

State of New Hampshire
HOUSE RECORD

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

Vol. 28 Concord, N.H. Friday, February 10, 2006 No. 15
Contains: Reports and Amendments for February 15, Hearings, Meetings, Notices and Order Form for the 2005 Permanent Journal

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, February 15 at 10:00 a.m. and Thursday, February 16 at 1:00 p.m.**

Chairmen and Vice Chairmen will meet on **Tuesday, February 14 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

There will be a Republican Caucus on **Wednesday, February 15 at 9:00 a.m.** and **Thursday, February 16 at 12:15 p.m.** in Representatives Hall.
Rep. Michael O'Neil, Majority Leader

NOTICE

NOTICE

There will be a Democratic Caucus on **Wednesday, February 15 at 8:30 a.m.** in Rooms 305-307 of the Legislative Office Building.
Rep. James W. Craig, Democratic Leader

SHUTTLE SERVICE

For the convenience of members during the winter months once again a shuttle service is available from the Storrs Street parking garage to the State House complex.

The shuttle operates **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 15
CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1419-FN, relative to mandatory mediation in divorce proceedings. **UGHT TO PASS WITH AMENDMENT**

Rep. David A. Rickford for Children and Family Law: This bill expands and broadens judges' and marital masters' discretion to order mediation to include divorce cases without children. **Vote 15-0.**

HB 1424, relative to persons permitted to attend child abuse and neglect hearings. **UGHT TO PASS WITH AMENDMENT**

Rep. Carolyn M. Gargatz for Children and Family Law: In child abuse and neglect hearings that are not open to the public, parties are allowed to invite other persons to the hearing with prior approval of the court. It also allows the court to provide docket information to invited persons. **Vote 14-0.**

HB 1516, relative to the modification and enforcement of child support orders. **UGHT TO PASS WITH AMENDMENT**

Rep. David A. Rickford for Children and Family Law: This bill, as amended, allows adjusting for errors in child support orders. It allows for reimbursement of overpayment and permits modification based on a change in custody. **Vote 14-0.**

HB 1561, relative to equal treatment for fathers in the determination of parental rights and responsibilities. **INDEPENDENT TO LEGISLATE**

Rep. Harriet E. Cady for Children and Family Law: This bill was not needed as HB 640 was enacted and addressed the issue of equal support. **Vote 14-0.**

HB 1583, relative to grounds for modification of parental rights and responsibilities. **UGHT TO PASS WITH AMENDMENT**

Rep. David A. Rickford for Children and Family Law: This bill, as amended, allows parents to ask the court for a modification of parental rights and responsibilities based on a substantial change in circumstances or once every three years. The bill also adds the "Butterick" decision about mature children being allowed to express their preference for the modification of a parental plan. **Vote 15-0.**

HB 1585, relative to a determination of incompetence under the CHNS statute. **UGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: The bill, as written, allows for an expedited hearing for enforcement of a court ordered parenting plan. The amendment deletes the ability of the Department of Health and Human Services to use an enforcement order as the reason for initiating an investigation of abuse and neglect. **Vote 12-2.**

HB 1586, prohibiting enforcement of support orders for college or other postsecondary education expenses. **REFER FOR INTERIM STUDY**

Rep. Karen K. McRae for Children and Family Law: The committee raised many questions as to how to handle multiple issues of retroactivity, constitutionality and fairness to all parties involved. Given the time frame for reporting bills out, an interim study was voted the best vehicle at this time. **Vote 9-3.**

HB 1610-FN, relative to a determination of incompetence under the CHNS statute. **REFER FOR INTERIM STUDY**

Rep. Karen K. McRae for Children and Family Law: The committee voted for interim study in order to explore the problems presented in testimony and to come up with a solution that will serve the few mentally ill children who are falling through the cracks of existing statutes and programs. **Vote 15-0.**

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements. **UGHT TO PASS WITH AMENDMENT**

Rep. Shelia A. Frote for Children and Family Law: This bill identifies the Department of Health and Human Services and the Department of Education as the agencies programmaticaly and financially responsible for broad and care general and special education services respectively for those children who are in court-ordered residential placements pursuant to RSA 169-B (Delinquency), RSA 169-C (Child Protection), RSA-D (Children in Need of Services) or RSA 463 (Guardianship of Minors), whose legal custodians reside out-of-state, and who have no New Hampshire or out-of-state school district assuming liability for educational services. In addition, this bill gives standing to one or more school districts and the Department of Health and Human Services in the determination of legal residence dispute resolution process at the Department of Education. **Vote 14-0.**

HB 1720-FN, relative to notice of parent liability in CHNS proceedings. **UGHT TO PASS WITH AMENDMENT**

Rep. Eileen C. Pischke for Children and Family Law: Given the need for greater clarity for parents involved in CHNS petitions for their children, this bill requires the court to provide both parents, as well as any other person who may be liable for expenses incurred on behalf of the child, with a copy of the petition and notice of liability. **Vote 14-0.**

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to the confidentiality in abuse and neglect cases. **UGHT TO PASS WITH AMENDMENT**

Rep. Carolyn M. Gargatz for Children and Family Law: The pilot project that opens child abuse and neglect hearings to the public is expanded from Grafton and Rockingham Counties to also include Sullivan County. The pilot project is extended for two years to June 30, 2008. This bill allows the court to provide hearing schedule information to members of the public qualified to attend. **Vote 15-0.**

HB 1733-FN, establishing a reporting system for court decisions relative to residential responsibility under parenting plans. **UGHT TO PASS WITH AMENDMENT**

Rep. Mary Stuart Gile for Children and Family Law: This bill, as amended, requires the court to provide the registrar of vital records with certain information regarding parental rights and responsibilities. Such information includes decision making responsibility for the child, whether residential responsibility shall be shared equally or approximately equal, the type of petition involved, the date of the order and the name of the hearing official. The bill also gives the division the authority to collect information relative to the determination of parental rights and responsibilities available to the public, upon request. **Vote 11-0.**

COMMERCE

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities. **UGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This bill came to us as a request of the Secretary of State's Office. In the last session we passed legislation intended to strengthen our late fee registration law. It turned out to be an object lesson in "unintended consequences". The solution turned out to be worse than the problem. We recommend this bill as corrective legislation. **Vote 14-0.**

HB 1372, establishing a committee to study affordable and accessible health care services for all uninsured citizens of New Hampshire. **INDEPENDENT TO LEGISLATE**

Rep. Charles L. Clark for Commerce: The sponsors decided not to pursue this bill as the subject matter of the bill is already being dealt with in other bills. **Vote 18-0.**

HB 1448, prohibiting the sale of certain pets. **INDEPENDENT TO LEGISLATE**

Rep. Shelia Scamman for Commerce: This bill attempted to further regulate pet sales giving more options for consumers to deal with unhealthy pets. Last year a very similar bill was voted ITL by the committee and the House. We did not feel this bill should appear before us again in the same biennium. **Vote 16-0.**

HB 1549, excluding certain acts based on bona fide economic and public safety considerations from the prohibition against discrimination in public accommodations. **REFER FOR INTERIM STUDY**

Rep. Stephen T. DeStefano for Commerce: This bill is being sent to interim study. Currently private property owners extend overnight accommodations when they feel that they have an economic or public safety issue. The New Hampshire Commission for Human Rights wanted to make sure that we did not create an exception that would make our laws different from federal law. Both the sponsors and the New Hampshire Commission for Human Rights were committed to try and draft a bill that did not conflict with federal law, but help protect the rights of real property owners and inn keepers. **Vote 15-3.**

HB 1562, relative to fertility insurance coverage for out-of-state coverage holders who are living in New Hampshire. **INDEPENDENT TO LEGISLATE**

Rep. Donald H. Flinders for Commerce: This bill would require that an insurer providing fertility insurance under a group insurance policy to a Massachusetts employer extend that benefit to employees residing in New Hampshire. The only way this could be addressed under New Hampshire law would be by New Hampshire mandating fertility coverage on all New Hampshire group policies. As New Hampshire does not do this, the matter would have to be addressed through the Massachusetts legislature or insurance department. **Vote 18-0.**

HB 1570, relative to health insurance coverage for part-time college students. **UGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stapanak for Commerce: The committee felt that this bill did not go far enough. This issue came up when Michelle's Law, or college students forced to take a medical leave of absence are covered under their parents family plan. This bill would allow all part-time students to remain on their parents family plan. The committee felt it was time to truly address this issue once and for all. This amendment provides that dependent children shall include unmarried children under the age of 24 who are financially dependent upon the parent and who either have the same legal residence as the policy holder, or are full-time or part-time students. Once coverage for a child over the age of 19 is removed from a parent's policy, after no longer qualifying under this subparagraph, such coverage shall not be resumed. **Vote 18-0.**

HB 1621-FN, prohibiting overpricing of fuel. **UGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stapanak for Commerce: After a public hearing and many subcommittee meetings the sponsors, industry and the Attorney General's Office were all able to agree to a price gouging bill which gives the Attorney General the ability to investigate alleged price gouging while protecting wholesalers and retail merchants from being blamed for price increases beyond their control. The trigger to investigate price gouging was carefully crafted to allow the Attorney General to investigate prices gouging only if a state of emergency is declared by the governor or if following the finding of an abnormal market disruption by the Merrimack County Superior Court upon a petition filed by the Attorney General. **Vote 14-1.**

HB 1724-FN, relative to health care and health insurance data. **REFER FOR INTERIM STUDY**

Rep. Stephen B. Stapanak for Commerce: After a public hearing and several subcommittee meetings, the committee had more questions than answers. The one thing that everyone did agree on was that the intent of the bill was good and we all saw the need to do something in this area. The added complication was that the insurance department determined that they would need \$300,000.00 to implement this proposed bill. In the end it was felt that this bill should be referred to interim study with a commitment by all parties that they would work on this issue between now and next fall. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1171, relative to the violation of protective orders. **INDEPENDENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: New Hampshire's protective order statute was the result of a long deliberative process. The existing law has served our state well. The changes proposed in HB 1171 would create confusion and ambiguity, making an already tense situation a dangerous one for the parties involved. While the committee is sympathetic to the concerns raised by the sponsor, we believe that the existing process allowing for a judicial modification of a protective order adequately protects both the rights and safety of the parties involved. Therefore, we join the Attorney General in recommending that HB 1171 be found independent to legislate. **Vote 16-0.**

HB 1231-FN, relative to the penalty for assaulting a firefighter, emergency medical technician, or law enforcement officer. **UGHT TO PASS WITH AMENDMENT**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill provides for enhanced penalties for assaulting paid firefighter, volunteer firefighter or on-call firefighter, or a licensed emergency medical care provider as defined in RSA 153-A:2v, acting in the line of duty. **Vote 14-0.**

HB 1246-FN, relative to assault on law enforcement, corrections, and probation parole officers. **INDEPENDENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: The committee felt this matter is in current law. (RSA 631) in that corrections, probation and parole officers were included in the definition of "Law Enforcement Officers". **Vote 14-0.**

HB 1292, relative to the application of the capital murder statute. **INDEPENDENT TO LEGISLATE**

HB 1663-FN-LOCAL, relative to the licensing fee for motor vehicle recycling yards. **UGHT TO PASS**

Rep. Jean-Guy J. Bergeron for Transportation: This bill will allow local governing bodies to charge an annual licensing fee up to \$250 for automobile recycling yards. The fee has not been increased since 1955 when a licensing fee was established. **Vote 13-0.**

HB 24, supporting efforts for commuter rail in the state of New Hampshire. **UGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This resolution is in support of commuter rail service. The Governor sent his support for expanding the commuter rail from Nashua. This is a good way to show Congress we support rail expansion. With ever increasing traffic, today's commuting problems, parking, cost, pollution and overcrowding, rail expansion to other parts of the state is the way of the future. The Department of Transportation supports. Most of the transportation in New Hampshire today is focused on our roads and highways. **Vote 16-0**

WAYS AND MEANS

HB 694-FN, relative to the penalty assessments. **REFER FOR INTERIM STUDY**

Rep. Susan W. Almy for Ways and Means: The increased revenues from last year's budget changes in court fines and fees and in state troopers are not yet coming in, due to a now-fixed delay in implementation. The committee wishes the opportunity to study this issue over the summer if those revenues do not come in as planned. **Vote 13-0.**

HB 1514-FNA, relative to the business enterprise tax credit allowed against the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Ways and Means: This bill was meant to send a business-friendly message. Unfortunately, the message would cost the state revenues \$30 to \$50 million per year. The sponsor agreed with the committee that we could not afford this loss. **Vote 20-0.**

HB 1628, relative to expenses of operating bingo games. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: This bill would allow charitable organizations to opt out of retaining the seven percent collected from bingo players in a winner take all game. This seven percent take was only just authorized this past session. While some charities have seen a drop in attendance, given a number of factors such as rising fuel prices and hurricane relief, it is unlikely that the drop in attendance in the past few months has much if anything to do with the seven percent retention. Having a situation where organizations have a different payout percentage for the same game will no doubt lead to confusion and even angry players, when they receive less than they were expecting. It will also create a situation where the operators of games, who run bingo on different nights for different charities, will be subject to a different percentage according to the dictates of the various charities. This could easily lead to incorrect payouts. **Vote 20-0.**

WEDNESDAY, FEBRUARY 15
SPECIAL ORDERS - EARLY BILLS

JUDICIARY

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. **MAJORITY: UOUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the **Majority of Judiciary**: This is a comprehensive bill that contains long awaited updates to advance directive laws. The bill clarifies the language within Durable Powers of Attorney for Health Care and Living Wills and modernizes the requirements for same. The definition of terms, such as "near death" and "permanently unconscious," are specifically crafted to coincide with modern medical practices. This bill, as amended, will make advance directive laws easier to understand and practical for all people, families, designated agents and health care providers alike. Additionally, this bill institutes guidelines for Do Not Resuscitate Orders in accordance with the wishes of a patient or his/her own designated agent named in an advance directive. Such Orders determine whether or not performing cardiopulmonary resuscitation is in full compliance with the consent of a patient or the patient's hand-chosen agent. This section of the bill again clarifies the law allowing people to determine their own future intent. **Vote 18-5.**

Rep. Nancy J. Elliott for the **Minority of Judiciary**: This bill does a disservice to our citizens by expanding the authority of an agent to make healthcare decisions, to withhold or withdraw treatment, which may result in the death of the principal, without having it expressed in a signed document. It also adds the definition of "permanently unconscious" to mean "a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent." This definition is to be used in connection with end of life decisions to withhold or withdraw treatments. Many elderly patients could fit this definition. The advanced directives (living will) in this bill are slanted toward death giving very little option to citizens wishing to choose life. This bill also changes wording of our current law protecting an "unborn child" to fetus.

ELECTION LAW

HB 128-FN, relative to centralized voter registration database information. **UGHT TO PASS WITH AMENDMENT**

Rep. William L. O'Brien for Election Law: Based on the requirements of the Help America 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 128, as amended, does allow the distribution of 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.**

JUDICIARY

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

Rep. Donald B. Ruxton for the **Majority of Judiciary**: The sponsor of this bill has given no indication that the passage of this bill 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 center. Five of the seven veterans on the Judiciary Committee voted against the bill. **Vote 17-2.**

Rep. Bernard E. Russell 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 1221, relative to qualifications for police chiefs in towns with populations of more than 3,000. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. Hogfordtarn 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 of 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 1743-FN, relative to reimbursing towns for the operating expenses of certain railroad passenger facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: UOUGHT TO PASS.**

Rep. Andrew Benzaoli 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 the operation, New with the costs of everything going up, those 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 feels that the State of New Hampshire should need 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 serve the entire region of the southeastern section of the state not solely the host towns. The Department of Transportation has been responsible for 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.

PUBLIC WORKS AND HIGHWAYS

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.**

WEDNESDAY, FEBRUARY 15
REGULAR CALENDAR - PART I

COMMERCE

HB 1414-FN, relative to the protection of personal information by mandatory notice of security breach. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Clark for Commerce:

This is one of a number of bills that came before the committee dealing with the subject of security breach notification. The committee decided to use HB 1600-FN as a foundation for the formulation of a workplace bill that will accomplish the notification objective without the unintended consequences which are likely any time we are moving into unexplored legal territory. The best parts of this bill have been incorporated into HB 1600-FN. **Vote 15-0.**

HB 1660-FN, regulating identity theft. **UGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This is the identity theft bill which resulted from the four bills submitted in this area. There were many competing interests and the committee struggled to resolve those differences. The committee concluded that identity theft notification was extremely important. This bill makes a good first step by requiring notification to the consumer no more than 15 business days from the time of security breach discovery. The committee agreed that we are on the right track in a very complex area. **Vote 18-0.**

HB 1702-FNA, establishing a New Hampshire health care corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stagnard for Commerce: The purpose of this bill is to create a health care corporation. Unfortunately it has several major flaws which make this bill unworkable. We feel it is unacceptable to expand the Healthy Kids Program to include healthy adults. The Healthy Kids Program is highly successful and any adult program should stand on its own. There is legitimate concern that this bill could adversely impact Healthy Kids. Additionally, there is no funding mechanism in this bill.

Vote 13-2.

HB 1704-FNA, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stagnard for Commerce: This bill is a very complex bill which is intended to create a health care corporation. Health insurance is still a voluntary benefit provided by the employer. This bill would make it a mandatory requirement. The bill would also dictate how much an employer is to spend and if they didn't it would impose what amounts to a tax on that employer, a health care tax. Of course a company could get around this by reducing its part time workers or by out-sourcing jobs to fall below the 1500 limit. The 1500 employee limit today could be 1000 tomorrow, 500 the next day and then just mandatory for every employer. This bill sets us on the road towards mandatory health insurance coverage by all employers coupled with mandatory levels of coverage or a health insurance tax. The committee felt this was not the direction this legislature is that state should be moving.

