervisor of the checklist, or ballot clerk who knows the voter in the same manner as affidavits are recorded pursuant to RSA 659:32.

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot. The bill establishes an exception to the identification requirement for persons personally known to certain election officials.

2006-0236h

Amendment to HB 347

Proposed by the Majority of the Committee on Election Law - R

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

AN ACT relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.

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

1 Identification Cards; Citizenship. Amend RSA 260:21, II-III to read as follows:

II. The department shall, before issuing a card to an applicant, require the applicant to furnish proof of his **or her name, sex, age, citizenship, and address of** residence.

III. The identification card shall bear the name, address, ~~[social security]~~ **identification** number, date of birth, blood type (optional), picture, and signature of the applicant, **an indication of whether or not the applicant is a United States citizen**, and in the case of a card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."

2 New Section; Issuance of Drivers' Licenses; Evidence of Citizenship. Amend RSA 263 by inserting after section 5-c the following new section:

263:5-d Evidence of Citizenship. Before the department issues any license to any person under this chapter, the department shall have on file evidence of the person's citizenship.

3 Drivers' Licenses; Form of License. Amend RSA 263:40 to read as follows:

263:40 Form of License. The commissioner shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the commissioner may deem expedient and in such form as the commissioner may prescribe. The license shall bear thereon a distinguishing number assigned to the licensee, **an indication of whether or not the licensee is a United States citizen**, and an instant full-face color photograph, image, or likeness of the licensee. There shall also be provided a space wherein the licensee may enter his **or her** blood type if ~~[he]~~ **the licensee** so desires.

4 Commercial Driver License; Information Included. Amend RSA 263:91, I(i)-(j) to read as follows:

(i) The name of this state; ~~[and]~~

(j) The expiration date; **and**

(k) Whether or not the licensee is a United States citizen.

5 Contingency. If HB 345 of the 2006 regular session becomes law, sections 1-4 of this act shall take effect 60 days after its passage. If HB 345 of the 2006 regular session does not become law, sections 1-4 of this act shall not take effect.

6 Effective Date.

I. Sections 1-4 of this act shall take effect as provided in section 5 of this act.

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

AMENDED ANALYSIS

This bill requires that drivers’ licenses and nondrivers’ identification cards indicate whether the holder is a United States citizen.

2006-0446h

Floor Amendment to HB 347
Proposed by Rep. Kurk

Amend the bill by replacing section 2 with the following:

2 New Section; Issuance of Drivers’ Licenses; Evidence of Citizenship. Amend RSA 263 by inserting after section 5-c the following new section:

263:5-d Evidence of Citizenship. Before the department issues any license to any person under this chapter, the department shall have examined evidence of the person’s citizenship. The department shall keep a record of the type of evidence on which it relied but shall not keep on file a copy of such evidence or any information contained therein other than the information required under RSA 260:21, II and III.

2006-0208h

Amendment to HB 391
Proposed by the Committee on Election Law - R

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

AN ACT relative to election affidavits.

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

1 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. **Citizenship and domicile affidavits are public records subject to RSA 91-A.** Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, ***citizenship and domicile affidavits***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

2 Affidavit. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, a voter citizenship affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes may be sworn before ~~[any person authorized by law to administer oaths or before]~~ any election officer.

3 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50, and the citizenship affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official may be preserved in the same manner that ballots are preserved. ~~[and]~~ **Citizenship, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials** may be destroyed one year after the first state general election at which the individual may vote.

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

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A and modifies requirements for their execution and preservation.

2006-0469h

Floor Amendment to HB 391
Proposed by Rep. Kurk

Amend the bill by replacing section 1 with the following:

1 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public

information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, ***citizenship and domicile affidavits***, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. ***Notwithstanding the foregoing, citizenship and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, or challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law.*** Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, ***citizenship and domicile affidavits***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A for the purpose of voter challenges and modifies requirements for their execution and preservation.

2006-0486h

Floor Amendment to HB 391
Proposed by Rep. O'Brien

Amend the bill by replacing section 1 with the following:

☐ Right to Know Exemption. Amend RSA 654:31-a to read as follows:
654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, ***citizenship and domicile affidavits***, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. ***Notwithstanding the foregoing, citizenship and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any citizenship or domicile affidavit.*** Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, ***citizenship and domicile affidavits***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A for the purpose of voter challenges and modifies requirements for their execution and preservation.

2006-0610h

Floor Amendment to HB 588
Proposed by Rep. Ferland

Amend the bill by replacing section 1 with the following:

☐ Suspension of License After Report of Accident. Amend RSA 264:3, I to read as follows:
I. After receipt of the report required by RSA 264:25 ***and either notice that there has been an adjudication by a court that the driver was at fault or a finding by the director as a result of a hearing with notice to all persons involved in the accident that the driver was at fault***, the director shall suspend the license and registration certificate and require the surrender of the registration plates, if any, of the driver, and shall suspend the registration certificates and require the surrender of the plates of the owner of the vehicle, trailer, or semi-trailer involved in the accident reported and shall suspend his ***or her*** license, if any, or driving privilege until such driver or owner or both shall have furnished sufficient security to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such owner or driver by or on behalf of the aggrieved person or his ***or her*** legal representative, and until such owner or driver or both shall give and thereafter maintain proof of financial responsibility in the future. Notice of such suspension and of the requirement of such surrender shall be sent by the director to such driver and owner not less than 10 days prior to the effective date of such suspension.

AMENDED ANALYSIS

This bill requires an adjudication or administrative finding of fault prior to the suspension of a driver's license after a motor

vehicle accident resulting in death, personal injury, or damage to property.

2006-0199h

Amendment to HB 621-FN

Proposed by the Minority of the Committee on Election Law - R

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

1 Reporting by Political Committees. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures in support of a candidate, measure, or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and home post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing which exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure with the full name and city or town of persons, corporations, committees, or to whomever paid or to be paid, the date paid, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration. ***The statements shall include a separate itemized list of donations from lobbyists registered under RSA 15:1***

2 Reporting by Candidates. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. ***Such statements shall also include an itemized list of donations from lobbyists registered under RSA 15:1.***

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill requires candidates and political committees to itemize donations from registered lobbyists.

2006-0153h

Amendment to HB 626-FN-LOCAL

Proposed by the Committee on Judiciary - R

Amend RSA 91-A:1-a, V(b) as inserted by section 3 of the bill by replacing it with the following:

(b) The executive council and the governor with the executive council; including any advisory committee established by the governor by executive order or by the executive council;

Amend RSA 91-A:2 as inserted by section 4 of the bill by replacing it with the following:

91-A:2 Meetings Open to Public.

I. For the purpose of this ~~[section]~~ **chapter**, a "meeting" ~~[shall mean]~~ **means** the convening of a quorum of the membership of a public body, as ~~[provided]~~ **defined** in RSA 91-A:1-a, ~~[to discuss or act]~~ **whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, for the purpose of discussing or acting** upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power. ***A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. However, if any such matters are discussed among a quorum of the body, the discussion shall be disclosed at the next meeting of the body.*** "Meeting" shall ***also*** not include:

~~[(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;~~

~~(b)~~ **(a)** Strategy or negotiations with respect to collective bargaining;

~~[(c)]~~ **(b)** Consultation with legal counsel; ~~or~~

~~(d)~~ **(c)** A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2[-]; **or**

(d) Circulation of draft documents which, when finalized, are intended only to formalize decisions formerly made in a meeting.

II. ~~[All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies.]~~ ***Subject to the provisions of RSA 91-A:3, all meetings shall be open to the public.*** Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the ***public*** bodies ~~[or agencies]~~, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the ~~[public]~~ meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any ***public*** body ~~[or agency]~~, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places, ***one of which may be the public body's Internet website, if such exists,*** or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the ***public*** body ~~[or agency]~~ who shall ***post a notice of the time and place of such meeting, as soon as practicable, and shall*** employ whatever ***further*** means are ***reasonably*** available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any ***public*** body ~~[or agency described in RSA 91-A:1-a]~~ require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. Amend the bill by replacing sections 7 and 8 with the following:

- 7 New Section; Communications Outside Meetings. Amend RSA 91-A by inserting after section 2 the following new section:
- 91-A:2-a Communications Outside Meetings.
- I. Any communications outside a meeting, in whatever form, among a quorum of the membership of a public body which bear upon matters over which the body has supervision, control, jurisdiction, or advisory power shall be disclosed at the next meeting of the body before any decision may be made, including a decision not to act. If such communications are in writing, copies or printouts shall be made a part of the public record. Communications among less than a quorum of members need not be disclosed. Communications described in RSA 91-A:2, I(a)-(d) are not subject to the disclosure requirements of this paragraph.
- II. Communications outside a meeting shall not be used to circumvent the spirit of this chapter.
- 8 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business.