Vote 12-6.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1422-FN, relative to the death penalty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: UOUGHT TO PASS.**

Rep. Stanley E. Stevens for the **Majority of Criminal Justice and Public Safety**: This bill seeks to remove the death penalty from RSA 630:1 Capital Murder. The majority of the committee feels that while it does not repeal Capital Murder, it reduces it to a First Degree Murder. It creates two separate sections that cover only one outcome - life without parole. Capital Murder was carefully crafted to protect certain positions: law enforcement officers (including sheriff, deputy sheriff, state police officers, constables, police officers of any city or town, an official, or employee of any prison, jail or corrections institution, a conservation officer, or a judicial officer acting in the line of duty, or when the death is caused as a consequence of, or in retaliation for such person's actions in the line of duty. It also identifies five other narrow applications. Further, the death sentence is not absolute. Paragraph III states specifically, a person convicted of a Capital Murder may be punished by death and that no person under the age of 17 can be culpable of Capital Murder. RSA 630:5 sets forth the procedures to be followed in Capital Murder. A conviction does not necessarily result in the death penalty. For those and other reasons we believe there should be no change in the current law. **Vote 11-7.**

Rep. Timothy N. Robertson for the **Minority of Criminal Justice and Public Safety**: The purpose of this bill is to remove the death penalty from the State of New Hampshire. The bill would replace our death penalty of execution with another death penalty - life in prison without any chance of parole, until they die. Getting "tough on crime" means doing more of the things we should be doing - giving our police and other law enforcement personnel the tools they need to do their job well. It also means supporting more of our efforts in our schools to provide quality education for our next generation, getting children into a life of employment they can succeed in so they are law abiding adults. Execution serves no purpose other than revenge. Life in prison without any chance at all of parole, and then you are dead, is a powerful message of punishment.

EDUCATION

HB 1241-FN-1, mandating the inclusion of kindergarten as part of an elementary school. **MAJORITY: UOUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William J. Rennie for the **Majority of Education**: The committee appreciates, understands, and wanted to strongly support public kindergarten for all New Hampshire children. This bill, as written, would have created an unfunded mandate. The amendment supports those communities who do not yet have kindergarten by extending the Kindergarten Construction Aid Program through June 30, 2008. **Vote 10-4.**

Rep. Paul C. Ingolfsson for the **Minority of Education**: This bill was presented as a mere extension of the aid program, but it appears to be actually adding \$1.7 million in new spending.

HB 1497-1, assessing a fine against a school superintendent for late filings of school enrollment information. **UGHT TO PASS WITH AMENDMENT**

Rep. Kimberly R. Casey for Education: The committee, after considerable discussion, found that the bill, as amended, was a reasonable solution to the ongoing problem of late submissions to the Department of Education of statistical reports. It should be noted that the bill as amended is supported by the NH School Boards Association and the NH School Administrators Association. **Vote 13-3.**

HB 1402, relative to the education funds from the education trust. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Education: The Education Trust Fund has never had a surplus in the past. In the unlikely event one might occur in the future, the use of said funds should not be dedicated to his or any other use anytime. **Vote 12-2.**

HB 1503-FN-LOCAL, relative to the construction of high school athletic fields in the towns of Bedford. **UGHT TO PASS WITH AMENDMENT**

Rep. Timothy E. Bassett for the **Majority of Education**: The purpose of this bill is to create a fund for athletic facilities for school use on municipally-owned land. Under administrative rules, building aid for athletic fields can only be used when a new school is built. The amendment builds in some safeguards for the school district. First, using municipal land must be more cost-effective than buying and developing new land. Second, the school district shall have first priority for use for ten years or the life of the bond or note, whichever is greater. Third, in the absence of a bond or note, or upon the expiration of any bond or note, the municipality and the school district enter into an agreement on the future use of the land, buildings, or facilities. **Vote 14-0.**

HB 1601-FN-1, relative to the funding of catastrophic special education aid. **UGHT TO PASS WITH AMENDMENT**

Rep. Claire D. Clarke for Education: This bill does three things: it lowers the threshold for catastrophic aid by one-half percent, it increases the designated funds available to districts for qualifying emergency assistance from \$250,000 to \$900,000 and increases special education appropriations available for statewide programs from \$300,000 to \$1,000,000. An amendment passing unanimously allowed a warrant to be drawn for direct payment to the Laurent Clerc School for the Deaf and Hard of Hearing to keep the School viable, resulting in a savings in catastrophic aid projected to be \$300,000. **Vote 16-0.**

HB 1605-FN, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants. **INEXPEDIENT TO LEGISLATE**

Rep. Michael B. Asselin for Education: The committee supported the TLI motion given the probability of an ad hoc committee being established to comprehensively look at all special education issues. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 1622-FN, relative to the state recycling program. **REFER FOR INTERIM STUDY**

Rep. Burton W. Williams for Environment and Agriculture: The Committee is in complete agreement with the intent of this bill but finds RSA 21-1 covers many of the aspects requiring state agencies to recycle. There is much ambiguity in RSA 21-1 and state agencies are not adhering to its intent. The committee recommends a complete rewrite of RSA 21-1 and incorporate it into HB 1622. **Vote 12-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1240-FN, establishing the position of state ethics officer. **MAJORITY: UOUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. A. Laurie Harding for the **Majority of Executive Departments and Administration**: This bill, as amended is supported by both the office of Secretary of State and Attorney General. This legislation creates an ethics office as an unofficial position assigned to the office of Secretary of State to serve in the role of being the "go-to" person about ethics questions for New Hampshire. The person in this position could have prevented some of the ethical problems that have occurred in the past 2 - 3 years. Legislators, department/agency executives, board/unions members and candidates for public office would have their questions answered in a timely, consistent and confidential fashion. The forms that we must file would be double checked assuming fewer instances of missed deadlines or improperly completed forms. Passage of HB 1240 is consistent with the priority audit the legislature is placing on ethical practice in state government. **Vote 18-2.**

Rep. Joshua K. Dexter for the **Minority of Executive Departments and Administration**: This is one of those soft and fuzzy bills we get that looks good to the public but has little, if any impact to the real world. However, there are some major unforeseen consequences that are not addressed by the bill. 1) There are no guidelines as to the qualifications to be the "state ethics officer". 2) The opinions of the "state ethics officer" shall NOT be authorized to render legal advice. 3) The "state ethics officer" has no power to enforce his own opinion. 4) The cost for this individual is somewhere between \$15,000yr - \$80,000yr. No one could answer the question. It was suggested to combine this bill with other bills dealing with ethics coming from both the house and senate. The minority, without success, tried to move this to interim study in an attempt to answer these questions.

HB 1729-FN, defining a body art practitioners. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Colborn for Executive Departments and Administration: This bill would establish the board of licensed body art practitioners and revises the laws regulating the practice of body piercing, branding and tattooing. The bill is well written, going into the detail necessary to properly establish a board of licensed body art practitioners. The committee did not feel that the work necessary to set up the board would result in significant improvement over how the profession is regulated today. **Vote 12-4.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1611-FN, relative to reimbursement for personal care services. **UGHT TO PASS WITH AMENDMENT**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill will authorize the Dept. of Health and Human Services to reimburse a parent who chooses or thought we most certainly recognize the tremendous emotional and financial commitment of parents to do this alone, we are understanding that not all parents can do this and need to help them maintain the integrity of their family. These children are already known to the system because of their special needs, and are receiving higher level waiver Medicaid services that at times may not be totally responsive to the needs of the family. Thus, this bill will allow for the continuity of services by shifting some of the already authorized monies to a mechanism of parental choice and support, overseen and evaluated by an independent entity. No reimbursement will be authorized to a parent until he or she is trained in any special care and until a quality-care plan is established and the mechanism of this process is adopted pursuant to RSA 551-A, and also reviewed and approved by the Legislative Oversight Committee of Health and Human Services. The committee, through much discussion and testimony, was concerned that this would help resolve some of the shortage of healthcare workers and this entire process has the support of the H.H.S. Commission, as we see this as the future with no additional cost to the department. As a matter of fact, the department sees this as a potential saving. This program is intended to ensure that the rules to ensure that the Health Committee this is the right thing at the right time. **Vote 17-0.**

HB 1713-FN, restricting the over-the-counter sale of pseudophedrine base and ephedrine base and establishing commission to study the feasibility of an electronic tracking system for sale of pseudophedrine base and ephedrine base drugs. **UGHT TO PASS WITH AMENDMENT**

Rep. Deborah J. Haganagan for Health, Human Services and Elderly Affairs: This bill, as amended, establishes restrictions on the sale of products containing pseudophedrine and ephedrine. These over-the-counter cold/allergy medications are the primary ingredient used in the manufacture of methamphetamine. Methamphetamine is a high addictive illegal drug that has been around for many years. The current methamphetamine is more lethal and addictive than any produced in history. Methamphetamine can be made from a wide variety of over-the-counter products. The manufacture of methamphetamine is dangerous and can result in explosions or fires. The manufacturing process, also known as a cook, produces toxic waste, which contaminates the area of manufacture as well as where the waste is dumped. New Hampshire has the highest incidence of clandestine labs of all New England states. Since January 1, 2005, 21 labs have been found in the state; in the previous 5 years a total of 17 labs were found. The amended bill allows a person to purchase 1 package, or 3 grams, of a single-entity pseudophedrine or ephedrine product, per transaction at a pharmacy, with photographic proof of being 18 years of age. In addition, this amended bill allows a person to purchase 2 single dose packages, per transaction [not more than 120mg of single entity pseudophedrine or ephedrine product, with photographic proof of being 18 years of age, at any retail establishment. A person wishing to purchase more than 1 package in a single transaction, at a pharmacy, may purchase up to 6 grams and is required to sign a written or electronic log maintained by the pharmacy. The log requires date and time of sale, amount of drug sold, the name and signature of the purchaser. The amended bill also requires all single entity pseudophedrine or ephedrine products to be kept behind the pharmacy counter or in a locked case where the public is not permitted. Other over-the-counter products that are sold in the line of sight of the public are not affected by this legislation. This bill also establishes a commission to study the feasibility of a statewide electronic log system for the tracking of illicit pseudophedrine and ephedrine purchases. Information from other states that have experienced severe problems with clandestine methamphetamine labs, experienced a reduction in methamphetamine labs by making it more difficult to purchase the pseudo ephedrine and ephedrine products. The committee unanimously agreed this bill, as amended, is a fair measured approach to limiting access to those who would use these medications to manufacture a very dangerous, illegal drug, and providing access to those who rely on those medications for relief of cold and allergy symptoms. **Vote 17-0.**

JUDICIARY

HB 1221-FN, relative to recovery of medical assistance from a decedent's estate. **UGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Berg for Judiciary: After the provisions of RSA 167 dealing with recovery of Medicaid assistance from the estate of a decedent recipient. However, it soon became evident to the Department of Health and Human Services that the particular section involved, RSA 167:14-a, V, was defective, in particular by not providing workable methods for calculating the value of a decedent's recoverable interest in property in which he held a life estate or property he held in joint tenancy with others. There were also concerns that the section, as passed, might inadvertently have constitutionally impaired the vested rights of remaindermen or surviving joint tenants. The committee amendment represents its best effort to clarify the methodology and address the constitutional issues of this section in the manner least disruptive to the department's revenue projections that have previously been made based upon it. **Vote 16-1.**

HB 1677-FN, relative to the annulment of the arrest record of a person found not guilty by a jury. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: This bill related to the annulment of the arrest record of a person who was denied employment in law enforcement several times because he had an arrest record that had been annulled when he was found not guilty of the accused crime. When prospective employers did background checks they were told that this individual had no record but there was something sealed in his file. This bill would do nothing to help that individual or anyone like him. The law already states that if a person is found not guilty or is not prosecuted, that person can obtain an annulment without having to pay the normal \$100.00 fee. The committee urges the sponsor to work on this issue again but with legislation that better fits the problem to be addressed. **Vote 18-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1703-FN, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees. **MAJORITY: UOUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

PUBLIC WORKS AND HIGHWAYS

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

Rep. Bernard L. Bann 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 GACTP process. If the City of Manchester wants this exit modified, 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**

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:3 is cited 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 for certain 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**

WAYS AND MEANS

CACR 88, 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 is an amendment to the Constitution of the State of New Hampshire by the insertion of four words, "and games of chance." Article 63 is the provision of the constitution 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 revenues 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 conflict level of legislators struggling with the reality of revenue needs against the perceived social 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 1473-FN, temporarily reducing the road toll. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vallantour 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 both 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 \$18,350,000 this fiscal year and \$38,700,000 next year. Local revenues would also be decreased, by \$2,322,000 and \$4,641,000 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 toll 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 trust some 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 1509-FN-LOCAL, reducing the rate of the business profits tax and repealing the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jaeger for Ways and Means: This bill would reduce the business profits 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 15
REGULAR CALENDAR – PART II

FINANCE

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow and bolt licenses. **UGHT TO PASS WITH AMENDMENT**

Rep. Kenneth Weyler for Finance: Fish and Game Department's main revenue source is the sale of hunting and fishing licenses. Although 68,000 currently buy annual licenses, there has been a decline in license sales in recent years. This bill proposes three new lifetime licenses in hopes of increasing revenue. The department sells a few thousand lifetime hunting licenses each year. Such basic license would be required in order to add on any of these proposed new lifetime licenses. The bill proposes new lifetime licenses for 1) bow and arrow, 2) muzzleloader, and 3) crossbow. Cost of lifetime licenses vary with applicant's age. Revenue goes to a pool where annual withdrawals go to the fish and game fund. In the past, increases in annual license fees have convinced some to buy the lifetime license. This proposal anticipates that these new opportunities for lifetime license will better serve hunters and improve the fish and game fund. **Vote 14-7**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1543, establishing a committee to study the effects of immigration on the social services system. **MAJORITY: UOUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James R. Mackay for the Majority of Health, Human Services and Elderly Affairs: The majority of the committee expanded the parameters of the study on immigration effects in New Hampshire to consider the positive and negative aspects of immigration on the human services system in New Hampshire. The intent is to consider immigration impact in the most comprehensive extent possible including on a state, county and local level. The committee felt that there is considerable expertise in the state to assist the study committee to reach a balanced, comprehensive and objective report. It is recognized that there are conflicting attitudes and concerns about the impact of immigration in New Hampshire. However, the majority of the committee supports a study that is constructive in its approach and open-minded as to the facts. In addition, the majority of the committee, and possibly the entire committee, strongly supports that the federal government fulfill its statutory responsibilities concerning the various issues for which it is responsible. A legislative study committee as defined in this bill representing knowledgeable standing committee can help to bring a factual, impartial, and constructive New Hampshire plan that identifies issues and solutions. **Vote 8-6**

Rep. Thomas E. Donovan, Jr. for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee, through supporting legislation to study the "effects of immigration," feels that whatever the results of this study, they will be interpreted as negative and as an additional burden to tax payers. By not considering all the positive contributions of a large segment of individuals in this country legally, especially in the economic, social and cultural areas the final inclusions will be quite negatively slanted. We recognize the various challenges to all systems with new populations of individuals. We are in hope that the federal government will also help support the state's regulations to these issues through a broad, open-minded approach also.

HB 1576, implementing the federal Law Enforcement Officers Safety Act of 2004. **INEXPEDIENT TO LEGISLATE**

Rep. Joan H. Schulte for Health, Human Services and Elderly Affairs: The committee voted against this bill because earlier it had voted to pass HB 1575 which addresses the need to provide enhanced awareness of education on methamphetamine to the citizens of New Hampshire and is more comprehensive. The Meth Watch project would be voluntary and provide the public with methamphetamine related education, information strategies for dealing with the program. The program outlined by HB 1575 may include information on prevention, methamphetamine use and abuse, and associated health conditions, treatment, and how to access services, endangerment of children and incapacitated persons, as well as first responders and others, dangers from methamphetamine labs, toxic waste, and resulting environmental hazards, methamphetamine and other drug laws and penalties, prevention strategies for schools to use. The Governor's Commission on Alcohol and Drug Abuse Prevention Intervention and treatment and implementation of a Meth Watch program. HB 1576 is more inclusive to all areas of methamphetamine awareness and education. **Vote 13-1**

HB 1578, to provide enhanced awareness of education on methamphetamine to the citizens of New Hampshire. **UGHT TO PASS WITH AMENDMENT**

Rep. Joy K. Tilson for Health, Human Services and Elderly Affairs: This is one of several bills designed to confront the methamphetamine menace that has ravaged many sections of the United States. Meth is short for methamphetamine, a seriously addictive drug that can lead to a variety of physical, neurological and psychological symptoms. It is truly unfortunate that there is evidence that "meth labs" are being detected in New Hampshire at a higher rate than other New England states. This bill outlines a public awareness, education, and prevention program. The committee believes that such a program is needed to confront this serious public health problem. These programs will be supported by the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment and the Department of Health and Human Services. This is one of several initiatives being brought forward based on the legislative cause on methamphetamine and the government leaders task force on methamphetamine. The committee was unanimous in support of this bill. **Vote 17-4**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1437, establishing a committee to study the effects of current state and federal laws and the possession and use of such drugs. **UGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This bill establishes a study committee to study the effects of current state and federal laws on illegal drugs and possession and use of drugs. The study committee will review the effects of current, state and federal drug laws from a financial and social perspective including the effects on state, county and local communities. **Vote 11-1**

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004. **UGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The U.S. Congress in 2004 passed the "Law Enforcement Officers Safety Act of 2004." Here are two major provisions (1) Allow active law enforcement officers nationwide to carry their secure weapons in any state. (2) Allow retired law enforcement officers that meet certain criteria to carry a concealed weapon nationwide and describes criteria under which states may verify these individuals as meeting the criteria of the law. The HB creates a training program for the new category of retired law enforcement officers including use of deadly force training. This legislation is necessary and in the best interest of New Hampshire law enforcement community and citizens of New Hampshire. **Vote 8-3**

HCR 24, urging the Department of Homeland Security to study New Hampshire's northern border and protection to our dan network. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The Homeland Security Department has ranked the Murphy Dam about 7000 on it's priority list. The safety of the dam is a very important and local issue. The committee felt that enhanced cooperation between Northern New England Governors would produce quicker and more effective solutions to confront the grave risks of loss of life and property in case of catastrophic failure, regardless of the cause. It has to be understood that a major dam failure in Maine could result in serious and long term damage in New Hampshire. **Vote 11-2**

HR 22, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II." **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: This U.S. Department of Justice Report was released in November 2001. The report provides both previously undisclosed information and cites footnotes for additional information. However, classified information is not included and in most cases this classified information will not be disclosed for some time. The report is available to anyone and, with the current information ages, readily available for promoting through the Internet. **Vote 7-3**

WAYS AND MEANS

HB 1319-FN-A, decreasing the rate of the tobacco tax. **INEXPEDIENT TO LEGISLATE**

Rep. Howie Land for Ways and Means: This bill would reduce the tax on a pack of cigarettes from the current rate of 80 cents to the old tax rate of 52 cents per pack. This proposed change would reduce state revenues an estimated \$43 million per year without offering a method for making up those funds. The cigarette tax is the fourth largest revenue stream in the state and 40 percent of the tax burden is borne by out of state citizens. Further, the committee felt that having just made a major change in this revenue stream just as it would not be logical to make another such one. Our historical state budget has incorporated the revenue produced by 80 cents in its revenue projection. **Vote 12-1**

HB 1693-FN-LOCAL, relative to funding an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Ways and Means: In June of last year, this Legislature overwhelmingly adopted HB 616 which set up a new education funding formula. In the seven months since the bill became law, towns have begun the process of adjusting to the new formula, and the majority of the committee believes this law is constitutional and will withstand the legal challenge it now faces. The majority believes that the education funding law needs time to work, let the communities adjust to and give the state some stabilizing. This bill would be detrimental to the state aim. This bill would not only create a new funding mechanism, it would also establish gambling as a revenue source and dedicate funds in several areas. The House voted just weeks ago on a gambling measure that failed nearly 2-1. The gambling revenues that this bill projects would be placed into a dedicated fund, funds with which the majority believes it should not be dealing with. This bill requires dedicating a significant amount of money into LCHHP while reducing the BTP and BBT with the assumption that 3,900 machines around the state will fully fund education, the above mentioned LCHHP funds and revenue losses. The majority believes that all expenses should be addressed in the same manner as all others, specifically, in the budget. **Vote 15-3**

LAID 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)

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 Genocide Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1420). (Pending question adoption of the committee report of Inexpedient to Legislate)

HOUSE BILL AMENDED BY THE SENATE

HB 1402, establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use, and establishing a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land. (House Concurred 2/20/06)

COMMITTEE OF CONCERN

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission. (Sens. Clegg, Boyce and Larsen; Reps. Whalley, O'Brien, O'Neil and Craig)

COMMITTEE MEETINGS

MONDAY, FEBRUARY 13

COMMISSION TO STUDY THE STATE PARK SYSTEM (SB 5, Chapter 276-1, Laws of 2005), Cannon Mountain, Franconia Notch State Park

10:30 a.m. Regular meeting.