2006-0209h

Amendment to HB 639-FN

Proposed by the Majority of the Committee on Election Law - R

Amend the title of the bill by replacing it with the following:
AN ACT relative to voters presenting citizenship or domicile affidavits to register on election day.
Amend the bill by replacing all after the enacting clause with the following:

- 1 General Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12 to read as follows:
654:12 Determining Qualifications of Applicant.
- I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:
- (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:
- Date: _____
CITIZENSHIP AFFIDAVIT
Name: _____
Name at birth if different: _____
Place of birth: _____
Date of birth: _____
Date and Place of Naturalization: _____
- I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am a United States citizen and that to the best of my knowledge and belief the information above is true and correct. ***I hereby acknowledge that, if I present this***

affidavit on election day, my ballot will be marked and subject to challenge during a recount, which may occur several weeks after election day. I also am aware that my ballot will not be associated with my affidavit unless the affidavit is determined to be invalid.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the
Peace/Official Authorized by RSA 659:30

(b) AGE. Any reasonable documentation indicating the applicant is 18 years of age or older.

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form:

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street Ward Number

Town or City Zip Code

Date when current domicile was established: Month: _____ Year: _____

Place and date of birth: _____

Address of last previous domicile: _____

Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that my established domicile is at the current domicile address I have entered above and that to the best of my knowledge and belief the information above is true and correct. ***I hereby acknowledge that, if I present this affidavit on election day, my ballot will be marked and subject to challenge during a recount, which may occur several weeks after election day. I am also aware that my ballot will not be associated with my affidavit unless the affidavit is determined to be invalid.***

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief

Notary Public/Justice of the
Peace/Official Authorized by RSA 659:30

II. The supervisors may refuse to add the name of an applicant to the checklist if he or she fails to present the evidence or an affidavit as required by this section. Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

(a) Any one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the

address the applicant claims as a domicile:

- (1) New Hampshire driver's license.
- (2) New Hampshire vehicle registration.
- (3) Armed services identification, or other photo identification issued by the United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a citizenship, domicile, or election day affidavit:

- (1) Photo driver's license issued by any state or the federal government.
- (2) United States passport, armed services identification, or other photo identification issued by the United States government.
- (3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

III. All information provided in a citizenship affidavit or a domicile affidavit presented under this section which establishes the affidavit's qualifications as a voter must be accurate for the resulting vote to be valid.

IV. Any person presenting a citizenship or domicile affidavit in order to register on election day shall be provided with an affidavit form marked in a manner established by the secretary of state so as to promote voter privacy but allow a ballot to be matched to an invalid affidavit. The secretary of state shall further establish the procedure for the submission of the affidavits and tracking of ballots supported by affidavits.

2 New Section; General Provisions for Recounts; Affidavit Challenges. Amend RSA 660 by inserting after section 16 the following new section:

660:16-a Affidavit Challenges. Any person may challenge a ballot being recounted by stating reasons satisfactory to the secretary of state why the voter's citizenship or domicile affidavit is inaccurate. The secretary of state shall notify the voter whose ballot is challenged, and the voter or any candidate on the ballot shall be permitted to present evidence to refute the challenge. The process to be followed for this procedure shall be as established by the secretary of state and set forth in the manual on the New Hampshire election laws and procedures for conducting elections.

3 Board of Recount; Affidavit Challenges. Amend RSA 669:32 to read as follows:

669:32 Board of Recount.

I. At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator, and the selectmen of said town who shall constitute the board of recount. Any member of the board of recount who is one of the candidates for the office being recounted shall disqualify himself *or herself* from the board of recount for all official duties of said board. The moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the recount official whom he *or she* has replaced.

II. Any person may challenge a ballot being recounted by stating reasons satisfactory to the board of recount why the voter's citizenship or domicile affidavit is inaccurate. The board of recount shall notify the voter whose ballot is challenged, and the voter or any candidate on the ballot shall be permitted to present evidence to refute the challenge. The process to be followed for this procedure shall be as established by the secretary of state and set forth in the manual on the New Hampshire election laws and procedures for conducting elections.

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

AMENDED ANALYSIS

This bill establishes a procedure for marking the ballots of voters who register on election day using citizenship or domicile affidavits. This bill also establishes a procedure for challenging the ballot of a person who presented an inaccurate citizenship or domicile affidavit.

2006-0347h

Floor Amendment to HB 650-FN-LOCAL

Proposed by Reps. Carter, W.P. Campbell, Dunn, Ward and Ingbreton

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

AN ACT distributing aid based on median household income.

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

1 New Section; School Money; Aid Based on Median Household Income. Amend RSA 198 by inserting after section 40-c the following new section:

198:40-d Aid Based on Median Household Income.

I. A municipality shall comply with the requirements of RSA 198:40-b to be eligible for aid under this section.

II. The commissioner of the department of education shall determine the amount of aid based on median household income as follows:

- (a) 1 minus municipality's median household income
state average median household income

(b) Multiply the result in subparagraph (a) by the municipality's average daily membership in residence. This shall equal the municipality's number of units.

(c) Divide the municipality's number of units by the total number of units for all eligible municipalities for such fiscal year.

(d) Multiply the result by:

(1) The difference between \$16,684,000 and the amount of transition aid available to all municipalities under RSA 198:41, I(c) for the 2008 and 2009 fiscal years.

(2) \$16,684,000 for fiscal year 2010.

(3) \$16,684,000 plus the average annual rate of inflation for fiscal year 2011 and every fiscal year thereafter.

This amount shall be the aid based on median household income available to a municipality. Such aid shall be distributed in accordance with RSA 198:42.

(e) No aid shall be granted if the result of the calculation under subparagraph (a) is zero or less.

III. In this section, "median household income" shall be the most recent data available from the Census Bureau, United States Department of Commerce.

2 School Money; Education Trust Fund. Amend the introductory paragraph in RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute equitable education grants to municipalities' school districts pursuant to RSA 198:42, ~~and~~ to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, **and to distribute aid based on median household income pursuant to RSA 198:40-d**. The state treasurer shall deposit into this fund immediately upon receipt:

3 Effective Date. This act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill provides eligible municipalities with aid based on median household income.

2006-0039h

Amendment to HB 657-FN-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

1 New Chapter; Community Revitalization Tax Relief Incentive. Amend RSA by inserting after chapter 79-D the following new chapter:

CHAPTER 79-E

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

79-E:1 Declaration of Public Benefit.

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential and municipal uses in a more compact pattern, in accordance with RSA 9-B.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures as defined in this chapter.

79-E:2 Definitions. In this chapter:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter.

II. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less.

III. "Tax relief" means that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

IV. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program

I. Any city or town may adopt the provisions of this chapter by voting whether to accept for consideration requests for

community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

79-E:4 Community Revitalization Tax Relief Incentive.

I. An owner of a qualifying structure who intends to substantially rehabilitate such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation, any changes in use of the property resulting from the rehabilitation, and an application fee.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether the proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV.(a) The governing body may grant the tax relief, provided:

- (1) The governing body finds a public benefit under RSA 79-E:7; and
- (2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and
- (3) The governing body finds that the proposed use is consistent with the municipality's master plan or

development regulations.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

79-E:5 Duration of Tax Relief Period.

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

II. The governing body may in its discretion add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may in its discretion add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

79-E:6 Resumption of Full Tax Liability. Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

79-E:7 Public Benefit. The proposed substantial rehabilitation must provide at least one of the following public benefits in order to qualify for tax relief under this chapter:

I. It enhances the economic vitality of the downtown

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context an historic district, town center, or village center in which the building is located;

III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban or town centers.

79-E:8 Covenant to Protect Public Benefit.

I. Tax relief for the substantial rehabilitation of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty.

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collection of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

79-E:10 Lien for Unpaid Taxes. The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

79-E:11 Enforcement. All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80:1 – 80:42-a.

79-E:12 Rulemaking. The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

79-E:13 Extent of Tax Relief.

I. Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

II. Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter.

79-E:14 Other Programs. The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

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

2006-0289h

Floor Amendment to HB 657-FN-LOCAL
Proposed by Rep. Kurk

Amend RSA 79-E:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. If so adopted by a city or town pursuant to RSA 79-E:3, residential uses may be excluded from this definition.

Amend RSA 79-E:3, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications accepted as complete prior to the date notice of such proposed rescission was posted.

Amend RSA 79-E:4, V as inserted by section 1 of the bill by replacing it with the following:

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination based on age, race, ethnicity, national origin, religion, sex, or sexual orientation.

Amend RSA 79-E:7 as inserted by section 1 of the bill by replacing it with the following:

79-E:7 Public Benefit. To qualify for tax relief under this chapter, the proposed substantial rehabilitation, over its expected useful life, shall provide:

I. Future tax revenue, excluding tax revenue associated with the substantial rehabilitation, at least equal to the sum of the tax relief provided under this chapter and any municipal costs associated with the substantial rehabilitation, including the costs of education; and

II. At least one of the following public benefits:

- (a) Enhancement of the economic vitality of the downtown;
- (b) Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
- (c) Promoting the development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- (d) Increases residential housing in urban or town centers.

2006-0197h

Amendment to HB 664-FN-LOCAL
Proposed by the Majority of the Committee on Education - R

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

AN ACT relative to open enrollment in all school districts.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-9 to read as 4-10, respectively:

§ New Paragraph; Charter and Open Enrollment Schools; Establishment and Admission. Amend RSA 194-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. No teacher, school administrator, or other school district official shall engage in any action for the purpose of recruiting or otherwise attempting to persuade an individual pupil to attend a specific school. No school district which causes a specific pupil to attend a specific school by engaging in recruitment or persuasion shall receive any per pupil funds for such pupil under RSA 194-B:11, and all funds for any such pupil shall remain with the pupil's resident school district.

AMENDED ANALYSIS

This bill removes the residency requirements for school attendance and requires that all elementary and secondary schools adopt procedures to become open enrollment schools. The bill also prohibits teachers or other school officials from recruiting or attempting to persuade an individual pupil to attend a specific school.

2006-0623h

Floor Amendment to HB 664-FN-LOCAL
Proposed by Reps. W.P. Campbell and Asselin

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

1 Charter and Open Enrollment Schools. Amend RSA 194-B:1, VI to read as follows:

VI. “Open enrollment public school” or “open enrollment school” means any public school which, ~~[in addition to providing]~~ **provides** educational services to pupils residing within its ~~[attendance]~~ area or district, **or** chooses to accept pupils from other ~~[attendance]~~ areas within its district and from outside its district.

2 Charter and Open Enrollment Schools. Amend RSA 194-B:1-a, II to read as follows:

II. Encourage school districts to allow public charter ~~[and open enrollment]~~ schools.

3 Charter and Open Enrollment Schools; Admission. Amend RSA 194-B:2, VIII to read as follows:

VIII. A pupil who meets the admission requirements of an open enrollment or charter school, and who is a resident of the district where the school is located, shall be given absolute admission preference over a nonresident pupil. Once admitted and unless expelled~~[-open enrollment and]~~ charter school pupils need not reapply for admission for subsequent years.

4 New Paragraph; Charter and Open Enrollment Schools; Establishment and Admission. Amend RSA 194-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. No teacher, school administrator, or other school district official shall engage in any action for the purpose of recruiting or otherwise attempting to persuade an individual pupil to attend a specific school. No school district which causes a specific pupil to attend a specific school by engaging in recruitment or persuasion shall receive any per pupil funds for such pupil under RSA 194-B:11, and all funds for any such pupil shall remain with the pupil’s resident school district.

5 Charter and Open Enrollment Schools. Amend the section heading to RSA 194-B:4 and the introductory paragraph to RSA 194-B:4, I to read as follows:

194-B:4 Charter Schools ~~[and Open Enrollment Schools]~~; Procedure for Adoption and Rescission; Limitations.

I. Any school district may adopt the provisions of RSA 194-B, to adopt a charter ~~[and open enrollment]~~ school program, in the following manner:

6 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend RSA 194-B:4, I(c)-(d)(1) to read as follows:

(c)(1) In adopting the provisions of RSA 194-B, a school district ~~[shall]~~ **may** impose limitations on the number of its resident pupils who may attend **a** charter ~~[or open enrollment schools]~~ **school** located inside ~~[and]~~ **or** outside the school district. These limitations shall be represented as any percentage between zero and 100 percent of the school district’s current pupil enrollment.

(2) In school districts with annual meetings, where no limitation question receives a majority vote, ~~[the limitations applying to the district shall be zero]~~ **there shall be no limitations on the number of pupils who may attend a charter school**. Where 2 or more conflicting adoption and/or limitation questions receive a majority vote, that combination of adoption and limitation provisions receiving a majority vote granting greatest latitude of parental choice shall apply.

(d) The wording of the required adoption and limitation questions shall be either or both:

(1)(A) “Shall we adopt the provisions of RSA 194-B, regarding charter ~~[and open enrollment]~~ schools?”; and

(B) “Shall no more than (any whole number from 0 to 100) percent of the district’s current pupil enrollment be eligible for tuition to attend **a** charter ~~[and open enrollment schools]~~ **school** located outside the school district?”; and

(C) “Shall no more than (any whole number from 0 to 100) percent of the district’s current pupil enrollment be eligible for tuition to attend **a** charter ~~[and open enrollment schools]~~ **school** located inside the school district?”~~[-or]~~.

7 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend the introductory paragraph to RSA 194-B:4, II (b) to read as follows:

(b) If a majority of those voting vote to rescind the provisions of RSA 194-B or to reduce the percentages of pupils eligible to attend ~~[open enrollment or]~~ **a** charter ~~[schools]~~ **school**, then as of July 1 next following the action taken:

8 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend RSA 194-B:4, IV to read as follows:

IV. Upon approval by each of the district’s legislative bodies and after a public hearing, 2 or more school districts may consolidate otherwise eligible resident pupils into one applicant pool for the purposes of an admissions lottery for designated charter ~~[or open enrollment]~~ schools.

9 New Section; Open Enrollment Schools; Procedures for Limitation. Amend RSA 194-B by inserting after section 4 the following new section:

194-B:4-a Open Enrollment Schools; Limitation Provisions.

I.(a) A school district may impose limitations on the number of its resident pupils who may attend an open enrollment school located inside or outside the school district. These limitations shall be represented as any percentage between zero and 100 percent of the school district’s current pupil enrollment. The question shall be presented in accordance with the procedures set forth in RSA 194-B:4, I(a)-(b).

(b) In school districts with annual meetings, where no limitation question receives a majority vote, there shall be no limitation on the number of pupils who may attend an open enrollment school located inside or outside the school district. Where 2 or more conflicting limitation questions receive a majority vote, that combination of limitation provisions receiving a

majority vote granting greatest latitude of parental choice shall apply.

II. The wording of the limitation question shall be either or both:

(a) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend an open enrollment school located outside the school district?"; and/or

(b) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend an open enrollment school located inside the school district?"

10 Charter and Open Enrollment Schools; Pupil Selection. Amend RSA 194-B:9, V to read as follows:

V. ~~(a) [For districts having enabled only the open enrollment provisions of this chapter,]~~ The **local** school board shall have the authority to establish ~~[rules to implement]~~ **procedures for the acceptance or denial of open enrollment pupils. Such procedures shall specify, in part, that no school district shall be required to accept a pupil from another school district if doing so would result in an unreasonable increase in the pupil-teacher ratio as determined by the local school board.**

(b) Open enrollment pupils shall be required to reapply for admission each school year.

(c) A local school board shall not deny the payment of money as set forth in RSA 194-B:11 to another school district which has accepted an open enrollment pupil.

(d) Open enrollment pupils shall continue to be counted in the average daily membership in attendance of their resident district.

(e) A parent or legal guardian aggrieved by the decision of a local school board under this section may appeal such decision to the state board of education.

11 Charter and Open Enrollment Schools. Amend the introductory paragraph to RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending ~~[an open enrollment]~~ **a public elementary or secondary school** or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or ~~[open enrollment]~~ **public elementary or secondary** schools located in a pupil's resident district. For any other charter ~~[or open enrollment]~~ school authorized by the school district **or the state board of education, or for a school district which has accepted an open enrollment pupil**, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's ~~[average]~~ **total** cost per pupil as determined by the department of ~~[education]~~ **education's cost per pupil by district report** using the most recent available data as reported by the district to the department. ~~[For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I.]~~ **If the cost per pupil by district report contains no cost information for a certain grade level, the total state average cost per pupil for that district, as contained in such report, shall be used. If this amount exceeds the average cost per pupil in the receiving district, then such excess shall be returned to the pupil's resident district. If this amount is less than the average cost per pupil in the receiving district, the school board of the receiving district may opt to accept such amount as full payment of tuition for the school year or may require the parent or legal guardian to pay the difference, or a portion thereof.** Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of adequacy grants under RSA 198:42 or on such other terms as are mutually acceptable.

12 Pupils; Legal Residence Required. RSA 193:12 is repealed and reenacted to read as follows:

193:12 Legal Residence Required.

I. For purposes of this section, the legal residence of a pupil shall be as follows:

(a) In the case of a minor, legal residence is where his or her parents reside, except that:

(1) If the parents live apart and are not divorced, legal residence is the residence of the parent with whom the child resides.

(2) In a divorce decree where parents are awarded joint legal custody the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire.

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents. Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.

(b) No minor placed in a home for children or health care facility, as defined in RSA 193:27, by another state which

charges the state of New Hampshire, a political subdivision of the state of New Hampshire, or a New Hampshire school district, for the regular or special education costs for New Hampshire children placed in that state, shall be deemed a legal resident for purposes of school assignment, unless the sending state agrees to reimburse the receiving district, as defined in RSA 193:27, for regular education and special education costs.