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 8, Chapter 209-1, Laws of 2005), Room 308, LOB

10:00 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4, New Hampshire Historical Society, Tuck Library, 30 Park Street, Concord

9:00 a.m. Regular meeting.

STRATEGIC CAPITAL PLAN COMMITTEE (RSA 21-H:14-a), Room 307, LOB

1:00 p.m. Regular meeting.

CHILDREN AND FAMILY LAW, Room 206, LOB

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

COMMERCE, Room 302, LOB

8:00 a.m. Subcommittee work session on **HB 1232**, relative to services provided by manufacturers and distributors of beer to beer retailers.

9:00 a.m. Subcommittee work session on **HB 1232-FN**, including public officials under the real estate practice act.

9:30 a.m. Subcommittee work session on **HB 1265**, relative to public pooled risk management.

10:00 a.m. Subcommittee work session on **HB 1227**, 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 1255**, permitting the use of certain campers or recreational vehicles in manufactured housing parks.

11:15 a.m. Subcommittee work session on **HB 1108**, relative to notice before entry into a condominium unit.

11:45 a.m. Subcommittee work session on **HB 1126**, relative to licenses for first mortgage bankers and brokers.

12:15 p.m. Subcommittee work session on **HB 1432-FN**, relative to certain insurance claims.

1:00 p.m. **HB 1763**, relative to insurance records required for market conduct purposes.

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

2:00 p.m. Subcommittee work session on **HB 1276**, relative to automobile insurance.

2:15 p.m. Subcommittee work session on **HB 1291**, relative to automobile insurance coverage for drivers in the same household as the policyholder.

2:30 p.m. Subcommittee work session on **HB 1592-FN**, making certain changes in the insurance laws.

3:00 p.m. Subcommittee work session on **HB 1274**, relative to certain disclosures to the department of health and human services.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:15 a.m. Resolutions and definitions subcommittee work session on **HB 1692-FN**, establishing the New Hampshire sexual predators act. (Sections 13:27)

9:30 a.m. Subcommittee work session on **HB 1105**, relative to eyewitness identification procedures.

10:00 a.m. Subcommittee work session on **HB 1280**, establishing the New Hampshire forensic science oversight commission.

11:00 a.m. **HB 1749-FN**, relative to access to certain defense 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.

1:00 p.m. Subcommittee work session on **HB 1625**, establishing penalties for court-appointed advocates who fail to file reports which are required by the court and **HB 1729-FN**, implementing a "good time" sentence reduction system for inmates in the state prison system.

EDUCATION, Room 307, LOB

9:00 a.m. Subcommittee work session on **HB 1225**, relative to the safety of school bus stops.

10:00 a.m. **HB 1766**, relative to the duties of the state board of education concerning educating pupils on AIDS and venereal diseases.

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

ELECTION LAW, Room 308, LOB

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 1402**, relative to explanations of proposed constitutional amendments appearing on the ballot.

2:00 p.m. **HB 1532**, relative to electioneering.

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.	Subcommittee work session on HB 1251 , relative to the redemaking process.
10:00 a.m.	HB 642-FN-A , relative to the regulation of home inspectors.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.	
1:00 p.m.	Subcommittee work session on HB 1297 , prohibiting an agency from adopting rules over the objection of the joint legislative committee on administrative rules.
FINANCE, Rooms 210-211, LOB	
9:30 a.m.	HB 1249-FN-A-LOCAL , relative to state reimbursement for school breakfasts and making an appropriation therefor.
Full committee work and executive session on pending legislation.	
FINANCE - (DIVISION I), Room 212, LOB	
10:00 a.m.	Work session on pending legislation.
FINANCE - (DIVISION III), Room 209, LOB	
10:00 a.m.	Work session on pending legislation.
FISH AND GAME, Room 307, LOB	
10:00 a.m.	Executive session on HB 1262 , relative to hunting in the town of Bow, HB 1140 , establishing a committee to study the establishment and enforcement of protection zones for nesting loons, HB 1182-FN , relative to the recreational taking of lobster by scuba divers, HB 1241 , relative to the use of land for hunting, HB 1422-FN , relative to prorating the initial registration fee for off highway recreational vehicles, HB 1646-FN , relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear and HB 1747-FN , establishing a New Hampshire healthy tidal waters and shellfish protection program and fund and establishing fees.
HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB	
9:00 a.m.	Subcommittee work session on HB 1146 , establishing a committee to study the application of the patients' bill of rights to all licensed health practitioners and their facilities.
10:00 a.m.	Executive session on pending legislation, if needed.
JUDICIARY, Room 208, LOB	
9:00 a.m.	Rescheduled public hearing on HB 1240 , relative to references to "United States citizen" in the New Hampshire statutes.
9:30 a.m.	HB 1760-FN , relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the supreme court.
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 1329 , relative to voting procedures for local land use boards.
11:00 a.m.	HB 1242 , 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 1252 , 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.
3:00 p.m.	Rescheduled public hearing on HB 1266 , 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.	
RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB	
9:00 a.m.	Subcommittee work session on HB 1462-FN , relative to boating and water safety.
11:20 p.m.	Subcommittee work session on HB 1228 , relative to Portsmouth Brook and its watershed.
1:00 p.m.	Rescheduled subcommittee work session on HB 1317 , relative to the eradication of exotic aquatic weeds.
2:00 p.m.	Subcommittee work session on HB 1462-FN-LOCAL , placing a temporary moratorium on the issue of certain water permits.
SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB	
10:00 a.m.	Full committee work session on HB 1736 , relative to alternative regulation of small incumbent local exchange carriers.
10:30 a.m.	Full committee work session on HB 1568 , establishing a committee to study the siting and construction of industrial wind energy facilities.
11:00 a.m.	Full committee work session on HB 1735 , classifying biodiesel as a renewable energy source.
1:00 p.m.	Rescheduled executive session on pending legislation.
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.	
TRANSPORTATION, Room 203, LOB	
10:00 a.m.	Executive session on pending legislation.
WAYS AND MEANS, Room 202, LOB	
10:00 a.m.	Rescheduled subcommittee work session on HB 624-FN-A , relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.
11:00 a.m.	Executive session on pending legislation.
1:00 p.m.	Revenue estimates.
MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB	
Immediately following the House session, executive session on pending legislation.	
PUBLIC WORKS AND HIGHWAYS, Room 201, LOB	
During the Session lunch break HB 1526 , relative to bonds required from persons excavating or disturbing certain highways, if needed.	
COMMERCE, Room 302, LOB	
10:00 a.m.	Executive session on pending legislation.
CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB	
9:00 a.m.	Electronic monitoring and registration of sexual offender subcommittee work session on HB 1692-FN , establishing the New Hampshire sexual predators act. (Sections 1-12).
10:00 a.m.	Rescheduled public hearing on HB 624-FN , relative to penalties in certain health and health-related professions.
11:00 a.m.	Rescheduled public hearing on HB 1245 , 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	
9:00 a.m.	Subcommittee work session on HB 1294 , relative to determination of value of property in current use and HB 1620-LOCAL , relative to land use change taxes imposed for certain road construction on rights-of-way.
10:00 a.m.	Subcommittee work session on HB 1422 , establishing a committee to study secured landfills.
11:00 a.m.	Subcommittee work session on HB 1524 , relative to maintaining construction and demolition debris as a solid waste.
EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB	
9:00 a.m.	Executive session on pending legislation.
FINANCE, Rooms 210-211, LOB	
9:30 a.m.	Full committee work and executive session on pending legislation.
FINANCE - (DIVISION I), Room 212, LOB	
10:00 a.m.	Work session on HB 1697-FN , relative to certain state salaries.
HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB	
10:00 a.m.	Executive session on pending legislation, if needed.
JUDICIARY, Room 208, LOB	
9:00 a.m.	HB 1770 , requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records.
10:00 a.m.	HB 1729 , relative to liens for labor and materials.
11:00 a.m.	CACR 25 , 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 1123 , 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.	
LEGISLATIVE ADMINISTRATION, Room 104, LOB	
11:00 a.m.	Executive session on pending legislation.
MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB	
9:00 a.m.	Rescheduled public hearing on HB 1292 , relative to school budget committee membership.
9:30 a.m.	Rescheduled public hearing on HB 1487 , relative to marriage licenses.
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.
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 306, LOB (Please note room change.)	
10:00 a.m.	Executive session on pending legislation.
SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB	
10:00 a.m.	Executive session on pending legislation.
WAYS AND MEANS, Room 202, LOB	
10:00 a.m.	Rescheduled subcommittee work session on HB 678-FN , relative to the insurance premium tax.
ADMINISTRATIVE RULES (RSA 341-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.
ENVIRONMENT AND AGRICULTURE, Room 303, LOB	
9:00 a.m.	Rescheduled subcommittee work session on HB 1216 , relative to the sale of unpasteurized milk.
10:00 a.m.	Rescheduled subcommittee work session on HB 1111 , designating the pumpkin as the New Hampshire state fruit.
HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:12), Room 205, LOB	
10:00 a.m.	Regular meeting.

FRIDAY, FEBRUARY 17

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.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB
10:00 a.m. Subcommittee work session on *HB 1144*, establishing a committee to study the administration and jurisdiction of the council on resources and development.

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J-2), Room 201, LOB
3:00 p.m. Regular meeting.

COMMERCE, Room 302, LOB
8:30 a.m. Subcommittee work session on *HB 1112*, relative to disclosure of appeals processes under insurance policies and *HB 1488*, establishing a committee to study regulation of employers' self-insured group health plans.
9:00 a.m. Subcommittee work session on *HB 1452-FN*, requiring insurance coverage for the cost of testing for bone marrow donation.
10:30 a.m. Subcommittee work session on *HB 1107*, relative to requirements for commercial construction contracts.
11:00 a.m. Subcommittee work session on *HB 1192*, relative to property and casualty insurance.
1:00 p.m. Subcommittee work session on *HB 1298*, relative to the compensation paid to directors or officers of a charitable trust and *HB 1512*, requiring legislative approval for changes to the purpose of a special corporation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB
10:00 a.m. *HB 1420-FN*, prohibiting remote control and Internet hunting.
10:30 a.m. Rescheduled executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 307, LOB (Please note room change.)
9:30 a.m. Subcommittee work session on *HB 1122*, requiring equestrian helmets for first-time riders.
10:15 a.m. Subcommittee work session on *HB 1130*, relative to the definition of necessary shelter for dogs.
11:15 a.m. Subcommittee work session on *HB 1294-FN*, relative to eligibility of an owner of a dog or cat to participate in the animal population control program.

Room 303, LOB
11:45 a.m. Subcommittee work session on *HB 1479*, relative to debris and solid waste removal at manufactured housing parks.
1:00 p.m. Subcommittee work session on *HB 1274*, establishing a commission to study ways to encourage the proper recycling and disposal of green trap wastes and to determine ways to develop additional disposal capacity.
2:00 p.m. Subcommittee work session on *HB 1241*, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
10:00 a.m. Executive session on pending legislation.

FEASIBILITY OF DEVELOPING A MATERIALS RESOURCE AND RECOVERY FACILITY IN SULLIVAN COUNTY (HB 283, Chapter 265:1, Laws of 2005), Sugar River Technical Center, Newport
7:00 p.m. Presentation by DES on "Pay as You Throw."

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. Executive session on pending legislation.

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. Executive session on pending legislation.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB
10:00 a.m. Executive session on pending legislation.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, 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.

COMMERCE, Room 302, LOB
10:00 a.m. Executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB
10:00 a.m. *HB 1706-FN*, requiring certain persons to have Transportation Security Administration training and certification to provide airport security support in emergency situations.
10:30 a.m. Rescheduled executive session on pending legislation.

EDUCATION, Room 207, LOB
10:00 a.m. Executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB
8:30 a.m. Executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
9:00 a.m. Executive session on pending legislation, if needed.

JUDICIARY, Room 208, LOB
10:00 a.m. Executive session on pending legislation, if needed.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB
10:00 a.m. Executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB
9:30 a.m. Executive session on pending legislation, if needed.

COMMERCE, Room 302, LOB
9:00 a.m. Executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB
9:00 a.m. Executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
9:00 a.m. Executive session on pending legislation, if needed.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB
10:00 a.m. Executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB
10:15 a.m. Executive session on pending legislation, if needed.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB
9:00 a.m. Executive session on pending legislation.

ASSESSING STANDARDS BOARD (RSA 21-J-14-a), Department of Revenue Administration Training Room, 45 Cheneil 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 30, 2005.

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 202, LOB
10:00 a.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House
3:30 p.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:1), Room 305, LOB
9:00 a.m. Regular meeting.

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306, LOB
9:00 a.m. Continued regular meeting.

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.

NB-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Senate Conference Room
10:00 a.m. Regular meeting.

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306, LOB
9:00 a.m. Regular meeting.

ASSESSING STANDARDS BOARD (RSA 21-J-14-a), Department of Revenue Administration, Training Room, 45 Cheneil Drive, Concord
9:30 a.m. Regular meeting.

PERMISSIBLE FIREWORKS REVIEW COMMITTEE (RSA 160-C:13), Room 204, LOB
10:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 21

WEDNESDAY, FEBRUARY 22

THURSDAY, FEBRUARY 23

FRIDAY, FEBRUARY 24

MONDAY, MARCH 6

FRIDAY, MARCH 10

MONDAY, MARCH 13

MONDAY, MARCH 20

FRIDAY, MARCH 24

MONDAY, MARCH 27

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on **February 21** at 7:00 p.m. at the Belknap County Complex to finalize the budget.
Rep. John H. Thomas, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Delegation will meet on Monday, **March 20** from 5:00 p.m. to 6:15 p.m. The Merrimack County Farm Bureau will serve a light dinner for the Merrimack County Delegation members at the Merrimack County Offices, 4 Court Street, Lower Level Conference Room. This will be followed by a Delegation meeting. The public hearing will begin at 6:30 p.m. with the Delegation meeting beginning at 7:00 p.m. The purpose of this meeting is to review and approve the 2006 proposed County Budget.

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

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

Sullivan County Delegation will meet on Friday, **February 17** at 9:00 a.m. in the Ahern Building of the County Complex in Unity, to take up important business. This will be immediately followed by a meeting of the Delegation's Executive Finance Committee.
Rep. John R. Cloutier, Chairman
Sullivan County Delegation

NOTICE

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

The bloodmobile will be stationed here on Thursday, **March 9** from 9:00 a.m. to 3:00 p.m. The Blood Drive is sponsored by the American Red Cross. Please mark your calendars. Appointments will be scheduled so that you won't have to wait. Further details will follow.
Jeanne Berube, RN and Dianne Berquist, RN

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 100, 234, 349, 489, 515, 634, 649, 653, 669, 688, 690, 716, 718, 1474, 1514, 1515, 1661, 1670, 1671, 1676, 1677, 1691, 1692, 1693, 1694, 1695, 1697, 1698, 1699, 1701, 1702, 1704, 1708, 1709, 1711, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1722, 1723, 1724, 1726, 1725, 1727, 1728, 1730, 1731, 1732, 1734, 1735, 1741, 1742, 1745, 1746. SBs 262, 271.
Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:10-a,IV, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **March 6** at 6:00 p.m.
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.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

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

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

All House and Senate members, and the public are invited to hear Chief Garrett Chamberlain, police chief for the town of New Ipswich, at 12 noon on **February 21** in Representatives Hall. Chief Chamberlain will be discussing his experiences regarding illegal immigration.
Rep. Michael Balboni

The Greater Manchester Federated Republican Women are hosting a dinner meeting on Wednesday, **February 22** at the Lantern in Manchester from 6:30 to 9:00 p.m. Guest Speaker will be Secretary of State, William Gardner. Tickets are \$25. Please contact Gail Barry at 625-8174 or e-mail presidentgmfrw.org.
Rep. J. Gail Barry

The New Hampshire Society of Professional Engineers (NHSPE) has renamed its annual scholarship program as the John Alger Memorial Scholarship in honor of former Representative John Alger, P.E. This is an excellent program supporting in-state students who are pursuing careers in the engineering profession. Members who would like to support this program and honor John should contact Matthew Low at mlow@hta-nh.com or visit the NHSPE website nhspes.org. John's achievements and his family will be recognized at the New Hampshire Engineers Week Banquet at The Center of New Hampshire on **February 23**. Members interested in attending, and hearing Wally Stickney, former Director of FEMA and former Commissioner of NHDOT present "Mother Nature is Not a Terrorist", should contact Cecile Baldassara at 617-8700 x200 or chaldassara@dfceng.com.
Rep. Franklin T. Tilton

Ann Weaver, President, University of New Hampshire would like to invite House members to celebrate the progress of Kingsbury Hall (Phase I), made possible by Knowledge Economy Education Plan (KEEP) funding. The event will take place on Friday, **February 24** from 11:30 a.m. to 2:00 p.m. at Kingsbury Hall, UNH. **Please RSVP** by February 17 by registering online at <http://eventreg.unh.edu> or by calling Sally Gerrish at 862-1461. Transportation will be available at the State House for those who wish to travel to Durham from Concord.