II. For the purposes of this title, “legal resident” of a school district means a natural person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his or her spouse. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. A person may have only one legal residence at a given time.

III. For the purposes of this section, the legal residence of a child of homeless parents is where the child temporarily resides unless the parents and another school district agree that the child’s attendance in school in that school district will be in the best interests of the child in that continuity of education will be provided and transportation will not be unduly burdensome to the school district. “A child of homeless parents” means a child whose parents:

- (a) Lack a fixed, regular and adequate residence; or
- (b) Have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, emergency shelters, battered women’s shelters, and transitional housing facilities, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

IV. Except as provided in subparagraph II(b), nothing in this section shall limit or abridge the right of any child placed and cared for in any home for children, as defined in RSA 193:27, or of any child placed in the home of a relative of that child by the department of health and human services, or placed in the home of a relative or friend by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, to attend the public schools of the school district in which the home for children or home of the relative or friend in which a child is placed by the department of health and human services or by a court of competent jurisdiction is located, as provided in RSA 193:28.

V. Whenever a parent or guardian voluntarily places a child with a relative at the recommendation or request of the department of health and human services, that child shall be permitted to attend the public schools of the school district in which that relative resides provided that:

- (a) Upon request of the school district, the department of health and human services shall confirm that the department recommended or requested that the child be placed with the relative to promote the child’s well being, and not for the purpose of allowing the child to attend school in the district where the relative resides; and
- (b) Upon request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child, the child being allowed to attend school in that district while the relative seeks guardianship.

VI. Whenever a dispute arises between 2 or more school districts as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services may request in writing that the respective superintendents resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services may request that the commissioner of the department of education determine the residence of the child. The child may attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

VII. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached in a timely manner, the commissioner of education shall make a determination and such determination shall be final. No school district shall deny a pupil implementation of an existing individual education plan. A pupil shall remain in attendance in the pupil’s school of origin during the pendency of a determination of residency and shall be counted in the average daily membership in residence in the district of residence. In this paragraph, “school of origin” means the school the child attended when permanently housed or the school in which the child was last enrolled. Notwithstanding the provisions of RSA 21-N:11, III any person aggrieved by a determination of the commissioner may appeal such determination to a court of competent jurisdiction.

VIII. Nothing in this section shall require a district to provide transportation for a student beyond the geographical limits of that district.

- IX. Each school district shall adopt an admission and attendance of students policy.
- X. The commissioner of education may enter into agreements with other states relative to liability for educational costs, including special education costs, of students placed in New Hampshire by those states, or of students placed outside the state of New Hampshire.

XI. For the purpose of determining liability for a child placed and cared for in any home for children or health care

facility, the provisions of RSA 193:29 shall apply.

13 Cooperative School Districts; Modification. Amend RSA 195:31 to read as follows:

195:31 Modification. In the event that the cooperative district adopts the provisions of RSA 194-B, ~~[and the cooperative district also adopts open enrollment percentage amounts pursuant to RSA 194-B:4,]~~ the percentage of pupils authorized by a vote of the cooperative district shall be permitted to attend a charter school which may be established in the district and approved by the voters in accordance with RSA 194-B:3.

14 Authorized Regional Enrollment Area (AREA) Schools; Procedure. Amend RSA 195-A:3, V(p) to read as follows:

(p) Whether the districts within the area plan shall adopt the provisions of RSA 194-B, and how the adoption of such provisions ~~[and the adoption of the open enrollment percentage limitations]~~ will affect the districts within the area plan;

15 Repeal. The following are repealed:

I. RSA 194-B:2, I, providing that a school district legislative body may vote to designate a school as an open enrollment school.

II. RSA 194-B:2, III, relative to requiring that no public school shall be required to be an open enrollment school.

III. RSA 194-B:4, I(d)(2), relative to the adoption by a city or town of open enrollment provisions.

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

AMENDED ANALYSIS

This bill:

I. Clarifies the residency requirements for school attendance.

II. Provides that all school districts shall be deemed open enrollment districts, but allows a school district to control open enrollment by authorizing the local school board to adopt procedures governing the acceptance and denial of open enrollment pupils.

III. Provides that no local school board shall deny the payment of money as set forth in RSA 194-B:11 to another school district which has accepted an open enrollment pupil.

IV. Allows municipalities to limit the percentage of the pupil population eligible to attend a school located inside or outside of the resident district.

2006-0316h

Floor Amendment to HB 669-FN Proposed by Reps. Major, Camm and Almy

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

AN ACT establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

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

1 Committee Established. There is established a committee to study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, 2 from the resources, recreation and development committee, 2 from the ways and means committee, and one from the finance committee, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services. The committee shall evaluate the need for future additions to existing laboratory tests and equipment and make recommendations for laboratory test fees and distributions to the laboratory equipment and replacement fund.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services.

2006-0270h

Floor Amendment to HB 722
Proposed by Reps. Essex and Merrick

Amend the bill by replacing all after section 4 with the following:

5 New Subdivision; Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste. Amend RSA 483 by inserting after section 15 the following new subdivision:

Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste

483:16 Definitions. In this chapter:

- I. “Biosolids” mean biosolids as defined in RSA 485-A:2, XXII.
- II. “Septage” means septage as defined in RSA 485-A:2, IX-a.
- III. “Short paper fiber” means short paper fiber as defined in RSA 485-A:2, XXIII.
- IV. “Sludge” means sludge as defined in RSA 485-A:2, XI-a.
- V. “Solid waste” means solid waste as defined in RSA 149-M:4, XXII.

483:17 Land Application of Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste.

- I. Within a protected river corridor, any land application or stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the protected river.
- II. Along tributaries within a protected river corridor and outside the 250-foot setback required under paragraph I:
 - (a)(1) If immediately incorporated into the soil, any land application of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 75 feet from the normal high water mark of the tributary on land which has a slope less than 15 percent; or
 - (2) If not immediately incorporated in the soil, the application shall be set back 125 feet from the normal high water mark of the tributary on land which has a slope less than 15 percent, and shall only be applied to established forage crops.

(b) Any stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the tributary.

III. The provisions of this section shall not apply to biosolids that are sold for home gardening use in consumer packages registered as fertilizers under RSA 431:4 and that weigh 100 pounds or less.

483:18 Exception; Manure, Lime, and Wood Ash. The provisions of RSA 483:17 shall not apply to manure, lime, or wood ash, when used for agricultural purposes.

483:19 Exception; Temporary Use Authorization. The provisions of RSA 483:17 shall not apply to biosolids, septage, short paper fiber, sludge, and solid waste when applied to existing land application sites exempt under 1998, 56:6, as amended by 2003, 43:14, unless the required departmental permit issued under applicable rules is not renewed, is revoked, or is allowed to lapse.

483:20 Exception; Scientific Research. The restrictions on the land application of biosolids, septage, short paper fiber, sludge, and solid waste contained in this subdivision shall not apply to qualifying land that is used for scientific research on biosolids, septage, short paper fiber, sludge, and solid waste conducted by the university of New Hampshire and the New Hampshire department of environmental services. Any continued application of biosolids, septage, short paper fiber, sludge, and solid waste pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

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

2006-0272h

Floor Amendment to HB 722
Proposed by Rep. Hall

Amend the bill by replacing all after section 4 with the following:

5 New Subdivision; Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste. Amend RSA 483 by inserting after section 15 the following new subdivision:

Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste

483:16 Definitions. In this chapter:

- I. “Biosolids” mean biosolids as defined in RSA 485-A:2, XXII.
- II. “Septage” means septage as defined in RSA 485-A:2, IX-a.
- III. “Short paper fiber” means short paper fiber as defined in RSA 485-A:2, XXIII.
- IV. “Sludge” means sludge as defined in RSA 485-A:2, XI-a.
- V. “Solid waste” means solid waste as defined in RSA 149-M:4, XXII.

483:17 Land Application of Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste.

I. Within a protected river corridor, any land application or stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the protected river and the land

application of such materials shall be immediately incorporated into the soil.

II. Along tributaries within a protected river corridor and outside the 250-foot setback required under paragraph I:

(a) Any land application of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 75 feet from the normal high water mark of the tributary on land which has a slope less than 15 percent.

(b) Any stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the tributary.

III. The provisions of this section shall not apply to biosolids that are sold for home gardening use in consumer packages registered as fertilizers under RSA 431:4 and that weigh 100 pounds or less.

483:18 Exception; Manure, Lime, and Wood Ash. The provisions of RSA 483:17 shall not apply to manure, lime, or wood ash, when used for agricultural purposes.

483:19 Exception; Temporary Use Authorization. The provisions of RSA 483:17 shall not apply to biosolids, septage, short paper fiber, sludge, and solid waste when applied to existing land application sites exempt under 1998, 56:6, as amended by 2003, 43:14, unless the required departmental permit issued under applicable rules is not renewed, is revoked, or is allowed to lapse.

483:20 Exception; Scientific Research. The restrictions on the land application of biosolids, septage, short paper fiber, sludge, and solid waste contained in this subdivision shall not apply to qualifying land that is used for scientific research on biosolids, septage, short paper fiber, sludge, and solid waste conducted by the university of New Hampshire and the New Hampshire department of environmental services. Any continued application of biosolids, septage, short paper fiber, sludge, and solid waste pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

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

2006-0442h

Amendment to HB 1115

Proposed by the Committee on Fish and Game - C

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 4 and 5, respectively:

2 Fish and Game; OHRVs; Definition of Resident. RSA 215-A:1, XII is repealed and reenacted to read as follows:

XII. "Resident" means a resident of the state as defined in RSA 21:6, except that no person shall be deemed to be a resident who claims residence in any other state for any purpose.

3 Fish and Game; Snowmobiles; Definition of Resident. RSA 215-C:1, XIV is repealed and reenacted to read as follows:

XIV. "Resident" means a resident of the state as defined in RSA 21:6, except that no person shall be deemed to be a resident who claims residence in any other state for any purpose.

Amend the bill by replacing section 5 with the following:

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

AMENDED ANALYSIS

This bill clarifies the definition of resident for persons receiving a fish and game license, permit, or stamp, or registering an OHRV or snowmobile.

2006-0431h

Amendment to HB 1121-LOCAL

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

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

AN ACT establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.

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

1 Committee Established. There is established a committee to study matters relative to rulemaking and licensure by the department of health and human services in regards to assisted living and residential care.

2 Membership and Compensation.

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

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

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

II. The committee shall solicit information from any resource the committee deems relevant to its study.

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

3 Duties. The committee's study shall include, but not be limited to, the following:

I. Whether the definitions and description of residential care facilities and assisted living facilities under RSA 151:2, I(e) and elsewhere should be amended to add clarity and better reflect the current delivery of services of such care in New

Hampshire.

II. Whether the commissioner's rulemaking authority under RSA 151:9 should be amended to give the commissioner different or specific instruction regarding the licensure of such facilities relative to levels of license classification.

III. Whether any additional changes can be made to RSA 151 or any other statute relative to assisted living and residential care that would make the law more effective in providing clarity to consumers and providers relative to such care and the regulation of such care.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study rulemaking and licensure issues relative to assisted living and residential care.

2006-0573h

Amendment to HB 1122

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 1 with the following:

1 Nominations for Special State Elections; Coincidence with Regular Election. Amend RSA 655:81, I to read as follows:

I. The special election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; *provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 80 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election;* and

2006-0445h

Amendment to HB 1125

Proposed by the Majority of the Committee on Election Law - R

Amend the bill by replacing section 1 with the following:

1 Presidential Nominations; Declaration of Candidacy; Filing Period. Amend RSA 655:47, II to read as follows:

II. Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, *or during such other time period as the secretary of state shall announce.*

AMENDED ANALYSIS

This bill permits the secretary of state to change the filing period for candidates at the presidential primary.

2006-0594h

Amendment to HB 1166

Proposed by the Committee on Election law - C

Amend the bill by replacing section 1 with the following:

1 New Section; Preparation of Voting Materials; Electronic Ballot Counting Machines. Amend RSA 656 by inserting after section 44 the following new section:

656:45 Electronic Ballot Counting Machines. If an electronic ballot counting machine is used at the polling place, the machine shall be tested within the 5 days preceding each election and the testing shall be open to public observation and examination at a date and time posted by the moderator. The moderator shall run test ballots through the machine to verify its accuracy.

2006-0394h

Amendment to HB 1198

Proposed by the Committee on Public Works and Highways - C

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The committee shall seek assistance from the liquor commission and the departments of transportation, resources

and economic development, revenue administration, safety, and agriculture, markets, and food.

2006-0555h

Amendment to HB 1214

Proposed by the Committee on Children and Family Law - C

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

AN ACT establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

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

1 Study Committee Established. There is established a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the children and family law committee, one of whom shall be a member of the education committee, and one of whom shall be a member of the health, human services and elderly affairs committee.

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

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

3 Duties. The study committee shall identify and assess all community-based, educational and social/human services programs that serve families with children 8 years old and younger.

I. For each program, the study committee shall identify:

(a) The entity responsible for administering and funding the program, such as a mental health center, hospital, church, school, or state or local government agency, and an indication of whether the responsible entity is private or public, and its source of governance or statutory authority, if any.

(b) The program's stated mission and whether the program's focus is primarily education, prevention, intervention, or therapy.

(c) Funding sources, and an indication of whether the program is a for-profit program or a nonprofit program.

(d) Eligibility criteria for the program.

(e) The number of parent and child participants in the program.

(f) The program's location and catchment area.

(g) The program's methods of evaluation and accountability.

(h) Any additional data that the committee deems necessary.

II. The study committee shall use the information identified to assess the degree to which existing programs are able to meet the needs of families with children 8 years old and younger and to increase awareness and understanding of existing programs.

III. The committee shall solicit information and testimony from such organizations and individuals as may assist the committee in the performance of its duties, including but not limited to the following:

(a) The division for children, youth, and families, department of health and human services.

(b) The division of family assistance, department of health and human services.

(c) The division of public health services, department of health and human services.

(d) The department of education.

(e) Family Support NH.

(f) Early Learning NH.

(g) The New Hampshire Association for the Education of Young Children.

(h) Child and Family Services.

(i) Community Bridges.

(j) The New Hampshire Council of Churches.

(k) The university system of New Hampshire.

(l) The New Hampshire Children's Trust Fund.

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

5 Report. The study committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library. The committee shall file an interim report on or before November 1, 2006 and a final report on or before November 1, 2007.

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

AMENDED ANALYSIS

This bill establishes a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

2006-0402h

Amendment to HB 1228-FN

Proposed by the Committee on Public Works and Highways - C

Amend RSA 4:40, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. All state agencies shall charge an administrative fee for the disposal of real property under this section. The administrative fee shall be at least \$1,100 and shall be subject to the approval of the long range capital planning and utilization committee. The revenue from the administrative fees shall be deposited into the general, highway, turnpike, or fish and game fund, depending on which fund initially purchased the property.

2006-0548h

Amendment to HB 1238-FN

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 1 with the following:

□ Availability of Checklist. Amend RSA 654:31 to read as follows:

654:31 Availability of Checklist.

I. In this section:

(a) "Checklist information" means the data, in any form, required to be placed on the public checklist by RSA 654:25, when that data is obtained or derived from a checklist or from the statewide centralized voter registration database maintained by the secretary of state.

(b) "Commercial purposes" means knowingly using, selling, giving, or receiving the checklist information for the purpose of selling or offering for sale any property or service unrelated to an election or political campaign.

(c) "Nonpublic checklist" means the checklist bearing the names of voters who by law are entitled to have their status as a voter kept nonpublic.

(d) "Public checklist" means the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with the restrictions established by this section.

II. The public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. Any person may view the data that would be available on the public checklist on the statewide centralized voter registration database maintained by the secretary of state at the state records and archives center during normal business hours, but the person viewing data at the state records and archives center may not print, duplicate, transmit, or alter the data. The secretary of state or the supervisors of the checklist shall furnish one or more copies of the most recent public checklist to any [person] political committee of a political party as defined in RSA 664:2, V or any candidate who has filed for consideration for any office in any primary or general election or who has been nominated for any office in a general election requesting such copies. [If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per checklist. The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it. The fee shall be for the use of the town or city.] Only the supervisors of the checklist may provide public checklists of less than the entire state. The supervisors of the checklist may charge a fee of up to \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the secretary of state or the supervisors of the checklist may charge a fee of up to \$25, plus \$0.0005 per name for each name in excess of 2,500, plus any shipping costs.

III. The secretary of state or supervisors of the checklist may provide public checklist information on computer disk, computer tape, electronic transfer, or any form other than paper. The secretary of state may only provide checklist information to a political committee of a political party as defined in RSA 664:2, V, or to a candidate who has filed for consideration for any office in any primary or general election or who has been nominated for any office in a general election. The fee charged for public checklists provided by the secretary of state or supervisors of the checklist in any form other than paper shall be based solely on the additional costs incurred to provide such checklists.

IV. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d. Fees collected by a town or city under this section shall be for the use of the town or city.

V. No person shall use or permit the use of checklist information provided by the secretary of state for commercial purposes. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

VI. This section shall not be construed to restrict the transfer of checklist information to the state or federal courts as required by RSA 654:45 for any lawful purpose.

AMENDED ANALYSIS

This bill:

- I. Modifies fees and procedures for obtaining copies of voter checklist information.
- II. Prohibits the use of checklist information provided by the secretary of state for commercial purposes.
- III. Permits the secretary of state to make voter database record data available to assist in the preparation of jury lists.