Rep. Marjorie K. Smith

All General Court members are cordially invited to attend a presentation on **February 28th** from 4:30-5:30 p.m. at the Cheshire Medical Center in Keene (North Building, Conference Rooms 1&2) entitled "An Overview of Birth Outcomes in NH." The presenter is David Laffamme, PhD, MPH, Maternal and Child Health Epidemiologist, State of NH DHHS and Research Assistant Professor, University of New Hampshire. This lecture will review: major birth outcome categories (such as birth weight and gestation), overall trends of birth outcomes in NH, sub-population trends of birth outcomes in NH; and identify the major contributors to low birth weight in NH. This presentation is part of 2005-2006 Public Health Grand Round series co-sponsored by the University of New Hampshire's Masters in Public Health Program, the NH Public Health Association and Cheshire Medical Center. To register for this event, please call or email Chris Hamann by February 24 at 862-2733 or chris.hamann@sunh.edu.

Rep. James Pilioid

The School Nutrition Association of New Hampshire in partnership with the NH Great Bay Chapter of the American Culinary Federation, invites all Senators and Representatives to **BREAKFAST FIRST**. Learn more about what is happening in you local district and enjoy breakfast offerings at the same time. Thursday, **March 9** from 8:30 a.m. to 10:00 a.m. at the Tuck Library. RSVP is not necessary. We hope to see you all there.
Rep. Nancy Stiles

President Don Wharton would like to invite all members of the General Court and staff to a Legislative Reception hosted by Plymouth State University on Wednesday, **March 22**. The event will be held at the New Hampshire Historical Society, Tuck Library, 30 Park Street, Concord at 4:00 p.m. or whenever session ends.
Reps. Debra A. Naro and Mary R. Conroy

STATE HOUSE VISITATION SCHEDULE
2005 & 2006 SCHOOL YEAR

DATE		TIME	GROUP	Grade/Size
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. Barks School - Derry	4/60
Feb. 15	9:30/11:00	SH/HM	Interlakes School - Meredith	4/83
Feb. 16	9:45/11:00	SH/Menase	Louisa Elementary School	4/60
Feb. 16	1:30		NH City & Town Clerks Assoc	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 SHS/C	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.

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WEDNESDAY, FEBRUARY 15
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

Amendment to HB 254-FN
Proposed by the Committee on Finance - R

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

AN ACT establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses.

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

I. New Section: Fish and Game: Lifetime Licenses for Bow, Muzzleloader, and Crossbow. Amend RSA 214 by inserting after section 9-c the following new section:

214-9-c. Lifetime Licenses for Bow and Arrow, Muzzleloader, and Crossbow.

I. (b) The executive director, at the department of fish and game headquarters only, shall issue lifetime bow and arrow, muzzle loading firearm, and crossbow licenses for each type of game taken similar to that issued on an annual basis under RSA 208:3, RSA 208:5-a, or RSA 208:7-a, respectively, to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II. Lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be issued only to residents who would be eligible to purchase annual licenses of the same type.

II. In addition, the executive director may issue lifetime licenses under this section to any lifetime under 16 years of age. The parent or legal guardian of the applicant shall be a resident pursuant to RSA 207:1, XXIII. The bow and arrow, muzzle-loading firearm, and crossbow licenses shall not be valid until the licensee has met all requirements for the issuance of such license. Upon meeting the requirements of RSA 214:23-a, the licensee shall have the license validated at the fish and game department headquarters only.

III. The executive director shall obtain an actuarial table based on an appropriate annuity from the commissioner of insurance and shall set the fee for the various licenses annually on July 15 of each year for the following year based on the age of the applicant. The fee for any applicant under 16 years of age shall be the same as the fee for a 16-year-old applicant. In addition the applicant shall pay the agent's fee in accordance with RSA 214:15, I.

IV. Notwithstanding any other provision of law, the moneys received from the sale of such lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be deposited with the state treasurer who shall keep the same in the prepaid fish and game license fund. The state treasurer shall annually transfer to the fish and game fund from the prepaid fish and game license fund an amount equal to 9 percent of the portion of the principal balance in the fund each year attributed to lifetime bow and arrow, muzzle loading firearm, and crossbow licenses, and any interest that accrues to such portion of the prepaid fish and game license fund in excess of 5 percent.

V. In addition, the state treasurer shall pay the amount of one annual license fee to the fish and game fund from the proceeds of each lifetime bow and arrow, muzzle loading firearm, and crossbow license sold during the current year, the balance going into the prepaid fish and game license fund and state treasurer fund.

VI. Licenses issued pursuant to this section shall entitle the holder thereof to the same privileges and subject the licensee to the same restrictions as a holder of an annual license.

VII. The executive director shall, if necessary, adopt rules, pursuant to RSA 541-A, relative to the issuance and validation of the lifetime licenses.

2 Prepaid Fish and Game License Fund. Reference Added. Amend RSA 6:12, I(b)(3) to read as follows:

(b3) Moneys deposited in the prepaid fish and game license fund under RSA 214:9-c, IV and RSA 214-9-c, IV.

3 Wildlife Habitat Stamp: Exception. Amend RSA 214:14, I to read as follows:

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp or license under RSA 214:9, XV, for the same period. If a stamp is issued it shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp or license provided that, while so doing, the person is accompanied by an adult who has procured such stamp or license. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214-9-c or RSA 214-9-cc that was purchased in a prior calendar year.

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

This bill establishes lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses which may be purchased by qualified residents.

AMENDED ANALYSIS

2005-0074h

Amendment to HB 317-FN
Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT relative to mooring fees.

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

I. Mooring of Boats on Public Waters; Annual Mooring Fee. Amend RSA 270:62, V to read as follows:

V. A fee of ***\$125*** shall be charged for each initial *deal* issued pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a. An annual mooring fee of ~~(\$85)~~ ***\$50*** shall be charged for each ~~deal~~ ~~renewed~~ pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

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

This bill increases mooring fees.

AMENDED ANALYSIS

2006-0124h

Amendment to HB 656-FN
Proposed by the Majority of the Committee on Judiciary - R

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

I. Medical Decision Making for Adults Without Capacity to Make Health Care Decisions for Themselves. RSA 137-1 is repealed and reenacted to read as follows:

CHAPTER 137-J
MEDICAL DECISION MAKING FOR ADULTS
WITHOUT CAPACITY TO MAKE HEALTH CARE DECISIONS

137-J:1. Purpose and Policy.

I. The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care. In order that the rights of persons may be respected even after such persons lack the capacity to make health care decisions for themselves, and to encourage communication between patients and their attending physicians or ARNPs, the general court declares that the laws of this state shall recognize the right of a competent person to make a written declaration:

(a) Delegating to an agent the authority to make health care decisions on the person's behalf, in the event such persons are unable to make those decisions for himself or herself, either due to permanent or temporary lack of capacity to make health care decisions;

(b) Instructing his or her attending physician or ARNP to provide, withhold, or withdraw life-sustaining treatment, in the event such person is near death or is permanently unconscious.

II. All persons have a right to make health care decisions, including the right to refuse cardiopulmonary resuscitation. It is the purpose of the "Do Not Resuscitate" provisions of this chapter to ensure that the right of a person to self-determination relating to cardiopulmonary resuscitation is protected, and to give direction to emergency services personnel and other health care providers in regard to the performance of cardiopulmonary resuscitation.

137-J:2 Definitions. In this chapter:

I. "Advance directive" means a document allowing a person to give directions about future medical care or to designate another person to make medical decisions if he or she should lose the capacity to make health care decisions. The term "advance directives" shall include living wills and durable powers of attorney for health care.

II. "Advanced registered nurse practitioner" or "ARNP" means a registered nurse who is licensed in good standing in the state of New Hampshire as having specialized clinical qualifications as provided in RSA 326-B:10.

III. "Agent" means an adult to whom authority to make health care decisions is delegated under an advance directive.

IV. "Attending physician or ARNP" means the physician or advanced registered nurse practitioner, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient. If more than one physician or advanced registered nurse practitioner shares that responsibility, any one of those physicians or advanced registered nurse practitioners may act as the attending physician or ARNP under the provisions of this chapter.

V. "Capacity to make health care decisions" means the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care.

VI. "Cardiopulmonary resuscitation" means those measures used to restore or support cardiac or respiratory function in the event of a cardiac or respiratory arrest.

VII. "Commissioner" means the commissioner of the department of health and humans services.

VIII. "Do not resuscitate identification" means a standardized identification necktie, bracelet, card, or written medical order that signifies that a "Do Not Resuscitate Order" has been issued for the principal.

IX. "Do not resuscitate order" or "DNR order" (also known as "Do not attempt resuscitation order" or "DNAR order") means an order that, in the event of an actual or imminent cardiac or respiratory arrest, chest compression and ventricular defibrillation will not be performed, the patient will not be intubated or manually ventilated, and there will be no administration of resuscitation drugs.

X. "Durable power of attorney for health care" means a document delegating to an agent the authority to make health care decisions executed in accordance with the provisions of this chapter. It shall not mean forms routinely provided for admissions and consent to treatment.

XI. "Emergency services personnel" means paid or volunteer firefighters, law-enforcement officers, emergency medical technicians, paramedics or other emergency services personnel, providers, or entities acting within the usual course of their professions.

XII. "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to any type of health care, treatment, admission to a health care facility, any service or procedure to maintain, diagnose, or treat an individual's physical or mental condition except as prohibited in this chapter or otherwise by law.

XIII. "Health care provider" means an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer health care, for profit or otherwise, in the ordinary course of business or professional practice.

XIV. "Life-sustaining treatment" means any medical procedures or interventions which utilize mechanical or other medically administered means to sustain, restore, or supplant a vital function which, in the written judgment of the attending physician or ARNP, would serve only to artificially postpone the moment of death, and where the person is near death or is permanently unconscious. "Life-sustaining treatment" includes, but is not limited to, the following: mechanical respiration, kidney dialysis or the use of other external mechanical or technological devices. Life-sustaining treatment may include drugs to maintain blood pressure, blood transfusions, and antibiotics. "Life-sustaining treatment" shall not include the administration of medication, natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide comfort or to alleviate pain.

XV. "Living will" means a document which, when duly executed, contains the express direction that no life-sustaining treatment shall be given when the person executing said document has been diagnosed and certified in writing by the attending physician or ARNP to be near death or permanently unconscious, without hope of recovery from such condition and is unable to actively participate in the decision-making process.

XVI. "Medically administered nutrition and hydration" means intravenous feeding or hydration, and hyperalimentation. It shall not include the natural ingestion of food or fluids by eating and drinking.

XVII. "Near death" means an incurable condition caused by injury, disease, or illness which is such that death is imminent and the application of life-sustaining treatment would, to a reasonable degree of medical certainty, as determined by 2 physicians or a physician and an ARNP, only postpone the moment of death.

XVIII. "Permanently unconscious" means a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent as determined by an appropriate neurological assessment by a physician in consultation with the attending physician or an appropriate neurological assessment by a physician in consultation with an ARNP.

XIX. "Physician" means a medical doctor licensed in good standing to practice in the state of New Hampshire pursuant to RSA 329.

XX. "Principal" means a person 18 years of age or older who has executed an advance directive pursuant to the provisions of this chapter.

XXI. "Reasonable degree of medical certainty" means a medical judgment that is made by a physician or ARNP who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

XXII. "Residential care provider" means a "facility" as defined in RSA 161-F:11, IV, a "nursing home" as defined in RSA 151-A:1, IV, or any individual or facility licensed, certified, or otherwise authorized or permitted by law to operate, for profit or otherwise, a residential care facility for adults, including but not limited to those operating pursuant to RSA 420-D.

XXIII. "Witness" means a person 18 years or older who is present when the principal signs an advance directive.

137-J:3 Freedom From Interference.

I. No health care provider or residential care provider, and no health care service plan, insurer issuing disability insurance, self-insured employer welfare benefit plan, or nonprofit hospital service plan shall charge a person a different rate because of the existence or non-existence of an advance directive or do not resuscitate order, or require any person to execute an advance directive or require the issuance of a do not resuscitate order as a condition of admission to a hospital, nursing home, or residential care home, or as a condition of being insured for, or receiving, health or residential care services. Health or residential care services shall not be refused because a person is known to have executed an advance directive or have a do not resuscitate order.

II. The execution of an advance directive or issuance of a do not resuscitate order pursuant to this chapter shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired, modified or invalidated in any manner by the withholding or withdrawal of life-sustaining treatment from an insured person notwithstanding any term of the policy to the contrary.

137-J:4 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect any other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Advance Directives

137-J:5 Scope and Duration of Agent's Authority.

I. Subject to the provisions of this chapter and any express limitations set forth by the principal in an advance directive, the agent shall have the authority to make any and all health care decisions on the principal's behalf that the principal could make.

II. An agent's authority under an advance directive shall be in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician or ARNP, and filed with the name of the agent in the principal's medical record. When and if the principal regains capacity to make health care decisions, such event shall be certified in writing by the principal's attending physician or ARNP, noted in the principal's medical record, the agent's authority shall terminate, and the authority to make health care decisions shall revert to the principal.

III. If the principal has no attending physician or ARNP for reasons based on the principal's religious or moral beliefs as specified in his or her advance directive, the advance directive may include a provision that a person designated by the principal in the advance directive may certify in writing, acknowledged before a notary or justice of the peace, as to the lack of decisional capacity of the principal. The person so designated by the principal shall not be the agent, or a person ineligible to be the agent.

IV. The principal's attending physician or ARNP shall make reasonable efforts to inform the principal of any proposed treatment, or of any proposal to withdraw or withhold treatment. Notwithstanding that an advance directive is in effect and irrespective of the principal's lack of capacity to make health care decisions at the time, treatment may not be given to or withheld from the principal over the principal's objection.