2006-0566h

Amendment to HB 1269

Proposed by the Committee on Fish and Game - C

Amend the bill by replacing section 1 with the following:

¶ Purpose. The propagation of red deer (*Cervus elaphus*) or elk (*Cervus elaphus canadensis*) is an important agricultural industry in this state. Therefore, providing for equal treatment of alternate livestock and expanding the market for red deer or elk by allowing for the sale of live red deer or elk to individuals for their own consumption will provide economic benefit to the state.

Amend the bill by replacing section 3 with the following:

§ New Section; Red Deer or Elk. Amend RSA 208 by inserting after section 1-e the following new section:

208:1-f Red Deer or Elk.

I. No person shall, at any time, hunt, take, or possess, any red deer or elk, or any part of the carcass, taken in this state, except as follows:

(a) Red deer or elk which have been propagated within this state may be taken.

(b) Notwithstanding RSA 212:30-e, V, persons licensed to propagate red deer or elk shall be permitted to sell live animals for on premises field harvest by the purchaser.

(c) Persons licensed to propagate red deer or elk, or their designated agent, shall accompany a purchaser into the harvest area, and shall stay in the purchaser's presence until the harvest is completed. Only one purchaser shall be permitted in the harvest area at one time.

(d) The propagator shall provide the purchaser with a bill of sale for each red deer or elk carcass, bearing the date of purchase, the total weight of the carcass, the name and address of the purchaser, and the address and permit number of the propagator. The bill of sale shall remain with the carcass as long as it remains in the state.

II. The provisions of this section shall not affect any other law on the transportation, importation, or sale of red deer or elk.

AMENDED ANALYSIS

This bill allows for the taking of red deer or elk and establishes regulation of the process.

2006-0369h

Amendment to HB 1279

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

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

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

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

(c) The director of the office of medicaid business and policy, department of health and human services.

(d) A representative of the Home Care Association of New Hampshire, appointed by that association.

(e) A representative of the New Hampshire Health Care Association, appointed by the association.

(f) A representative of the New Hampshire Hospital Association, appointed by the association.

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

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the

house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2006.

2006-0379h

Amendment to HB 1285

Proposed by the Committee on Children and Family Law - C

Amend the bill by replacing RSA 170-B:6, I(c)(2) as inserted by section 2 of the bill with the following:

(2) *In New Hampshire, the registration form shall be supplied by the office of child support services.*

2006-0558h

Amendment to HB 1294

Proposed by the Committee on Fish and Game - C

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

❑ Snowmobiles; Definition of Antique Snowmobile. RSA 215-C:1, II is repealed and reenacted to read as follows:

II. "Antique snowmobile" means a snowmobile owned by a resident of this state which is any of the following:

(a) A snowmobile manufactured prior to the year 1969; or

(b) A snowmobile 25 or more years old; or

(c) A Model T Ford converted to travel over snow, manufactured prior to 1940.

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

2006-0400h

Amendment to HB 1332

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

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

AN ACT establishing a commission to study health care in New Hampshire correctional facilities.

Amend the bill by replacing section 1 with the following:

❑ Commission Established. There is established a commission to study health care in New Hampshire correctional facilities.

Amend the bill by replacing section 3 with the following:

❑ Duties. The commission shall study the adequacy of health care services in New Hampshire correctional facilities, including state prisons, county correctional facilities, and youth correctional facilities, and make such recommendations as the commission deems appropriate. The commission shall solicit information and testimony from such agencies, organizations, and individuals as may assist the commission in the performance of its duties.

AMENDED ANALYSIS

This bill establishes a commission to study health care in New Hampshire correctional facilities.

2006-0586h

Amendment to HB 1362

Proposed by the Committee on Education - R

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

(k)(1) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio recording in conjunction with a video recording of the interior of the school bus while students are being transported to and from school or school activities, provided that the school board authorizes audio recording, the school district provides notification of such recording to the parents and students as part of the district's pupil safety and violence prevention policy required under RSA 193-F:3, I(b), and there is a sign informing the occupants of such recording prominently displayed on the school bus.

(2) Prior to any audio recording, the school board shall hold a public hearing to determine whether audio recording should be authorized in school buses, and if authorized, the school board shall establish an administrative procedure to address the length of time which the recording is retained, ownership of the recording, limitations on who may listen to the recording, and provisions for erasing or destroying the recording. Such administrative procedure shall permit the parents or legal guardian of any student against whom a recording is being used as part of a disciplinary proceeding to listen to the recording. In no event, however, shall the recording be retained for longer than 10 school days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time. An audio recording shall only be reviewed if there has been a report of an incident or a complaint relative to conduct on the school bus, and only that portion of the audio recording which is relevant to the incident or complaint shall be reviewed.

AMENDED ANALYSIS

This bill permits a school bus owner or operator to make an audio recording of a student on a school bus if the school board, after a public hearing, authorizes the recording and the parents and students are notified of the recording.

2006-0393h

Amendment to HB 1370

Proposed by the Minority of the Committee on Finance - R

Amend the bill by replacing section 1 with the following:

☐ Transfer of Surplus to Revenue Stabilization Reserve Account. Notwithstanding the provisions of 2005, 177:53, any undesignated, general fund surplus for the fiscal year ending June 30, 2005, in excess of \$40,500,000 shall be transferred to the revenue stabilization reserve account, under RSA 9:13-e.

2006-0461h

Amendment to HB 1409-FN

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

Amend RSA 263:41, I as inserted by section 4 of the bill by replacing it with the following:

I. The director shall provide to federally-designated organ procurement organizations serving the state access to names, dates of birth, and date of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and tissue donors for the purpose of identifying those individuals as organ and tissue donors. Such access shall be provided in a manner and form to be determined by the director following consultation with such organizations, and shall include electronic transmission of initial information and periodic updating of information.

2006-0559h

Amendment to HB 1420-FN

Proposed by the Committee on Fish and Game - C

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

☐ New Section; Remote Control and Internet Hunting. Amend RSA 207 by inserting after section 8 the following new section:

207:8-a Remote Control or Internet Hunting Prohibited.

I. No person shall offer for sale, take, or assist in the taking of wildlife by use of remote control or Internet hunting. Any person, firm, corporation, partnership, limited liability company, association, or other business entity who violates this section shall be guilty of a class A misdemeanor. In addition, the executive director may impose a civil penalty of not less than \$10,000 for each violation of this section, with the moneys received from imposition of such civil penalty to be deposited in the fish and game fund.

II. For the purpose of this section "remote control or Internet hunting" shall mean the use of a computer or other electronic device, equipment, or software, to remotely control the aiming or discharge of a firearm or other weapon, that allows a person, not physically present, to take wildlife.

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

AMENDED ANALYSIS

This bill prohibits remote control or Internet hunting and establishes criminal and civil penalties for violations.

2006-0313h

Amendment to HB 1464-FN-A-LOCAL

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

Amend RSA 141-C:24, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Appropriate abatement measures.

2006-0391h

Amendment to HB 1468-FN-LOCAL

Proposed by the Committee on Public Works and Highways - C

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

AN ACT relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Lyme Road in the Town of Hanover; Classification Changed to Class IV. The class I portion of Lyme Road in the town of Hanover, from the compact line at station 123+55 of New Hampshire project number 45-99, dated 1962, to approximately station 132+00, shall be reclassified as a class IV highway, with the compact line reestablished at that point.

AMENDED ANALYSIS

This bill reclassifies a portion of Reservoir Road in the town of Deering as a class V highway. The bill also reclassifies a portion of Lyme Road in the town of Hanover as a class IV highway.

2006-0589h

Amendment to HB 1489
Proposed by the Committee on Education - C

Amend the bill by replacing section 1 with the following:

□ New Subdivision; Emergency Response Plans. Amend RSA 189 by inserting after section 63 the following new subdivision:

Emergency Response Plans

189:64 Emergency Response Plans.

I. Within 2 years of the effective date of this section, every public and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System of the National Incident Management System. A copy of the plan shall be forwarded to the bureau of emergency management, division of emergency services, communication, and management, department of safety. The plan shall provide that at least 2 of the required number of fire evacuation drills shall be emergency response drills. The plan shall address hazards including acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, and any other hazard deemed necessary by school officials. The first emergency response drill shall be conducted within one year of the completion of the plan.

II. The plan shall be coordinated with local emergency authorities and with the emergency response plan in the municipality in which the school is located. A school shall review its plan at least annually, and shall update the plan, if necessary. The bureau of emergency management, division of emergency services, communication, and management, department of safety shall assist school districts in conducting training for and providing support to school districts in the development, implementation, and review of an emergency response plan, as may be needed.

2006-0495h

Amendment to HB 1498
Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

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

□1 Department of Administrative Services; Rulemaking Authority. Amend the introductory paragraph of RSA 21-I:14 to read as follows:

21-I:14 Rulemaking Authority. The commissioner of administrative services shall adopt rules, pursuant to RSA 541-A, relative to ***the following matters, if such matters require statements of general applicability within the definition of “rule” set forth in RSA 541-A:1, XV:***

12 New Paragraph; Duties of Commissioner of Administrative Services; Insurance Requirements for Certain State Contractors. Amend RSA 21-I:13 by inserting after paragraph XIII the following new paragraph:

IV. Establish a general liability insurance provision for standard state contracts that requires any contractor who qualifies for nonprofit status under section 501(c)(3) of the Internal Revenue Code and whose annual gross amount of contract work with the state does not exceed \$500,000 to provide insurance in amounts of not less than \$1,000,000 per claim or occurrence and \$2,000,000 in the aggregate.

13 Repeal. RSA 21-I:14, III, XIV, and XV, relative to the rulemaking authority of the department of administrative services, are repealed.

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

AMENDED ANALYSIS

This bill establishes a risk management unit within the department of administrative services. The unit has the same responsibilities as the bureau of risk management but is not part of the division of accounting services.

The bill also repeals 3 areas of rulemaking authority by the department of administrative services, 2 of which have become obsolete and one of which is addressed in statute.

2006-0414h

Amendment to HB 1539
Proposed by the Committee on Education - C

Amend section 2 of the bill by replacing paragraph III with the following:

III. Members of the committee shall consult with the commissioner of the department of education, speech language pathologists, speech language specialists, and any other individual with relevant information or expertise as deemed necessary.

2006-0312h

Amendment to HB 1579
Proposed by the Committee on Science, Technology and Energy - C

Amend RSA 21-O:11, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an air resources council which shall be composed of 11 members, including one representing the steam power generating industry; one representing the oil industry; one representing the natural gas industry; one representing the manufacturing component of industry; one representing the field of municipal government; and 6 members appointed at large who shall represent the public interest, one of whom shall be a licensed practicing physician ***or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution***, one of whom shall represent the field of recreation, and at least one of whom shall represent environmental interests. The council members who shall represent the public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any person subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of the executive council. Each member shall serve for a term of 4 years.

AMENDED ANALYSIS

This bill permits a health care professional with certain expertise to serve on the air resources council instead of a licensed practicing physician.

2006-0593h

Amendment to HB 1657
Proposed by the Committee on Fish and Game - C

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

AN ACT establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.

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

1 New Section; Fish and Game; Wildlife Legacy Initiative Amend RSA 206 by inserting after section 33-b the following new section:

206:33-a Wildlife Legacy Initiative; Account Established.

I. The executive director may establish a wildlife legacy initiative that encourages gifts and donations to support fish, wildlife, and marine resource conservation projects, conservation education activities, and opportunities to use, access, and appreciate these public resources by promoting the benefits of the initiative and recognizing individuals or organizations for their voluntary participation. The executive director in establishing any relationship with such persons shall use care to deal with persons who are supportive of the full mission of the fish and game department and not persons opposing the legal taking of game or fish.

II. The executive director may establish levels of giving and offer incentives for various levels of donations, enter into agreements and partnerships with the public or private sector as necessary to develop, market, promote, solicit for, and conduct the wildlife legacy initiative. The executive director may issue certificates, documentation, and other gifts to identify and recognize participants.

III. There is established an account within the fish and game fund to be known as the wildlife legacy initiative account. All gifts and donations received through the wildlife legacy initiative shall be deposited in this account. Notwithstanding any other provision of law to the contrary, donations made to the wildlife legacy initiative shall not require acceptance by the commission or the governor and council. Moneys deposited in the wildlife legacy initiative account are nonlapsing and continually appropriated to the fish and game department and may be used with approval of the fish and game commission for the purposes stated in paragraphs I and II.

2 Transfer of Super Sporting Account Funds. Any sums in the super sporting license account for wildlife and the super sporting license account for fisheries on the effective date of the repeal of RSA 214:7-c by section 4 of this act shall be transferred and are hereby appropriated to the wildlife legacy initiative account under RSA 206:33-c established in section 1 of this act.

3 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys deposited in the fish and game department wildlife legacy initiative account under RSA 206:33-c.

4 Repeal. The following are repealed:

I. RSA 6:12, I(b)(188) and (189), relative to the super sporting license accounts.

II. RSA 214:7-c, relative to the super sporting license.

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

AMENDED ANALYSIS

This bill allows the fish and game department to establish a wildlife legacy initiative for gifts and donations from individuals

and organizations for the purpose of encouraging, supporting, and funding fish and wildlife conservation programs. The bill also repeals the super sporting license provisions.

2006-0570h

Amendment to HB 1658

Proposed by the Committee on Fish and Game - C

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

AN ACT relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

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

1 New Paragraph; Gifts and Donation; Exception Added. Amend RSA 206:33-a by inserting after paragraph II the following new paragraph:

III. This section shall not apply to gifts, grants, bequests, or donations received pursuant to RSA 206:33-c.

2 New Section; Agreements With Nonprofit Partners. Amend RSA 206 by inserting after section 33-b the following new section:

206:33-c Agreements With Nonprofit Partners.

I. The commission, in consultation with the executive director, may designate one or more nonprofit foundations as an official nonprofit partner of the department for the purpose of accepting gifts, grants, bequests, and donations to further department goals.

II. An official nonprofit partner shall be a nonpolitical legal entity that:

(a) Is incorporated under the laws of this state;

(b) Has been granted an exemption from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended; and

(c) Works with the department to further department goals.

III. The executive director shall have the power and authority to enter into agreements on behalf of the fish and game department with an official nonprofit partner. Any such agreement shall be subject to review and approval by the attorney general.

IV. The executive director is authorized to assign staff, use department facilities and pay necessary and reasonable expenses associated with executing and implementing agreements and facilitating a successful partnership between the department and an official nonprofit partner.

V. Any moneys received pursuant to this section shall be accounted for and expended in accordance with RSA 206:33.

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

AMENDED ANALYSIS

This bill allows the fish and game department to designate a nonprofit foundation as a nonprofit partner and enter into agreements for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

This bill is a request of the fish and game department.

2006-0567h

Amendment to HB 1659

Proposed by the Committee on Fish and Game - C

Amend RSA 207:3, III as inserted by section 1 of the bill by replacing it with the following:

~~III. [This section]~~ **Paragraph II** shall not apply to the use of .22 **or smaller** caliber rimfire ~~[rifles, or to the use of pistols or revolvers]~~ **firearms**.

Amend the bill by replacing section 4 with the following:

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

2006-0378h

Amendment to HB 1724-FN

Proposed by the Committee on Finance - R

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

1 New Paragraph; State Employee Called to Active Duty; Pay and Benefits. Amend RSA 110-B:37 by inserting after paragraph III the following new paragraph:

IV.(a) In addition to the pay authorized under paragraphs I and III of this section, any state employee who is a member of a reserve or the national guard and who is called to full-time active duty by the President of the United States, under the authority of the governor, or under the authority of another governor who participates in the Emergency Management Assistance Compact, shall, for the duration of such full-time active duty, be entitled to special leave with partial pay and continuation of benefits as follows:

- (1) Partial pay shall be the difference between the employee’s regular state compensation and the employee’s full-time military basic pay, if the full-time military basic pay is less than the regular state pay.
 - (2) Continuation of health and dental insurance benefits for which the employee and/or the employee’s legal dependents are otherwise eligible but for the employee’s special leave; provided, however, that in the event of a deployment for which federal health and dental benefits are provided, the federal health and dental benefits shall be primary for the employee.
 - (3) Retirement benefits shall continue to be provided in accordance with RSA 100-A.
 - (b) The adjutant general shall, on a monthly basis, provide the department of administrative services with a list of all members of the national guard affected under subparagraph (a) and their respective military salaries, and other reserve units are encouraged voluntarily to provide the same information.
- 2 Effective Date. This act shall take effect upon its passage.

2006-0175h

Amendment to SB 104-FN

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

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

- Exemption; Water and Air Pollution Control Facilities. Amend RSA 72:12-a to read as follows:
72:12-a Water and Air Pollution Control Facilities.