- V. Nothing in this chapter shall be construed to give an agent authority to:
- (a) Consent to voluntary admission to any state institution;
 - (b) Consent to a voluntary sterilization; or
 - (c) Consent to withholding life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.
- 137-1.6 Requirement to Act in Accordance with the Principal's Wishes and Best Interests. After consultation with the attending physician or ARNP and other health care providers, the agent shall make health care decisions in accordance with the agent's knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's assessment of the principal's best interests and in accordance with accepted medical practice.
- 137-1.7 Provider's Responsibilities.
- I. A principal's health care provider or residential care provider, and employees thereof, having knowledge of the principal's advance directive shall be bound to follow the directives of the principal's designated agent to the extent they are consistent with this chapter and the advance directive, and to the extent they are within the bounds of responsible medical practice.
 - (a) An attending physician or ARNP, or other health care provider or residential care provider, who is requested to do so by the principal shall make the principal's advance directive or a copy of such document a part of the principal's medical record.
 - (b) Any person having in his or her possession a duly executed advance directive or a revocation thereof, if it becomes known to that person that the principal executing the same is in such circumstances that the terms of the advance directive might become applicable, shall forthwith deliver the same to the health care provider or residential care provider with which the principal is a patient.
 - II. A principal's health care provider or residential care provider who is aware of the principal's execution of an advance directive shall, as appropriate to the principal's medical condition and without delay, take the necessary steps to provide for written verification of the principal's lack of capacity to make health care decisions, and/or near death or permanently unconscious condition, as applicable, so that the principal's agent may be authorized to act pursuant to this chapter.
- 137-1.8 Prior to the agent making a health care decision for the principal, the principal's health care provider or residential care provider shall provide the agent with the following information regarding the agent's responsibilities:
- (a) The agent shall act, at all times, make health care decisions that are consistent with what the principal would have wanted, if reasonably known, had the principal had the capacity to make health care decisions.
 - (b) If the principal's wishes cannot be ascertained, the agent shall, in consultation with the attending physician or ARNP, make health care decisions that are in the best interest of the principal, which may include withholding or withdrawing treatment.
 - (c) The agent shall be informed by the principal's attending physician or ARNP regarding any health care decision the agent makes for the principal, and the agent shall consider the nature and consequences, including the risks, benefits and reasonable alternatives of that health care decision.
- 137-1.9 IV. When the direction of an agent requires an act or omission contrary to the moral or ethical principles or other standards of a health care provider or residential care provider of which the principal is a patient or resident, the health care provider shall allow for the transfer of the principal and the appropriate medical records to another health care provider chosen by the principal or by the agent and shall incur no liability for its refusal to carry out the terms of the direction by the agent; provided, that, the health care provider or residential care provider shall inform the agent of its decision not to participate in such an act or omission.
- 137-1.8 Restrictions on Who May Act as Agent. A person may not exercise the authority of agent while serving in one of the following capacities:
- I. The principal's health care provider or residential care provider.
 - II. A narrative of the principal who is an employee of the principal's health care provider or residential care provider.
- 137-1.9 Confidentiality and Access to Protected Health Information.
- I. Health care providers, residential care providers, and persons acting for such providers or under their control, shall be authorized to:
 - (a) Communicate to an agent any medical information about the principal, if the principal lacks the capacity to make health care decisions, necessary for the purpose of assisting the agent in making health care decisions on the principal's behalf.
 - (b) Provide copies of the principal's advance directives as necessary to facilitate treatment of the principal.
 - II. Subject to any limitations set forth in the advance directives by the principal, an agent whose authority is in effect shall be authorized, for the purpose of making health care decisions, to:
 - (a) Request, review, and receive any information, oral or written, regarding the principal's physical or mental health, including, but not limited to, medical and hospital records.
 - (b) Execute any releases or other documents which may be required in order to obtain such medical information.
 - (c) Consent to the disclosure of such medical information.
- 137-1.10 Withholding or Withdrawal of Life-Sustaining Treatment.
- I. In the event a health care decision to withhold or withdraw life-sustaining treatment, including medically administered nutrition and hydration, is to be made by an agent, and the principal has not executed the "Living Will" component of the advance directive document, the following additional conditions shall apply:
 - (a) The principal's attending physician or ARNP shall certify in writing that the principal lacks the capacity to make health care decisions.
 - (b) Two physicians or a physician and an ARNP shall certify in writing that the principal is near death or is permanently unconscious.
 - (c) Notwithstanding the capacity of an agent to act, the agent shall make a good faith effort to explore all avenues reasonably available to decrease the desires of the principal including, but not limited to, the principal's advance directive, the principal's written or spoken expressions of wishes, and the principal's known religious or moral beliefs.
 - II. The withholding or withdrawal of life-sustaining treatment pursuant to the provisions of this chapter shall at no time be construed as a suicide or murder for any legal purpose. Nothing in this chapter shall be construed to constitute, condone, authorize, or approve suicide, assisted suicide, mercy killing, or euthanasia, or permit any affirmative or deliberate act or omission to end one's own life or to end the life of another other than to permit the natural process of dying of those near death or in a permanently unconscious condition as provided in this chapter. The withholding or withdrawal of life-sustaining treatment in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the principal's condition.
 - III. Nothing in this chapter shall be construed to condone, authorize, or approve:
 - (a) The withholding of life-sustaining treatment from or to permit any affirmative or deliberate act or omission to end the life of a pregnant woman by an attending physician or ARNP when such attending physician or ARNP has knowledge of the woman's pregnant condition, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.
 - (b) The arbitrary withholding or withdrawing of medically inappropriate treatment from mentally incompetent or developmentally disabled persons.
 - IV. Nothing in this chapter shall impair or supersede any other legal right or responsibility which any person may have to effect life-sustaining treatment in any lawful manner.
- 137-1.11 Use of Statutory Forms.
- I. Every person wishing to execute an advance directive shall be provided with a disclosure statement substantially in the form set forth in RSA 137-1.18 prior to execution. The principal shall be required to sign a statement acknowledging that he or she has received the disclosure statement and has read and understands its contents.
 - II. An advance directive executed on or after the effective date of this chapter shall be substantially in the form set forth in RSA 137-1.19.
 - III. Medically administered nutrition and hydration shall not be withdrawn or withheld under an advance directive unless there is a clear expression of such power in the document.
- 137-1.14 Execution and Witnesses.
- I. The advance directive shall be signed by the principal in the presence of either the following:
 - (a) Two or more subscribing witnesses, neither of whom shall, at the time of execution, be the agent, the principal's spouse or heir at law, or a person entitled to any part of the estate of the principal upon death of the principal under a will, trust, or other testamentary instrument or deed in existence or by operation of law, or attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP. No more than one such witness may be the principal's health care provider or residential care provider or such provider's employee. The witnesses shall affirm that the principal appeared to be of sound mind and free from duress at the time the advance directive was signed and that the principal affirmed that he or she was aware of the nature of the document and signed it freely and voluntarily; or
 - (b) A notary public or justice of the peace, who shall acknowledge the principal's signature pursuant to the provisions of RSA 456 or RSA 456-A.
 - II. If the principal is physically unable to sign, the advance directive may be signed by the principal's name written by some other person in the principal's presence and at the principal's express direction.
- 137-1.15 Revocation.
- I. An advance directive consistent with the provisions of this chapter shall be revoked:
 - (a) By written revocation delivered to the agent or to a health care provider or residential care provider expressing the principal's intent to revoke, signed, and dated by the principal; by oral revocation in the presence of 2 or more witnesses, none of whom shall be the principal's spouse or heir at law; or by any other act evidencing a specific intent to revoke the power, such as by burning, tearing, or obliterating the same or causing the same to be done by some other person at the principal's direction and in the principal's presence;
 - (b) By execution by the principal of a subsequent advance directive;
 - (c) By the filing of an action for divorce, legal separation, annulment or protective order, where both the agent and the principal are parties to such action, except when there is an alternate agent designated, in which case the designation of the primary agent shall be revoked and the alternate designation shall become effective. Re-execution or written re-affirmation of the advance directive following a filing of an action for divorce, legal separation, annulment or protective order shall make effective the original designation of the primary agent under the advance directive; or
 - (d) By a determination by a court under RSA 5067 that the agent's authority has been revoked.
 - II. A principal's health or residential care provider who is informed of or provided with a revocation of an advance directive shall immediately record the revocation, and the time and date when he or she received the revocation, in the principal's medical record and notify the agent, the attending physician or ARNP, and staff responsible for the principal's care of the revocation. An agent who becomes aware of such revocation shall inform the principal's health or residential care provider of such revocation. Revocation shall become effective upon communication to the attending physician or ARNP.
 - 137-1.16 Documents from Other States. Documents Executed Prior to Execution. Nothing in this chapter limits the enforceability of a durable power of attorney for health care or living will or similar instrument validly executed under prior New Hampshire law or in another state or jurisdiction in compliance with the law of that state or jurisdiction. However, any exercise of power under such a previously valid or foreign advance directive or similar instrument shall be restricted by and in compliance with the requirements of this chapter and the laws of the state of New Hampshire.
 - 137-1.17 Naming of Multiple Agents. If the principal lists more than one person as the agent in a durable power of attorney for health care document, the agents shall have authority in priority of the order in which their names are listed on the document, unless the method of joint agency is expressly included.
 - 137-1.18 Durable Power of Attorney. Disclosure Statement. The disclosure statement which must accompany a durable power of attorney for health care shall be in substantially the following form:

INFORMATION CONCERNING THE DURABLE POWER OF
ATTORNEY FOR HEALTH CARE THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING IT, YOU SHOULD
KNOW THESE IMPORTANT FACTS:

Except if you say otherwise in the document, this document gives the person you name as your health care agent the power to make any and all health care decisions for you when you lack the capacity to make health care decisions for yourself (in other words, you no longer have the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care). "Health care" means any treatment, service or procedure to maintain, diagnose, or treat your physical or mental condition. Your health care agent, therefore, will have the power to make a wide range of health care decisions for you. Your health care agent may consent (in other words, give permission), refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment. Your health care agent cannot consent to or direct any of the following: sterilization, abortion, sterilization, or termination of treatment if you are pregnant; or the withdrawal of treatment if treatment is deemed likely to terminate the pregnancy, unless the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

If you may explain in this document any treatment you do not want, or any treatment you want to be sure you receive. Your health care agent's power will begin when your doctor certifies that you lack the capacity to make health care decisions (in other words, that you are not able to make health care decisions). If for moral or religious reasons you do not want to be treated by a doctor or to be examined by a doctor to certify that you lack capacity, you must say so in the document and you must name someone who can certify your lack of capacity. That person cannot be your health care agent or alternate health care agent or any person who is not eligible to be your health care agent. You may attach additional pages to the document if you need more space to state your wishes.

If you want to give your health care agent power to withhold or withdraw medically administered nutrition and hydration, you must. Otherwise your health care agent will not be able to direct that. Under no conditions will your health care agent be able to direct the withholding of food and drink that you are able to eat and drink normally.

Your health care agent shall be guided by your written instructions in this document when making decisions for you. Unless you state otherwise in the document, your agent will have the same power to make decisions about your health care as you would have had, if those decisions by your health care agent are made consistent with state law.

It is important that you discuss this document with your doctor or other health care providers before you sign it, to make sure that you understand the nature and range of decisions which could be made for you by your health care agent. If you do not have a health care provider, you should talk with someone else who is knowledgeable about these issues and can answer your questions. Check with your community hospital or hospice for trained staff. You do not need a lawyer's assistance to complete this document, but health care providers and lawyers can help you.

The person you choose as your health care agent should be someone you know and trust, and he or she must be at least 18 years old. If you choose your health or residential care provider (such as your doctor, advanced registered nurse practitioner, or an employee of a hospital, nursing home, home health agency, or residential care home, other than a relative), that person will have to choose between acting as your health care agent or as your health or residential care provider, because the law does not allow a person to do both at the same time.

You should consider choosing an alternate health care agent, in case your health care agent is unwilling, unable, unavailable or not eligible to act as your health care agent. Any alternate health care agent you choose will then have the same authority to make health care decisions for you.

You should tell the person you choose that you want him or her to be your health care agent. You should talk about this document with your health care agent and your doctor or advanced registered nurse practitioner and give each one a signed copy. You should write on the document itself the people and institutions who will have signed copies. Your health care agent will not be liable for health care decisions made in good faith on your behalf.

EVEN AFTER YOU HAVE SIGNED THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE HEALTH CARE DECISIONS FOR YOURSELF AS LONG AS YOU ARE ABLE TO DO SO, AND TREATMENT CANNOT BE GIVEN TO YOU OR STOPPED OVER YOUR CLEAR OBJECTION. You have the right to revoke the power given to your health care agent by telling him or her, or by telling your health care provider, orally or in writing, that you no longer want that person to be your health care agent.

This document cannot be changed or modified. If you want to make changes, you must make an entirely new document.

THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR TWO (2) OR MORE QUALIFIED WITNESSES, WHO MUST BOTH BE PRESENT WHEN YOU SIGN AND WHO WILL ACKNOWLEDGE YOUR SIGNATURE ON THE DOCUMENT. THE FOLLOWING PERSONS MAY NOT ACT AS WITNESSES:

____ The person you have designated as your health care agent;

____ Your spouse or heir at law;

____ Your attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP;

ONLY ONE OF THE TWO WITNESSES MAY BE YOUR HEALTH OR RESIDENTIAL CARE PROVIDER OR ONE OF YOUR PROVIDERS EMPLOYEES.

137-1.19 Advance Directive, Durable Power of Attorney and Living Will. Form. An advance directive in its individual "Durable Power of Attorney for Healthcare" and "Living Will" components shall be in substantially the following form:

NEW HAMPSHIRE ADVANCE DIRECTIVE

NOTE. This form has two sections.

You may complete both sections, or only one section.

I. DURABLE POWER OF ATTORNEY FOR HEALTH CARE

I, _____, hereby appoint _____ of _____ (Please choose only one person. If you choose more than one agent, they will have authority in priority of the order their names are listed.) as my agent to make any and all health care decisions for me, except to the extent I state otherwise in this document or as prohibited by law. This durable power of attorney for health care shall take effect in the event I lack the capacity to make my own health care decisions.

In the event the person I appoint above is unable, unwilling or unavailable, or incapable of acting as my health care agent, I hereby appoint _____ of _____ as alternate agent. (Please choose only one person. If you choose more than one alternate agent, they will have authority in priority of the order their names are listed.)

STATEMENT OF DESIRES, SPECIAL PROVISIONS,

AND LIMITATIONS REGARDING HEALTH CARE DECISIONS.

For your convenience in expressing your wishes, some general statements concerning the withholding or removal of life-sustaining treatment are set forth below. (Life-sustaining treatment is defined as procedures without which a person would die, such as but not limited to the following: mechanical respiration, kidney dialysis or the use of other external mechanical and technological devices, drugs to maintain blood pressure, blood transfusions, and antibiotics.) There is also a section which allows you to set forth specific directions for these or other matters. If you wish, you may indicate your agreement or disagreement with any of the following statements and give your agent power to act in those specific circumstances.

A. LIFE-SUSTAINING TREATMENT.

1. If I am near death and permanently lack the capacity to make health care decisions, I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

____ (a) life-sustaining treatment not be started, or if started, be discontinued.

____ (b) life-sustaining treatment continue to be given to me.

2. Whether near death or not, if I become permanently unconscious I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

____ (a) life-sustaining treatment not be started, or if started, be discontinued.

____ (b) life-sustaining treatment continue to be given to me.

B. MEDICALLY ADMINISTERED NUTRITION AND HYDRATION.

1. I realize that situations could arise in which the only way to allow me to die would be to not start or to discontinue medically administered nutrition and hydration. In carrying out any instructions I have given in this document, I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

____ (a) medically administered nutrition and hydration not be started or, if started, be discontinued.

____ (b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

(If you fail to complete item B, your agent will not have the power to direct the withholding or withdrawal of medically administered nutrition and hydration.)

C. ADDITIONAL INSTRUCTIONS.

Here you may include any specific desires or limitations you deem appropriate, such as when or what life-sustaining treatment you would want used or withheld, or instructions about refusing any specific types of treatment that are inconsistent with your religious beliefs or are unacceptable to you for any other reason. You may leave this question blank if you desire.

(attach additional pages as necessary)

I hereby acknowledge that I have been provided with a disclosure statement explaining the effect of this document. I have read and understand the information contained in the disclosure statement.

The original of this document will be kept at _____ and the following persons and institutions will have signed copies:

Signed this ____ day of _____, 2____.

Principal's Signature: _____

(If you are physically unable to sign, this document may be signed by someone else writing your name, in your presence and at your express direction.)

THIS POWER OF ATTORNEY DOCUMENT MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC.

We declare that the principal appears to be of sound mind and free from duress at the time the durable power of attorney for health care is signed and that the principal affirms that he or she is aware of the nature of the document and is signing it freely and voluntarily.

Witness: _____ Address: _____
Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing durable power of attorney for health care was acknowledged before me this ____ day of _____, 20____, by _____ (the Principal).

Notary Public / Justice of the Peace
My commission expires: _____

II. LIVING WILL

Declaration made this ____ day of _____, 20____.

I, _____, being of sound mind, willingly and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness and I am certified to be near death or in a permanently unconscious condition by my attending physician or ARNP, and my attending physician or ARNP has determined that my death will occur whether or not life-sustaining treatment is utilized or that I will remain in a permanently unconscious condition and where the application of life-sustaining treatment would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, the natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide me with comfort care. I realize that situations could arise in which the only way to allow me to die would be to discontinue medically administered nutrition and hydration.

In carrying out any instruction I have given under this section, I authorize that:

(Initial beside your choice of (a) or (b).)

____ (a) medically administered nutrition and hydration not be started or, if started, be discontinued,

or

____ (b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

In the absence of my ability to give directions regarding the use of such life-sustaining treatment, it is my intention that this declaration shall be honored by my family and health care providers as the final expression of my right to refuse medical or surgical treatment and accept the consequences of such refusal.

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Signed this ____ day of _____, 2____.

Principal's Signature: _____

[If you are physically unable to sign, this document may be signed by someone else writing your name, in your presence and at your express direction.]

THIS LIVING WILL DOCUMENT MUST BE SIGNED BY
TWO WITNESSES OR A NOTARY PUBLIC.

We declare that the principal appears to be of sound mind and free from duress at the time the living will is signed and that the principal affirms that he or she is aware of the nature of the document and is signing it freely and voluntarily.

Witness: _____ Address: _____
Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing living will was acknowledged before me this ____ day of _____, 20____, by _____ (the "Principal").

Notary Public / Justice of the Peace
My commission expires: _____

137-2:20 Effect of Appointment of Guardian; Inconsistency.

On motion filed in connection with a petition for appointment of a guardian or on petition of a guardian if one has been appointed, the probate court shall consider whether the authority of an agent designated pursuant to an advance directive should be suspended or revoked. In making its determination, the probate court shall take into consideration the preferences of the principal as expressed in the advance directive. No such consideration shall change the procedures or burden of proof involved in the guardianship process as otherwise provided by law or procedure. In such consideration, the advance directive and agent appointed shall be presumed to be in the best interest of the principal and valid, absent clear and convincing evidence to the contrary.

II. To the extent that a durable power of attorney for health care, or such component of an advance directive as set forth in RSA 137-J:19, conflicts with a terminal care document or living will, or such component of an advance directive as set forth in RSA 137-J:19, the durable power of attorney for health care shall control.

137-2:21 Civil Action.

I. The principal or any person who is a near relative of the principal, or who is a responsible adult who is directly interested in the principal by personal knowledge and acquaintance, including, but not limited to a guardian, social worker, physician, or clergyman, may file an action in the probate court of the county where the principal is located at the time:

(a) Requesting that the authority granted to an agent by an advance directive be revoked on the grounds that the principal was not of sound mind or was under duress, fraud, or undue influence when the advance directive was executed, and shall have all the rights and remedies provided by RSA 506:7 which shall apply to documents executed under this chapter and persons acting pursuant to this chapter.

(b) Challenging the right of any agent who is acting or who proposes to act as such pursuant to this chapter and naming another person, who agrees to so act, to be appointed guardian over the person of the principal for the sole purpose of making health care decisions, as provided for in RSA 461-A.

II. A copy of any such action shall be given in hand to the principal's attending physician or ARNP and, as applicable, to the principal's health care provider or residential care provider. To the extent they are not irreversibly implemented, health care decisions made by a challenged agent shall not thereafter be implemented without an order of the probate court or a withdrawal or dismissal of the court action.

III. The probate court in which such a petition is filed shall hold a hearing as expeditiously as possible.

137-2:22 Penalty. A person who knowingly and falsely makes, alters, forges, or counterfeits, or knowingly and falsely causes to be made, altered, forged, or counterfeited, or procures, aids or counsels the making, altering, forging, or counterfeiting, of an advance directive or revocation of same with the intent to injure or defraud a person shall be guilty of a class B felony, notwithstanding any provisions in title LXII.

Do Not Resuscitate

137-2:23 Applicability. The provisions of this subdivision apply to all persons regardless of whether or not they have completed an advance directive.

137-2:24 Presumed Consent to Cardiopulmonary Resuscitation; Health Care Providers and Residential Care Providers Not Required to Expand to Provide Cardiopulmonary Resuscitation.

I. Every person shall be presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless one or more of the following conditions, of which the health care provider or residential care provider has actual knowledge, apply:

(a) A do not resuscitate order in accordance with the provisions of this chapter has been issued for that person.

(b) A completed advance directive for that person is in effect, pursuant to the provisions of this chapter, in which the person indicated that he or she does not wish to receive cardiopulmonary resuscitation, or his or her agent has determined that the person would not wish to receive cardiopulmonary resuscitation; or

(c) A person is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof.

II. Nothing in this section shall be construed to require, or law otherwise requiring or exempting a health care provider or residential care provider from instituting or maintaining the ability to provide cardiopulmonary resuscitation or expanding its existing equipment, facilities, or personnel to provide cardiopulmonary resuscitation.

137-2:25 Issuance of a Do Not Resuscitate Order; Order to be Written by the Attending Physician or ARNP.

I. An attending physician or ARNP may issue a do not resuscitate order for a person if the person, or the person's agent, has consented to the order. A do not resuscitate order shall be issued in writing in the form as described in this section for a person not present or residing in a health care facility. For persons present in health care facilities, a do not resuscitate order shall be issued in accordance with the policies and procedures of the health care facility or in accordance with the provisions of this chapter.

II. A person may request that his or her attending physician or ARNP issue a do not resuscitate order for the person.

III. An agent may consent to a do not resuscitate order for a person who lacks the capacity to make health care decisions. A do not resuscitate order written by the attending physician or ARNP for such a person with the consent of the agent is valid and shall be respected by health care providers and residential care providers.

IV. For persons not present or residing in a health care facility, the do not resuscitate order shall be noted on a medical orders form or in substantially the following form on a card suitable for carrying on the person:

Do Not Resuscitate Order

As attending physician or ARNP of _____ and as a licensed physician or advanced registered nurse practitioner, I order that this person SHALL NOT BE RESUSCITATED in the event of cardiac or respiratory arrest.

This order has been discussed with _____ (or, if applicable, with his/her agent.) _____, who has given consent as evidenced by his/her signature below.

Attending physician or ARNP Name _____

Attending physician or ARNP Signature _____

Address _____

Person Signature _____

Address _____

Agent Signature (if applicable) _____

Address _____

V. For persons residing in a health care facility, the do not resuscitate order shall be reflected in at least one of the following forms:

(a) Forms required by the policies and procedures of the health care facility;

(b) The do not resuscitate card as set forth in paragraph V; or

(c) The medical orders form.

137-2:26 Compliance with a Do Not Resuscitate Order.

I. Health care providers and residential care providers shall comply with the do not resuscitate order when presented with one of the following:

(a) A do not resuscitate order completed by the attending physician or ARNP in a form as specified in RSA 137-J:25;

(b) A do not resuscitate order for a person present or residing in a health care facility issued in accordance with the health care facility's policies and procedures; or

(c) A medical orders form on which the attending physician or ARNP has documented a do not resuscitate order.

II. Pursuant to this chapter, health care providers shall respect do not resuscitate orders for persons in health care facilities, ambulances, homes, and communities within this state.

137-2:27 Protection of Good Faith; Do Not Resuscitate Order; Notification of Consent by Attending Physician or ARNP; Do Not Resuscitate Order.

I. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to criminal or civil liability, or be deemed to have engaged in unprofessional conduct, for carrying out in good faith a do not resuscitate order authorized by this chapter on behalf of a person as instructed by the person, or the person's agent, or for those actions taken in compliance with the standards and procedures set forth in this chapter.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, or other individual who witnesses a cardiac or respiratory arrest shall be subjected to criminal or civil liability for providing cardiopulmonary resuscitation to a person for whom a do not resuscitate order has been issued; provided, that such provider or individual:

(a) Reasonably and in good faith is unaware of the issuance of a do not resuscitate order; or

(b) Reasonably and in good faith believed that consent to the do not resuscitate order has been revoked or canceled.

III. Any attending physician or ARNP who refuses to issue a do not resuscitate order at a person's request or to comply with a do not resuscitate order issued pursuant to this chapter shall take reasonable steps to advise promptly the person or agent of the person that such attending physician or ARNP is unwilling to effectuate the order. The attending physician or ARNP shall thereafter at the election of the person or agent permit the person or agent to obtain another attending physician or ARNP.

137-2:28 Revocation of Do Not Resuscitate Order.

I. At any time a person in a health care facility may revoke his or her previous request for or consent to a do not resuscitate order by making either a written, oral, or other act of communication to the attending physician or ARNP or other professional staff of the health care facility.

II. At any time a person residing at home may revoke his or her do not resuscitate order by destroying such order and removing do not resuscitate identification on his or her person. The person is responsible for notifying his or her attending physician or ARNP of the revocation.

III. At any time an agent may revoke his or her consent to a do not resuscitate order for a person who lacks capacity to make health care decisions who is admitted to a health care facility by notifying the attending physician or ARNP or other professional staff of the health care facility of the revocation of consent in writing, or by orally notifying the attending physician or ARNP in the presence of a witness 18 years of age or older.

IV. At any time an agent may revoke his or her consent for a person who lacks capacity to make health care decisions who is residing at home by destroying such order and removing do not resuscitate identification from the person. The agent is responsible for notifying the person's attending physician or ARNP of the revocation.

V. The attending physician or ARNP who is informed of or provided with a revocation of consent pursuant to this section shall immediately cancel the do not resuscitate order if the person is in a health care facility and notify the professional staff of the health care facility responsible for the person's care of the revocation and cancellation. Any professional staff of the health care facility who is informed of or provided with a revocation of consent pursuant to this section shall immediately notify the attending physician or ARNP of such revocation.

VI. Only a physician or advanced registered nurse practitioner may cancel the issuance of a do not resuscitate order.

137-2:29 Not Suicide or Murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter shall not, for any purpose, constitute suicide or murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the person's condition. Nothing in this chapter shall be construed to

legally, condone, authorize, or approve mercy killing or assisted suicide.

137-3:0 Interinstitutional Transfers. If a person with a do not resuscitate order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of a do not resuscitate order to the receiving facility prior to the transfer. The written do not resuscitate order, the do not resuscitate card as described in RSA 137-J:25, or the medical orders form shall accompany the person to the health care facility receiving the person and shall remain effective until a physician at the receiving facility issues admission orders. The do not resuscitate card or the medical orders form shall be kept as the first page in the person's transfer records.

137-3:1 Preservation of Existing Rights.

I. Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding of cardiopulmonary resuscitation in any lawful manner. In such respect, the provisions of this chapter are cumulative.

II. Nothing in this chapter shall be construed to preclude a court of competent jurisdiction from approving the issuance of a do not resuscitate order under circumstances other than those under which such an order is issued pursuant to the provisions of this chapter.

137-3:2 Do Not Resuscitate Certification. Do not resuscitate identification as set forth in this chapter may consist of either a medical condition bracket or necklace with the inscription of the person's name, date of birth in numerical form and "NH Do Not Resuscitate" or "NH DNR" on it. Such identification shall be issued only upon presentation of a properly executed do not resuscitate order form as set forth in RSA 137-J:25, a medical orders form in which a physician or advanced registered nurse practitioner has documented a do not resuscitate order, or a do not resuscitate order properly executed in accordance with a health care facility's written policy and procedure.

2 Emergency Care; Reference Change. Amend RSA 153-A:20. It to read as follows:

1. Protocols recommended by the emergency medical services medical control board for provision of emergency medical care, which shall provide for the provision of local options under medical control. The protocols shall address living wills established under RSA ~~464-A:25~~ 137-J, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

3 Guardians. Reference Change. Amend RSA 464-A:25, 1(b) to read as follows:

(b) If a ward has previously executed a valid living will, under RSA ~~464-B:1~~ 137-J, a guardian shall be bound by the terms of such document, provided that the court may hold a hearing to interpret any ambiguity in such document. If a ward has previously executed a valid durable power of attorney for health care, RSA 137-J shall apply.

4 Jurisdiction; Reference Change. Amend RSA 547:3, (j) to read as follows:

(j) The interpretation and effect of living wills under RSA ~~464-B:1~~ 137-J.

5 Repeal. RSA 137-H, relative to living wills, is hereby repealed.

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

2006-0156b

FLOR Amendment to HB 656-FY
Proposed by Reps. Balboni, Mirski and Ise

Amend the introductory paragraph of RSA 137-J:7, 1 as inserted by section 1 of the bill by replacing it with the following:

1. A principal's health care provider or residential care provider, and employees thereof, having knowledge of the principal's advance directive shall be bound to follow the directives of the principal's designated agent to the extent they are consistent with this chapter and the advance directive, and to the extent they are within the bounds of responsible medical practice subject to paragraph IV of this section.

Amend RSA 137-J:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. When the direction of an agent requires an act or omission contrary to the moral or ethical principles or other standards of a health care provider or residential care provider of which the principal is a patient or resident, the health care provider shall allow for the transfer of the principal and the appropriate medical records to another health care provider chosen by the principal or by the agent and shall incur no liability for its refusal to carry out the terms of the direction by the agent; provided, that pending the completion of the transfer, the health care provider shall not deny health care, treatment, nutrition or hydration whose denial would, with a reasonable degree of medical certainty, result in or hasten the principal's death except the expressed will of the principal, the principal's advance directive, or the agent; and further provided, that, the health care provider or residential care provider shall inform the agent of its decision not to participate in such an act or omission.

Amend RSA 137-J:10, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Nothing in this chapter shall impair or supersede any other legal right or responsibility which any person may have to effect life-sustaining treatment in any lawful manner; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, IV.

Amend RSA 137-J:10, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In the absence of an advance directive, life-sustaining treatment shall be undertaken.

Amend RSA 137-J:12, 1(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Failure to follow the directive of an agent of the health care provider or residential care provider or other such person believes in good faith and in keeping with reasonable medical standards that such directive exceeds the scope of or conflicts with the authority of the agent under this chapter or the contents of the principal's advance directive; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, IV or RSA 137-J:10, VI.

Amend RSA 137-J:21, 1 as inserted by section 1 of the bill by replacing it with the following:

II. A copy of any such action shall be given in hand to the principal's attending physician or ARNP and, as applicable, to the principal's health care provider or residential care provider. To the extent they are not irreversibly implemented, health care decisions made by a challenged agent shall not thereafter be implemented without an order of the probate court or a withdrawal or dismissal of the court action; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, IV.

Amend RSA 137-J:31, 1 as inserted by section 1 of the bill by replacing it with the following:

I. Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding of cardiopulmonary resuscitation in any lawful manner. In such respect, the provisions of this chapter are cumulative; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, IV.

2006-0155b

Amend RSA 137-J:10, VI as inserted by section 1 of the bill by replacing it with the following:
VI. In the absence of an advance directive, life-sustaining treatment shall be undertaken.

2006-0433h

Amend RSA 137-J:2, XXI, XXII, and XXIII as inserted by section 1 of the bill by replacing them with the following:

XXI. "Qualified patient" means a patient who has executed a declaration in accordance with this chapter and who has been diagnosed and certified in writing to be in a terminal condition or permanently unconscious as determined by an appropriate neurological assessment by a physician in consultation with the attending physician or an appropriate neurological assessment by a physician in consultation with an ARNP.
XXII. "Reasonable degree of medical certainty" means a medical judgment that is made by a physician or ARNP who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
XXIII. "Residential care provider" means a "facility" as defined in RSA 161-F:11, IV, a "nursing home" as defined in RSA 151-A:1, IV, or any individual or facility licensed, certified, or otherwise authorized or permitted by law to operate, for profit or otherwise, a residential care facility for adults, including but not limited to those operating pursuant to RSA 420-D.
XXIV. "Witness" means a person 18 years or older who is present when the principal signs an advance directive.

Amend RSA 137-J:5 as inserted by section 1 of the bill by replacing it with the following:

137-J:5. Physician and Provider's Responsibilities
I. An attending physician and any other physician under his or her direction or control, having in his or her possession his or her patient's living will, or having knowledge that such a duly executed document is part of the patient's record in the institution in which he or she is receiving care, or who has been notified of the existence of a declaration executed under this chapter, shall follow as closely as possible within the bounds of responsible medical practice, the dictates of said document subject to paragraph II. In addition, the attending physician or any other physician under his or her control or direction who becomes aware, pursuant to this section, of such a document shall, without delay, take the necessary steps to provide for written verification of the patient's terminal condition or permanently unconscious condition, so that the patient may be deemed to be a qualified patient under this chapter. However, if a physician, because of his personal beliefs or conscience, is unable to comply with the terms of the declaration, he or she shall forthwith so inform the patient or the patient's family. The qualified patient may, or the family of the qualified patient shall, then request that the case be referred to another physician.
II. An attending physician who, because of personal beliefs or conscience, is unable to comply with the declaration pursuant to this chapter shall, without delay, make the necessary arrangements to effect the transfer of the qualified patient and the appropriate medical records that qualify said patient to another physician who has been chosen by the qualified patient or by the family of the qualified patient; provided, that pending the completion of the transfer, the attending physician shall not deny health care treatment, nutrition or hydration which denial would, within a reasonable degree of medical certainty, result in or hasten the qualified patient's death against the express will of the qualified patient, the document, or the agent.
III. Medically administered nutrition and hydration shall not be withdrawn or withheld under this chapter unless there is a clear expression of such intent in the document.
IV. When the direction of an agent requires an act or omission contrary to the moral or ethical principles or other standards of a health care provider or residential care provider of which the principal is a patient or resident, the health care provider shall allow for the transfer of the principal and the appropriate medical records to another health care provider chosen by the principal or by the agent and shall incur no liability for its refusal to carry out the terms of the direction by the agent; provided, that pending the completion of the transfer, the health care provider or residential care provider shall not deny health care treatment, nutrition or hydration which denial would, with a reasonable degree of medical certainty result in or hasten the principal's death against the express will of the principal, the principal's advance directive or the agent; and further provided; that, the health care provider or residential care provider shall inform the agent of the decision not to participate in such act or omission.

Amend RSA 137-J:10, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Nothing in this chapter shall impair or supersede any other legal right or responsibility which any person may have to effect life-sustaining treatment in any lawful manner; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or IV.
Amend RSA 137-J:12, II(b) as inserted by section 1 of the bill by replacing it with the following:
(b) Failure to follow the directive of an agent if the health care provider or residential care provider or other such person believes in good faith and in keeping with reasonable medical standards that such directive exceeds the scope of or conflicts with the authority of the agent under this chapter or the contents of the principal's advance directive; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, IV or RSA 137-J:10, II or IV.
Amend RSA 137-J:21, II as inserted by section 1 of the bill by replacing it with the following:
II. A copy of any such action shall be given in hand to the principal's attending physician or ARNP and, as applicable, to the principal's health care provider or residential care provider. To the extent they are not irreversibly implemented, health care decisions made by a challenged agent shall not thereafter be implemented without an order of the probate court or a withdrawal or dismissal of the court action; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or IV.
Amend RSA 137-J:31, 1 as inserted by section 1 of the bill by replacing it with the following:
1. Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding of cardiopulmonary resuscitation in any lawful manner. In such respect, the provisions of this chapter are cumulative; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or IV.

2006-0483h

Amendment to HB 1114
Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing all after section 2 with the following:

3 Exemptions From Licensure. Amend RSA 326-1:7, IV(a) to read as follows:
(a) Nonresident ~~[and/or licensed]~~ interpreters ~~[working no more than 200 hours in the previous calendar year, or as otherwise qualified by rules by the board]~~ certified by the National Registry of Interpreters of the Deaf (RID) or the American Consortium of Certified Interpreters (ACCI), levels IV and V, who have completed RID-approved legal training or who hold a legal specialty certificate (RID SCLE) when working in court settings, provided that such interpreter shall be subject to disciplinary proceedings of the board.
4 Effective Date. This act shall take effect July 1, 2006.

This bill changes a requirement for an appointment to the board of licensure of interpreters for the deaf and hard of hearing, moves the renewal date for licensure, and changes the nonresident exemption.

2006-0443h

Amend the bill by replacing section 1 with the following:

I. 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.

This bill permits the secretary of state to change the filing period for candidates at the presidential primary.

2006-0822h

Amendment to HB 1128-FN
Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances.
Amend the bill by replacing all after the enacting clause with the following:
1 Retirement System: Teachers. Amend RSA 100-A:1, VI to read as follows:
VI. "Teacher" shall mean any regular or special teacher, principal, supervisor or administrator, librarian or other member of the teaching or professional staff engaged in the service of the public elementary and secondary schools located within the state and supported by and under the control of the state, the local school district, or other employers of teachers eligible for membership in the system. For teachers who job share, teacher shall mean 2 individuals who share one position. **For purposes of membership as a teacher under this chapter, proof of authorization or certification by the department of education or appropriate professional licensure shall be maintained by the employer and available to the retirement system.**
2 Retirement System: Supplemental Allowances: Fiscal Committee Approval. Amend RSA 100-A:11-a, II to read as follows:
II. ~~(One-Seventeen.) No later than May 21 of each year, [beginning in 1996]~~ the fiscal committee of the general court may approve COLA's for the July 1 thereafter upon certification from the actuary of the amount of the COLA which may be granted to each member classification based on the funds available in the special account for each member classification. The actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13 or similar provisions of predecessor systems.
3 Effective Date. This act shall take effect upon its passage.
This bill requires employers of teachers in the retirement system to maintain proof of certification of its teachers and make such proof available to the retirement system.
This bill also changes the date for approval by the fiscal committee of cost of living adjustments for retirement system beneficiaries.

2006-0767h

Amendment to HB 1132
Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect upon its passage.

2006-0328h

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum; Research Assistant.
1. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.
II. The speaker of the house of representatives shall assign a research assistant from other house committee services or the office of legislative services to conduct research, prepare documents, and otherwise assist the committee.

2006-0774h

Amendment to HB 1162
Proposed by the Committee on Municipal and County Government - C

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

This bill requires a vote of the town or towns in which a village district is located before a district can be formed.

2006-0596h

Amendment to HB 1173
Proposed by the Committee on Election Law - C

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

AN ACT relative to designating the clerk in cities the chief elections officer for the city.
Amend the bill by replacing sections 1 and 2 with the following:
1 New Section: Elections: Terms and Definitions: City Chief Elections Officer. Amend RSA 652 by inserting after section 14 the following new section:
652:14-a City Chief Elections Officer. The city clerk shall be the chief elections officer with authority to establish uniform practices and procedures that conform to state and federal law for all elections conducted by the city.
2 New Section: Conduct of Voting: City Chief Elections Officer Duties. Amend RSA 659 by inserting after section 9 the following new section:
659:9-a City Chief Elections Officer Duties. The city chief elections officer shall establish uniform practices and procedures that conform to state and federal law for the conduct of elections at all polling places within the city. The moderators and other election officials who conduct elections at the individual polling places within the city shall comply with the uniform procedures established for the city by the city chief elections officer. The secretary of state shall resolve any conflicting interpretations of state and federal laws arising between the chief elections officer and other election officials. The legislative body of any city may vote to have the duties of the ward officers relative to the selection and equipping of polling places assigned to the city chief elections officer.
This bill designates the city clerk the chief elections officer for the city.

2006-0424h

Amendment to HB 1191
Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by deleting section 2 and renumbering the original sections 3-14 to read as 2-13, respectively.

This bill makes technical corrections to the laws governing vital records, including correcting certain cross-references, replacing a reference to the division of information technology with the office of information technology, and clarifying the department of state's authority to issue burial permits.