- I. Any person, firm, or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section *until reimbursement for the investment costs are recovered by accumulation of value through this property tax exemption.*
 - II. The party seeking the exemption shall file an application with the department of environmental services if the exemption sought is for a water pollution control facility or an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. Said application shall describe the facilities and their function or functions and shall state the applicant’s total investment therein and the portion allocable to each function, *to be verified by the department of revenue administration. Any such exemption requested shall not exceed 25 percent of the applicant’s total assessed value of the facility at the time of the exemption.*
 - III. The department *of environmental services* shall investigate and determine whether the purpose of the facility is solely or only partially pollution control. If the department finds that the purpose of the facility is only partially pollution control it shall determine by an allocation of the applicant’s investment in the facility what percentage of the facility is used to control pollution. In making its investigation, the department may inspect the facility and request such other information from the applicant as is reasonably necessary to assist it in making its determination.
 - IV. Upon making its determination, the department *of environmental services* shall notify the applicant, *the department of revenue administration*, and the taxing authorities of the municipality where the facility is situated whether the purpose of the facility is solely pollution control, or, if not, what percentage of the applicant’s investment in the facility should be allocated to pollution control.
 - V. The ~~taxing authorities~~ *department of revenue administration* shall each year separately appraise and describe the facility and related real estate ~~[and cause such appraisal and description]~~ *using the determination approved by the department of environmental services. Such appraisal shall be reported to the local taxing authorities* to appear in their inventory. In accordance with the provisions of this section, the taxing authority shall exempt from the taxes levied under this chapter the appraised value of the facility and any real estate necessary therefor, or the exempt percentage thereof, determined by the department *of environmental services*. The exemption period shall begin as of the April 1 next following the receipt of the ~~[department’s]~~ *department of environmental services’* determination. *The department of revenue administration shall keep a record of the total of exemptions granted and shall provide the information to the owner of the facility, the municipality, and the general court annually.*
 - VI. Either the municipality ~~[or]~~, the owner of the facility, *or the department of revenue administration* may request a rehearing or appeal from such determination in accordance with the provisions of RSA 541.
- 2 Effective Date. This act shall take effect April 1, 2006.

AMENDED ANALYSIS

This bill limits the property tax exemption for water and pollution control facilities to the reimbursement of the amount of investment costs.

2006-0421h

Floor Amendment to SB 104-FN
Proposed by Rep. Stohl

Amend RSA 72:12-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The party seeking the exemption shall file an application with the department of environmental services if the exemption sought is for a water pollution control facility or an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. Said application shall describe the facilities and their function or functions and shall state the applicant's total investment therein and the portion allocable to each function, ***to be verified by the department of revenue administration. Any such exemption requested shall not exceed 25 percent of the applicant's total assessed value of the real property containing the pollution control facility, device, appliance, or installation.***

2006-0075h

Amendment to SB 140

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

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

□ New Subdivision; Aquatic Resource Compensatory Mitigation. Amend RSA 482-A by inserting after section 27 the following new subdivision:

Aquatic Resource Compensatory Mitigation

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of requiring other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from a proposed activity which at a minimum:

I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.

II. Involves more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.

III. Alters the course of or disturbs 200 or more linear feet of an intermittent or perennial stream or river channel or its banks. For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.

IV. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit

482-A:29 Fund Established.

I. There is hereby established the aquatic resource compensatory mitigation fund into which payments made under this subdivision shall be deposited. The fund shall be a separate, non-lapsing fund continually appropriated to the department to be used only as specified in this subdivision for costs related to wetlands creation or restoration, stream restoration, preservation of upland areas adjacent to wetlands, and the subsequent monitoring and maintenance of such areas.

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III, and RSA 482-A:31, II, and RSA 482-A:32, II shall be used for this purpose.

III. The state treasurer shall invest the fund as provided by law. Interest received on such investment shall be credited to the fund.

IV. The wetlands council, established by RSA 21-O:5-a, shall approve disbursements of the aquatic resource compensatory mitigation fund based on recommendations provided by the site selection committee established under RSA 482-A:33, and in accordance with rules adopted by the commissioner.

482-A:30 Payment for Freshwater and Tidal Wetlands Losses. For freshwater and tidal wetlands losses, the in lieu payment shall be the sum of:

I. The cost that would have been incurred if a wetland of the same type was constructed at the ratios adopted by the department based on a price of \$65,000 per acre of wetland created, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1;

II. The area of wetlands, as used in the calculation performed under paragraph I, times the cost of land in the municipality where the impact is occurring as calculated by the total assessed land values in the municipality, as determined by the department of revenue administration which are equalized, divided by the number of acres in the municipality to yield a per acre equalized land value; and

III. An administrative assessment which equals 5 percent of the sum of paragraphs I and II.

482-A:31 Payment for Stream or Shoreline Losses. For stream or shoreline resource losses, the in lieu payment shall be the sum of:

I. The linear feet of shoreline or stream impacted times \$200, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1; and

II. An administrative assessment which equals 5 percent of the amount in paragraph I.

482-A:32 Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. Identification of appropriate situations under which in lieu payments may be made. The criteria in RSA 482-A:28 shall be the minimum requirements for projects eligible for in lieu payments.

II. The method of calculating the amount of in lieu payments under RSA 482-A:30 and RSA 382-A:31 which shall approximate the total cost of wetlands construction or such other mitigation actions as would have been required by the department and incurred by the applicant in the absence of making such payments. An administrative assessment of 5 percent of the total cost shall be added as part of the calculation method.

III. Criteria to use in selecting projects that would compensate for the lost aquatic resource functions or values.

(a) Tidal aquatic resources shall be compensated by the selection of qualifying tidal projects.

(b) An emphasis shall be given to selecting from among the qualifying projects those that are nearer to the site of the lost aquatic resource.

(c) No project shall be funded with in lieu payments from losses that occurred outside the hydrologic unit code 8 watershed, as developed by the United States Geological Survey, in which the project is located.

(d) Such criteria shall be adopted in consultation with the site selection committee established under RSA 482-A:33. 482-A:33 Site Selection Committee Established.

I. There is established a site selection committee for the purpose of identifying projects to be funded from the aquatic resource compensatory mitigation fund.

II. The committee shall consist of the following members:

(a) The commissioner of the department of environmental services, or designee.

(b) The director of fish and game, or designee.

(c) The director of the office of energy and planning, or designee.

(d) The commissioner of the department of resources and economic development, or designee.

(e) Four members of the public, appointed by the governor and council for a term of 3 years or until a successor is chosen. The members of the public shall be as follows:

(1) A member of a municipal conservation commission at the time of appointment, who shall be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions.

(2) A natural resource scientist, who shall be one of 3 nominees submitted by the New Hampshire Association of Natural Resource Scientists.

(3) A person with experience in environmental protection and resource management at the time of appointment, who shall be one of 3 nominees submitted by the Nature Conservancy.

(4) A person with experience in environmental protection and resource management at the time of appointment, who shall be one of 3 nominees submitted by the Society for the Protection of New Hampshire Forests.

III. The members of the committee shall elect a chairperson annually.

IV. Each public member of the committee shall receive \$50 per meeting. The other members of the site selection committee shall receive no compensation other than their regular state salaries but shall receive mileage paid at the rate set for state employees.

482-A:34 Report. The department shall submit an annual report by October 1 beginning with fiscal year 2006, to the fiscal committee, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate environment and wildlife committee summarizing all receipts and disbursements of the aquatic resource compensatory mitigation fund, including a description of all projects undertaken. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

2 Application of Receipts; Aquatic Resource Compensatory Mitigation Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 242 the following new subparagraph:

(243) Moneys deposited in the aquatic resource compensatory mitigation fund established by RSA 482-A:29.

3 Wetlands Council; Aquatic Resource Compensatory Mitigation Fund. Amend RSA 21-O:5-a by inserting after paragraph VII the following new paragraph:

VIII. The council shall approve disbursements of the aquatic resource compensatory mitigation fund established under RSA 482-A:29.

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

AMENDED ANALYSIS

This bill allows the department of environmental services to accept monetary payments in lieu of other forms of compensatory mitigation for wetlands and shorelines for certain small projects. It establishes a mitigation fund for the payments and establishes a committee to select projects that will compensate for the loss of wetlands and which may be funded from the mitigation fund.

2006-0354h

Floor Amendment to SB 140

Proposed by Rep. Spang

Amend RSA 482-A:28 as inserted by section 1 of the bill by replacing it with the following:

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from a proposed activity which at a minimum:

- I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.
- II. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit

Amend RSA 482-A:29, II-IV as inserted by section 1 of the bill by replacing it with the following:

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III shall be used for this purpose.

III. The state treasurer shall invest the fund as provided by law. Interest received on such investment shall be credited to the fund.

IV. The wetlands council, established by RSA 21-O:5-a, shall approve disbursements of the aquatic resource compensatory mitigation fund based on recommendations provided by the site selection committee established under RSA 482-A:32, and in accordance with rules adopted by the commissioner.

Amend section 1 of the bill by deleting RSA 482-A:31 and renumbering the original RSA 482-A:32 – RSA 482-A:34 to read as RSA 482-A:31 – RSA 482-A:33, respectively.

AMENDED ANALYSIS

This bill allows the department of environmental services to accept monetary payments in lieu of other forms of compensatory mitigation for wetlands for certain small projects. It establishes a mitigation fund for the payments and establishes a committee to select projects that will compensate for the loss of wetlands and which may be funded from the mitigation fund.