2006-0601h

Amendment to HB 1221-FN
Proposed by the Committee on Judiciary - R

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

AN ACT relative to recovery of medical assistance
Amend the bill by replacing all after the enacting clause with the following:
1 Recovery of Assistance from Successor Owners of Non-Probate Assets of Recipient. RSA 167:14-a, V and VI are repealed and renumbered to read as follows:
V(a) Solely for purposes of calculating the amount of medical assistance recoverable from successor legal or beneficial owners of property interests of the recipient passing to them at the death of the recipient outside of probate, the estate of a recipient shall be deemed to include the value immediately prior to the recipient's death of the decedent's equitable interest in all property, real or personal:
(1) Held by the recipient in joint tenancy with rights of survivorship;
(2) Held by the recipient in life tenancy; or
(3) Held in a revocable trust of which the recipient was directly or indirectly a grantor to the extent of the recipient's proportionate share of contribution.
(b) No sooner than 45 days from the death of the recipient, the department shall provide the surviving joint owner, remainderman of the life estate, or trustee of the revocable trust, as the case may be, notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the surviving joint owner, remainderman, or trustee shall acknowledge receipt of the department's claim and, provided that there shall not be undue hardship imposed upon the surviving joint owner, remainderman, or beneficiary of the trust, either tender an amount equal to the deceased recipient's interest in the identified property or financial interest to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner, remainderman, or trustee refuses to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children. The department shall not compel the sale of any real estate that constitutes the primary residence of any surviving joint owner, remainderman, or trust beneficiary, nor require payments that would leave any surviving joint owner, remainderman, or trust beneficiary without sufficient income or resources to maintain his or her housing.
VI(a) Paragraph V shall not affect any real or personal property held by the recipient in sole ownership or in tenancy in common, but such property or the recipient's share thereof shall be included in the recipient's probate estate and shall be subject to claims filed by the department as a creditor in the normal course pursuant to RSA 167:14, II.
(b) Paragraph V shall apply to all specified property interests of the recipient passing to others at the death of the recipient outside of probate, where the death of the recipient occurs on or after the effective date of this act, but without regard to the date that such interests were first created; provided that it shall not apply to life estates created or reserved by the recipient:
(1) Before July 1, 2005; or
(2) Before the beginning of the period specified in RSA 167:4, I(b) during which transfers by the recipient for less than fair market value may be taken into account for purposes of determining eligibility for assistance, as such period may be limited by federal law.
(c) "Equitable interest" as used in paragraph V shall mean the legal interest of the recipient as adjusted to take into account any disproportionate contributions by any other joint tenant or by any co-grantor of a trust, and in the case of a life tenancy shall be valued in accordance with the applicable federal Social Security regulation. In the absence of evidence to the contrary, the "equitable interest" of the recipient in any real estate, or in a trust's real estate holdings, shall be presumed to be the result of reducing the equalized property tax value, as computed from the latest assessment, by any amounts owing on mortgages or for back taxes or under other loans, and dividing by the total number of co-owners of the property, including the recipient.
(d) Recovery from any remainderman shall be limited to any amount by which the value of the interest received by the remainderman, valued as of the date the interest was acquired and in accordance with the applicable Social Security regulation, exceeds any consideration given by the remainderman from the date the interest was acquired to the date of death of the recipient.
(e) Recovery from any surviving joint tenant shall be limited to any amount by which the value of the interest received by the joint tenant, valued as of the date the interest was acquired, exceeds any consideration given by the surviving joint tenant from the date the interest was acquired to the date of death of the recipient.
2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS
This bill restricts the department of health and human service's ability to recover the cost of medical assistance from life estates created before July 1, 2005 or created 5 years prior to the decedent's eligibility for such assistance. The bill also prohibits the department from compelling the sale of the primary residence of a surviving joint owner as part of the department's estate recovery practice.

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

This bill extends the kindergarten construction aid program through June 30, 2008.

AMENDED ANALYSIS

**Amendment to HB 1269
Proposed by the Committee on Fish and Game - C**

Amend the bill by replacing section 1 with the following:

I. 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:

3 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.

1. 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 212:20-a, 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.

**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:

1. 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 1967; or

(b) A snowmobile 25 or more years old; or

(c) A Model T Ford converted to travel over snow, manufactured prior to 1940.

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

2006-0672h

**Amendment to HB 1305-LOCAL
Proposed by the Committee on Municipal and County Government - C**

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

AN ACT authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

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

1 New Paragraph: City Bylaws and Ordinances; Businesses Obtaining City Permits. Amend RSA 47:17 by inserting after paragraph XVIII the following new paragraph:

XIX. Businesses Obtaining City Permits. To establish regulations relative to businesses obtaining city permits.

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

AMENDED ANALYSIS

The bill authorizes cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

2006-0574h

**Amendment to HB 1211-FN-A
Proposed by the Committee on Election Law - C**

Amend RSA 5:4-b, I as inserted by section 1 of the bill by replacing it with the following:

I. The secretary of state may establish a system of electronic filing and reporting for financial disclosure reports and applications which are required by law to be filed with the secretary of state and which by law are public documents. The system may include, but is not limited to, lobbyist registration, lobbyist fees, and expenditure statements pursuant to RSA 15, candidate financial disclosure pursuant to RSA 15-A, campaign political committee registration, contribution, and expenditure reports pursuant to RSA 642, notary public applications for commission pursuant to RSA 455, justice of the peace applications for commission pursuant to RSA 455-A, and such other public documents that are required to be filed with the secretary of state may from time to time determine. The secretary of state shall continue to accept paper filings as an alternative to any electronic filings accepted pursuant to this paragraph.

Amend RSA 5:4-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The secretary of state shall provide legislators and other persons with a duty to file with access through the Internet using a password-protected secure connection. At least one computer terminal for public access to the system shall be maintained at the office of the secretary of state at the state house and at least one access point available to the public shall be maintained at the state record and archives center. To the extent practical, each person with a duty to file shall be issued notice of his or her filing obligation and the information necessary to access the electronic filing system when the secretary of state receives notice of the person's election, appointment, commissioning, registration, or filing for office. Upon receipt of an electronic filing, the secretary of state shall send the filer an electronic certification of receipt of the filing.

2006-0660h

**Floor Amendment to HB 1321
Proposed by Rep. Solomon**

Amend RSA 188-F:27, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. Notwithstanding the provisions of paragraph II, no person shall be considered qualified to run for the office of elected chief of police in any town with a resident population of more than 3,000 that employs one or more full-time police officers, unless such candidate furnishes the town clerk with a certified statement from the director of the police standards and training council that such person is currently a certified full-time police officer in good standing, and the town clerk shall not allow any person to register for such office without furnishing such proof of qualifications. This certification requirement shall not apply to any elected police chief in any town who was serving on the effective date of this paragraph and who files for reelection to the same post.

AMENDED ANALYSIS

This bill requires a person who files as a candidate for elected police chief in a town with a population of more than 3,000 to be certified by the police standards and training council.

2006-0409h

**Amendment to HB 1361
Proposed by the Committee on Criminal Justice and Public Safety - C**

Amend RSA 544-C:1 as inserted by section 1 of the bill by replacing it with the following:

544-C:1. Recovery of Civil Damages for Shoplifting.

I. For purposes of this chapter, "shoplifting" shall mean shoplifting or willful concealment as defined in RSA 644:17.

II. A person who shoplifts shall be liable for civil damages to the merchant ~~in the amount of \$200~~ up to \$400 plus the merchandise or the value of the merchandise if it has been damaged or rendered unrecoverable.

III. A merchant may recover civil damages for shoplifting by bringing suit in a district court or by executing a settlement agreement in the form set out in paragraph IV of this section.

IV. A merchant and a person accused of shoplifting by such merchant may agree to execute a civil settlement agreement for ~~\$200~~ up to \$400 in civil damages, plus the return of the merchandise or the replacement value of the merchandise within 60 days of the date the agreement is signed. The form of the settlement agreement shall be as follows:

Settlement of Claim for Taking Merchandise Without Payment

The undersigned, _____, having failed to pay for certain merchandise, more specifically described as follows _____, hereby agrees to pay, within 60 days of the date this agreement is signed, civil damages ~~in the amount of \$200~~ up to \$400, plus the merchandise or the replacement value of the merchandise. The parties agree that this payment shall constitute full and complete payment of damages to the following establishment _____.

The undersigned, _____, agrees to waive any and all claims it may have for civil damages.

Nothing in this agreement shall constitute an admission of guilt for purposes of criminal law. If this agreement is signed and payment is made in full within 60 days, no police report or criminal complaint will be filed by the merchant relative to this incident. However, nothing in this agreement can or will bar the state of New Hampshire from instituting such criminal prosecutions as it deems necessary.

Party #1

Party #2 for the following establishment:

2006-0303h

**Amendment to HB 1370
Proposed by the Minority of the Committee on Finance - R**

Amend the bill by replacing section 1 with the following:

1 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-a.

2006-0302h

**Amendment to HB 1376
Proposed by the Committee on Science, Technology and Energy - C**

Amend RSA 374-F:6, V as inserted by section 1 of the bill by replacing it with the following:

V. Evaluating electricity issues within the jurisdiction of the Federal Energy Regulatory Commission (FERC) that may have significant consequences to New Hampshire customers, such as locational installed capacity.

AMENDED ANALYSIS

This bill adds evaluation of electricity issues, such as locational installed capacity, to the duties of the legislative oversight committee on electric utility restructuring.

2006-0401h

**Amendment to HB 1409-FN
Proposed by the Committee on Health, Human Services and Elderly Affairs - C**

Amend RSA 203-A:1, 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.

2006-0605h

**Floor Amendment to HB 1409-FN
Proposed by Rep. Karik**

Amend RSA 203-A:1, 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 only with the prior written consent of the donor and 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.

2006-0608h

**Amendment to HB 1419-FN
Proposed by the Committee on Children and Family Law - C**

Amend the title of the bill to read as follows:

AN ACT relative to mediation in divorce proceedings.

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

1 New Section: Annulment, Divorce, and Separation; Mediation. Amend RSA 458 by inserting after section 15-b the following new section:

458:15-a Mediation.

I. In this section:

(a) "Mediation" means a process in which a neutral third party facilitates settlement discussions between parties.

(b) "Mediator" means a marital mediator, certified pursuant to RSA 328-C, who has contracted with the court to participate in court-referred mediation under this section.

(c) The court may order the parties to participate in mediation upon the request of either party or at the discretion of the court. If the parties are ordered to participate in mediation under this section, all issues relevant to their case, including but not limited to property settlement and alimony also shall be mediated unless the court orders otherwise. Mediation may not be ordered pursuant to this section if the case involves minor children and the parties are eligible for mediation under RSA 461-A:7.

III. Reasons the court may choose not to order mediation include, but are not limited to, the following:

(a) A showing of undue hardship to a party.

(b) An agreement between the parties for alternate dispute resolution procedures.

(c) A finding of alcoholism or drug abuse unless all parties agree to mediation.

(d) An allegation of serious psychological or emotional abuse.

(e) Lack of an available, suitable mediator within a reasonable time period.

(f) A finding of domestic violence as defined in RSA 173-B:1, unless all parties agree to mediation.

V. The mediator has no authority to make a decision or impose a settlement upon the parties. The mediator shall attempt to focus the attention of the parties upon their needs and interests rather than upon their positions. Any settlement is entirely voluntary. In the absence of settlement, the parties lose none of their rights to a resolution of their dispute through litigation.

VI. Either party may move to have the mediator replaced for good cause.

VII. Mediation proceedings shall be held in private, and all communications, oral or written, made during the proceedings, which relate to the issues being mediated, whether made by the mediator, or a party, or any other person present, shall be privileged and confidential and shall not be admissible in court, except as provided in RSA 328-C:9.

VIII. Any mediated agreement reached by the parties on all or some of the disputed issues shall be reduced to writing, signed by each party, and filed with the court as soon as practicable.

IX. The parties shall participate at mediation in good faith. If the mediator determines that mediation is not helpful in resolving the dispute, the mediator shall report that fact to the court and return the matter to the court for adjudication of the underlying issues.

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

AMENDED ANALYSIS

This bill permits the court to order mediation in divorce proceedings if either party requests mediation or at the court's discretion.

2006-0644h

Amendment to HB 1424
Proposed by the Committee on Children and Family Law - C

Amend the bill by replacing section 1 with the following:

I. Child Abuse and Neglect Hearings: Persons Permitted to Attend. Amend RSA 169-C:14 to read as follows:

169-C:14 Hearings not Open to the Public. The general public shall be excluded from any hearing under this chapter and such hearing shall, whenever possible, be held in rooms not used for criminal trials. Only such persons as the parties, their witnesses, counsel and representatives of the agencies present to perform their official duties shall be admitted, *except that other persons incited by a party may attend, with the court's prior approval. The court may provide docket information to incited persons.*

2006-0002h

Amendment to HB 1427
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 relative to guiding principles for developmentally disabled services.

Amend the bill by replacing section 1 with the following:

1. Developmentally Disabled Services; Guiding Principles. RSA 171-A:1 is repealed and reenacted to read as follows:

171-A:1 Purpose and Policy. The purpose of this chapter is to enable the department of health and human services to establish, maintain, implement and coordinate a comprehensive service delivery system for developmentally disabled persons. The policy of this state is that persons with developmental disabilities and their families be provided services that emphasize community living and programs to support individuals and families, beginning with early intervention, and that such services and programs shall be based on the following guiding principles:

- People with developmental disabilities and their families are best able to determine their own needs and shall participate in decisions concerning necessary, desirable, and appropriate services.
- Services shall provide comprehensive, responsive, and flexible support as individual and family needs evolve over time.
- Individual and family services shall be based on full participation in the community, sharing ordinary places, developing meaningful relationships, and learning things that are useful, as well as enhancing the social and economic status of persons served.
- Services shall be relevant to the individual's age, abilities, and life goals, including support for gainful employment that maximizes the individual's potential for self-sufficiency and independence.
- Individual choice, satisfaction, safety, and positive outcomes shall be the focus of services.
- Services shall be provided by competent, appropriately trained and compensated staff.

This bill establishes guiding principles for the provision of services to developmentally disabled persons.

2006-0078h

Amendment to HB 1436
Proposed by the Committee on Municipal and County Government - C

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

1. Biennial Budget; Single Period. Amend RSA 32:25 to read as follows:

32:25 Biennial Budget. Authorization. Any city, town, unincorporated town, unorganized place, school district, village district, or county may budget receipts and expenditures, raise and appropriate revenues, and assess taxes on a biennial budget basis consisting of *one distinct 24-month fiscal year or 2* distinct 12-month fiscal years. The governing body may allow for the carry over of funds from the first fiscal year of the biennium to the second.

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

This bill authorizes municipal and county biennial budgets for one distinct 24-month fiscal year or 2 distinct 12-month fiscal years.

2006-0082h

Amendment to HB 1458-FN
Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 3 with the following:

3. New Subdivision; Licensing Landscape Architects. Amend RSA 310-A by inserting after section 139 the following new subdivision:

Licensing Landscape Architects

310-A:140 Objective. A landscape architect, regulated by this chapter, shall undertake to perform professional services only when the landscape architect is qualified by education, training, and experience in the specific technical areas involved.

310-A:141 Definitions. In this subdivision:

1. "Landscape architect" means a person who, by reason of professional education or practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by licensing as a landscape architect.

II. "Landscape architectural practice" means the performance of professional services in connection with the development of land areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the setting, approaches or environment for structures of other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazards, to the extent that such services protect public health, safety and welfare. The practice of landscape architecture shall include the location, design and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph, but shall not include the design, assessment, analysis or evaluation of structures or facilities with separate and self contained purposes, streets and highways, utilities, storm and sanitary sewer systems and appurtenant structures, and water and sewage treatment facilities such as are exclusive to the practice of professional engineers, natural scientists, or architects as defined in this chapter. Furthermore, this practice shall not include the making of land surveys or final land plans for official approval or recording, the design, assessment, analysis or evaluation of soils, or the analysis, testing and reporting of soil, and bedrock conditions, delineation of wetlands or determination of soil, surface, or groundwater related to hazardous waste contamination. The practice of landscape architecture shall include:

- Production of graphic and written material for use in the planning and design of land development programs including:
- (1) Preparation, review and analysis of master plans and land development plans incidental to the practice of landscape architecture.
- (2) Reconnaissance, planning, construction documents and specifications, and construction supervision incidental to the practice of landscape architecture.
- (3) Providing professional services for feasibility studies and site selection incidental to the practice of landscape architecture.
- (4) Providing professional advice on land preservation, restoration, conservation, reclamation, rehabilitation, management and development incidental to the practice of landscape architecture
- (5) Consultation, research, stewardship, analysis, investigation, reconnaissance, and construction overview.

III. "Board" means the board of landscape architects.

IV. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization; organized for gain or profit, carrying on any business activity within the state.

310-A:142 Board of Landscape Architects; Establishment; Criteria; Terms; Compensation and Expenses; Meetings; Records and Reports; Roster.

1. A board of landscape architects is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be landscape architects, and one public member. The public member of the board shall be a person who is not, and never was, a member of the landscape architectural profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of landscape architectural services or in the practice of landscape architecture, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each landscape architect member shall have actively practiced landscape architecture for his or her means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of landscape architecture.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 12 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified to assume the term. The term of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

VI. (a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- The name, age, and residence of each applicant.
- The date of application.
- The place of business of each applicant.
- The applicant's educational and other qualifications.
- Whether or not an examination was required.
- Whether the applicant was rejected and the reasons for such rejection.
- Whether a license was granted.
- The date of the action of the board.
- Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names and addresses of all landscape architects licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

310-A:143 Rulesmaking Authority.

1. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- The application procedure for a license to practice under this subdivision;
- The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character;
- How an applicant shall be examined, including the time and place of the examination;
- How a license to practice under this subdivision shall be renewed or reinstated, including late fees and any requirements for continuing education;
- The establishment of all fees required under this subdivision;
- Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;
- Matters related to the proper administration of this subdivision;
- Procedures for the conduct of hearings consistent with the requirements of due process;
- The design of an official seal; and
- Application procedures for and issuance of corporate practice certificates.

II. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all affected professionals licensed by the board.

310-A:144 Fees. The board shall adopt rules, under RSA 541-A, which shall establish all fees required under this subdivision including the following:

- Examinations.
- Application for licensure upon passing the examination.
- Application for a license under RSA 310-A:149.
- Biennial renewal for licensed landscape architects.
- Late fees for a late renewal of license.
- Replacement of lost or mutilated license.
- Transcribing and transferring records and other services.
- Reinstatement fees.

310-A:145 Licensure Required. No person shall practice landscape architecture in this state, except as permitted in RSA 310-A:160, without a landscape architect's license issued under this subdivision.

310-A:146 Eligibility Requirements for Licensure as a Landscape Architect.

1. Each applicant for licensure as a landscape architect shall meet one of the following requirements:

- Possession of an accredited 4-year landscape architecture degree or equivalent, and 3 years professional experience under the direct supervision of a licensed Landscape Architect; or
- Possession of a non-accredited 4-year landscape architecture degree or a 4-year degree in a related field and 5 years professional experience 3 of which shall be under the direct supervision of a licensed landscape architect; or
- The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:
- (a) Conviction for commission of a felony;
- (b) Misstatement of facts by the applicant in connection with the application;
- (c) Violation of any of the standards of conduct required of landscape architects as they are set forth in this subdivision or in rules adopted by the board; or
- (d) Practicing landscape architecture without being licensed in violation of laws of the jurisdiction in which the practice took place.

II. Upon complying with the preliminary requirements set forth in this section, the applicant shall, in order to become licensed, pass written examinations as provided in RSA 310-A:151, except as otherwise provided in RSA 310-A:153.

IV. Following the effective date of the initial adoption by the board of rules under RSA 541-A, the board may issue licenses to applicants whose applications for licensure have been received during a one-year period following the effective date of adoption of the rules, who provide evidence satisfactory to the board of knowledge and experience equivalent to the requirements set forth in subparagraphs (a) or (b), and who meet the examination requirements of RSA 310-A:151.

310-A:147 Teaching Credits. In considering the qualifications of applicants, landscape architectural teaching may be construed as landscape architectural experience.

310-A:148 Work as Contractor. The mere execution, as a contractor, of work designed by a landscape architect or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be experience in landscape architecture.

310-A:149 Applications.

1. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed landscape architects having personal knowledge of the applicant's professional experience. The board shall establish fees for application and any examination required under this subdivision.

Should the board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

II. References relating to experience in the practice of landscape architecture performed prior to the effective date of this subdivision may be provided by either a landscape architect or a person determined by the board to be of equivalent ethical standards, education, and experience who may or may not have been licensed.

310-A:150 Continuing Education. Evidence satisfactory to the board of the completion in each biennial renewal period of a minimum of 30 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

310-A:151 Examination of Written Technical Examination in landscape architecture shall be held at least annually at such times and places as the board shall determine. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date.

310-A:152 Certificates; Seals. The board shall issue a license upon payment of the license fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licensees shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed landscape architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed landscape architect." All papers or documents involving the practice of landscape architecture under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such licensee has been renewed, reinstated, or reissued.

310-A:153 Interstate Licensure.

1. The board in its discretion may, upon application and the payment of a fee, issue a landscape architect's license to any person who holds a Council of Landscape Architectural Registration Board (CLARB) certificate, or to any person who holds an unexpired license or certificate of registration issued by any state, territory or possession of the United States, provided that the applicant's qualifications meet the requirements of this subdivision and the rules established by the board.

II. The board may grant reciprocity of license to any applicant who is similarly licensed in any other state, provided the other state's licensing requirements are substantially equivalent to or higher than those of this state.

310-A:154 Expiration and Renewals.

1. All licenses issued by the board shall expire on the last day of the licensee's month of birth the second year following the year of issuance, or upon each other biennial date as the board may adopt. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list and roster. The board, pursuant to rules adopted under RSA 310-A:143, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

310-A:155 Disciplinary Action.

1. The board may undertake disciplinary proceedings:

- Upon its own initiative; or
 - Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefore.
- II. Misconduct sufficient to support disciplinary proceedings under this section shall include:
- The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision.
 - Conviction of a felony or any offense involving moral turpitude.
 - Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of the profession.
 - Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee.
 - Addition to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this subdivision.

- (f) Mental or physical incompetency to practice under this subdivision.
- (g) Willful or repeated violation of the provisions of this subdivision.
- (h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.
- (i) Violations of the rules of professional conduct for landscape architects, or any other rule adopted by the board.
- (j) Providing false testimony before the board.
- (k) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.
- (l) Knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of landscape architecture.

310-A-156. Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notices of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II.(a) The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the board.

(b) The board may issue subpoenas with the approval of the office of the attorney general.

(c) A minimum of 10 business days' notice shall be given for compliance with a subpoena under this subdivision.

III. At any hearing, the named person or licensee shall have the right to:

- (a) Appear in person, by counsel, or both.
- (b) Produce evidence and witnesses.
- (c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

V. The board, upon making an affirmative finding under RSA 310-A:155, II, may take disciplinary action in any one or more of the following ways:

- (a) By written reprimand.
- (b) By suspension, refusal to renew, limitation or restriction of a license, or probation for a period of time determined to be reasonable by the board.
- (c) By revocation of a license.
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.
- (e) By requiring the person to practice under the direct supervision of a licensed architect for a period of time specified by the board.

(f) By assessing civil penalties, after notification and due process, in amounts established by the board which shall not exceed \$2,000 per offense or, in the case of continuing offenses, \$200 for each day the violation continues, whichever is greater.

VI. Any applicant or licensee aggrieved by an action of the board denying, suspending, refusing to renew, or revoking its license may appeal the decision in accordance with RSA 541.

VII. In addition to any other action, the board may assess all reasonable costs incurred in connection with any disciplinary proceeding, including investigations and stenographers and attorneys fees as a condition of probation or reinstatement.

VIII. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.

310-A:157. Reissuance of Licenses. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been suspended or revoked, provided 3 or more members of the board vote in favor of such reissuance. A new license may be issued, subject to the rules of the board, and a charge shall be made for such issuance.

310-A:158. Violations. It shall be a class B misdemeanor for any natural person or a felony for any business organization to:

- I. Present or attempt to use the license or seal of another as one's own;
- II. Give any false or forged evidence of any kind to the board or to any board member in obtaining a license;
- III. Falsely impersonate any other licensee of like or different name;
- IV. Attempt to use an expired or revoked license;
- V. Practice landscape architecture or to offer, advertise or hold oneself out to the public as being in the practice of landscape architecture in this state without a license; or
- VI. Violate any of the provisions of this subdivision.

310-A:159. Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:158 on proceedings brought by the attorney general, the board, or any society of licensed landscape architects duly incorporated under the laws of this state.

310-A:160. Exemptions. Nothing in this subdivision shall be construed to prevent or affect:

I. The preparation of details and shop drawings by persons, other than landscape architects, for use in connection with the execution of their work.

II. The preparation of plans, drawings and specifications for and the supervision of the construction or alteration of landscape design associated with farms, residences, institutional or commercial uses where the client or reviewing governmental entity does not require the stamp of a licensed landscape architect.

III. Supervision by builders, or superintendents employed by such builders, of the installation of landscape projects.

IV. Business conducted in this state by any agriculturalist, horticulturist, tree expert, arborist, forster, wetland scientist, certified professional in erosion and sediment control, natural scientist, soil scientist, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape designer, landscape contractor, irrigation contractor, irrigation designer, garden or lawn caretaker or grader or cultivator of land, as these terms are generally used, except that no such person shall use the designation "landscape architect," "landscape architectural" or "landscape architecture" unless licensed as a landscape architect in this state.

V. The practice of architecture by an architect licensed in this state, or the practice of professional engineering or land surveying by a professional engineer or land surveyor licensed in this state, or the preparation of wetland mitigation plans by a wetland scientist, natural scientist, or soil scientist, provided that no such architect, professional engineer, wetland scientist, natural scientist, soil scientist, or land surveyor shall use the designation "landscape architect," "landscape architectural" or "landscape architecture" unless licensed as a landscape architect in this state.

VI. The practice of landscape architecture by officers and employees of the United States while engaged within the state in the practice of landscape architecture for the federal government.

VII. Professional engineers, when engaged in the lawful practice of engineering under RSA 310-A, from performing engineering work which could be defined in this subdivision as within the practice of the profession of landscape architecture.

2006-0790s

Amendment to HB 1470
Proposed by the Committee on Transportation - R

Amend the bill by replacing section 1 with the following:

1. Special Permit Fees. Amend RSA 266:22, I-V to read as follows:

- I. Each permit for either over-length, over-width or over-height or any combination thereof, ~~§[9]~~ **§[8]**:
- II. Each permit for vehicle and load over-weight, fee based on the following schedule: vehicle and load over registered weight but not exceeding 50,000 pounds, ~~§[8]~~ **§[7]**; 50,001 pounds to 60,000 pounds, ~~§[8]~~ **§[6]**; 60,001 pounds to 70,000 pounds, ~~§[7]~~ **§[5]**; 70,001 pounds to 80,000 pounds, ~~§[8]~~ **§[4]**; 80,001 pounds to 90,000 pounds, ~~§[9]~~ **§[3]**; 90,001 pounds to 100,000 pounds, ~~§[9]~~ **§[2]**; and for each additional 10,000 pounds \$2 shall be added to the above rates;
- III. Provided a special permit may be issued to a person to cover all types of moves made within a radius of 100 miles from the person's home location for a fee of ~~§[96]~~ **§[75]** for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioner of transportation may determine.
- IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of ~~§[966]~~ **§[150]** for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year;

AMENDED ANALYSIS

This bill changes the special permit fee amounts.

2006-0505s

Amendment to HB 1497-LOCAL
Proposed by the Committee on Education - R

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

AN ACT relative to certification by a superintendent regarding statistical reports.

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

I. Statistical Reports: Failure to File Reports. Amend RSA 169:25, III to read as follows:

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete, and that the school board chairperson has received a copy of this document." ~~(The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public entities, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete.")~~

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

AMENDED ANALYSIS

This bill requires the school district superintendent to certify that the school board chairperson has received a copy of certain statistical reports.

2006-0535s

Amendment to HB 1501
Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by inserting after section 7 the following sections and renumbering the original section 8 to read as 10:

8 New Paragraph: Multi-State Lottery Association. Amend RSA 284:21-I by inserting after paragraph V the following new paragraph:

VI. The commission may adopt rules, which shall be exempt from the provisions of RSA 541-A, for any multi-jurisdictional games conducted by the Multi-State Lottery Association.

9 New Subparagraph: Exception: Multi-State Lottery Association. Amend RSA 541-A:21, I by inserting after subparagraph (c) the following new subparagraph:

(c) RSA 284:21-I, V relative to rules for multi-jurisdictional games conducted by the Multi-State Lottery Association.

2006-0697s

Amendment to HB 1516
Proposed by the Committee on Children and Family Law - C

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

1. Adjustments to Child Support Guidelines Under Special Circumstances: Prior Order Contrary to Law or Unjust. Amend RSA 458-C:3, I(f) to read as follows:

(f) *A determination that the prior order was contrary to law or unjust, considering the needs of the child.*

(g) *Other special circumstances found by the court to avoid an unreasonably low or confiscatory support order, taking all relevant circumstances into consideration.*

2. Child Support Guidelines: Modification of Order: Grounds for Modification. Amend RSA 458-C:7, I to read as follows:

- I. ~~(The obligor or obligee may apply to the court, when the department of health and human services has issued a legal order of support pursuant to RSA 461-A, to the department, whichever issued the existing order, for modification of such order 8 years after the entry of the last order of support, without the need to show a substantial change of circumstances. This section shall not prohibit the obligor or obligee from applying at any time for a modification based on substantial change of circumstances.) A child support order may be modified if:~~
- (a) *Three years have elapsed since the entry of the last order for support;*
- (b) *Either party demonstrates a substantial change in circumstances;*
- (c) *The parties agree to a change in the child support amount;*
- (d) *The court has removed the child from the custody of the obligee pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463 or from the residential responsibility of the obligee under RSA 461-A or*
- (e) *The parties agree on a change in residential responsibility or designation of obligee.*

3. New Paragraphs: Modification of Order. Amend RSA 458-C:7 by inserting after paragraph II the following new paragraphs:

- III. The court may correct or void a child support order to:
- (a) Correct an error in calculation that is apparent on the face of the order or is readily provable by documentary evidence.
- (b) Correct fraud upon the court.
- (c) Credit a parent for a direct expenditure made, with the consent of the other parent, in lieu of child-support payment.
- (d) Reflect a period during which an arrearage accrued because the obligor was precluded from filing a petition for modification by reason of a significant physical or mental disability or misrepresentation by another party, if the parent thereafter promptly filed for modification.
- IV. The court may approve a settlement by the parties that reduces the amount or ends an existing child support order if the settlement is consistent with the interests of the child.
- V. If a child support order provides for future review or modification at a specified interval of 3 years or less, such modification shall not be effective prior to the date that notice of the petition for modification has been given to the respondent, unless the parties agree otherwise. "Notice" shall have the same meaning as in paragraph II.

VI. If the modification of a support obligation results in an overpayment of support, the court shall order, absent a showing of undue hardship, the obligee to directly reimburse the obligor for such overpayment of support or order an adjustment to the modified support obligation not to exceed the amount of the support overpayment for the purpose of reimbursement. Additionally, the obligor shall have a right to seek reimbursement for any overpayment that occurs during the pending modification action from the effective date of the modification to the date of issuance of the court order. In the event the parties cannot reach an agreement on repayment, either party shall have the right to request an immediate hearing to adjudicate reimbursement in an amount and frequency as determined by the court to be fair and equitable.

Parental Rights and Responsibilities: Orders for Support; Effect of Modification. Amend RSA 461-A:14, VI to read as follows:

VI. All support payments ordered or administered by the court under this chapter shall be deemed judgments when due and payable. Such judgments shall be given full faith and credit by all jurisdictions of this state. *However, if due to an error in calculation or fraud, the order did not comply with RSA 458-C when ordered, the order shall be corrected effective with the original order date.*

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

AMENDED ANALYSIS

This bill:

- I. Permits the court to deviate from the child support guidelines if the court determines that a prior child support order was contrary to law or unjust.
- II. Permits modification of a child support order based on a change in custody under the juvenile statute or guardianship statute, a change in residential responsibility, or by mutual agreement of the parties.
- III. Clarifies the effective date of a child support modification contained in a child support order.
- IV. Establishes that the obligor has a right to seek reimbursement from the obligee for an overpayment that occurred during a pending modification.

2006-0784s

Amendment to HB 1521
Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the membership of the juvenile parole board.

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

1. Parole of Delinquents: Juvenile Parole Board. Amend RSA 170-H:3 to read as follows:

170-H:3 Juvenile Parole Board. There shall be a juvenile parole board with 5 members and 2 alternate members. The members and alternate members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. *An alternate member may attend any hearing of the juvenile parole board but may only vote in the absence of a member.* A vacancy on the board shall be filled by an alternate member designated by the governor for the remainder of the term of the member who vacated the position. No member shall serve more than 2 consecutive terms. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his or her absence. At least 3 members of the board shall be present at all meetings and 3 members shall constitute a quorum. The board shall hold at least 12 parole hearings each year and may hold more hearings as necessary. *Members and alternate members shall be paid mileage at the state employee rate while engaged in the duties of the board and to the extent funds are available in the youth development center budget.*

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

This bill adds 2 alternate members to the juvenile parole board.

2006-0634s

Amendment to HB 1563
Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - R

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

AN ACT establishing a committee to study immigration.

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

1. Committee Established. There is established a committee to study the positive and negative effects of immigration on the human services system in New Hampshire.

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, 2 of whom shall be members of the health, human services and elderly affairs committee and one of whom shall be a member of the education committee.
 - (b) Three members of the senate, appointed by the president of the senate, 2 of whom shall be members of the health and human services committee and one of whom shall be a member of the education committee.
- 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 the positive and negative effects of immigration on the human services system in communities throughout the state. The committee also shall identify recent immigration trends and their effect on the availability and provision of services. The committee shall solicit information and testimony from such agencies and individuals as may assist the committee in the performance of its duties.
- 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 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 the positive and negative effects of immigration on the human services system.

2006-0756h

Amendment to HB 1570
Proposed by the Committee on Commerce - C

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

- 1 Individual Insurance Policies; Dependent Children. Amend RSA 415:5, I(c) to read as follows:
 - (i) If a parent, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any children under a specified age which shall not exceed 18 years and any other person dependent upon the policyholder; *provided, that dependent children shall include unmarried children under the age of 24 who are financially dependent upon the parent and who either have the same legal residence as the policy holder or are full-time or part-time students. Once coverage for a child over the age of 19 is removed from a parent's policy after no longer qualifying under this subparagraph, such coverage shall not be resumed; and*
- 2 Group Insurance Policies; Dependent Children. Amend RSA 415:18, IV to read as follows:
 - IV (a) Any such group insurance policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, his or her spouse, child or children, or other dependents, and may provide that any such benefits be paid by the insurer directly to the hospital, physician, surgeon, doctor, nurse, or other person furnishing services covered by such provision of said policy.
 - (d) *(Dependent children shall include unmarried children under the age of 24 who are financially dependent upon the parent and who either have the same legal residence as the policy holder or are full-time or part-time students. Once coverage for a child over the age of 19 is removed from a parent's policy after no longer qualifying under this subparagraph, such coverage shall not be resumed. This subparagraph shall also apply to group hospital health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans pursuant to RSA 420-B.*

AMENDED ANALYSIS

This bill extends insurance coverage to certain unmarried children under the age of 24.

2006-0620h

Amendment to HB 1578
Proposed by the Committee on Health, Human Services and Elderly Affairs - R

Amend RSA 12-3:5, I as inserted by section 2 of the bill by inserting after subparagraph (f) the following:

- (g) Preventive strategies for schools to use.
- Amend RSA 12-3:5, II as inserted by section 2 of the bill by replacing it with the following:
 - II. The department of health and human services, in cooperation with the commission, may initiate the development and implementation of a Meth Watch program similar to the Meth Watch program first designed and implemented in the state of Kansas and adopted by numerous other states, including the state of Maine, and coordinate its efforts with the department of health and human services and other state agencies.

2006-0744h

Amendment to HB 1581
Proposed by the Committee on Transportation - C

Amend the bill by replacing section 2 with the following:

- 2 Effective Date. This act shall take effect January 1, 2008.

2006-0497h

Amendment to HB 1583
Proposed by the Committee on Children and Family Law - C

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

- 1 New Subparagraphs; Grounds for Modification of Parental Rights and Responsibilities; Substantial Change in Circumstances; 3-Year Modification: Preference of Mature Minor. Amend RSA 401-A:11, I by inserting after subparagraph (d) the following new subparagraphs:
 - (e) A parent petitions the court for modification based on a substantial change in circumstances, or 3 years have passed since the entry of the last order concerning parental rights and responsibilities.
 - (f) If the court finds that a minor child is of sufficient maturity to make a sound judgment about his or her proper custody, the court may give substantial weight to the preference of the mature minor child as to the parent with whom he or she wants to live. Under these circumstances, the court shall also give due consideration to other factors which may have affected the minor child's preference, including, but not limited to, whether the minor child's preference was based on undesirable or improper influences.
 - 2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits the court to modify a prior determination of parental rights and responsibilities based on a substantial change of circumstances or once every 3 years. The bill also permits the court to give substantial weight to the preference of a mature minor in the modification of parental rights and responsibilities.

2006-0575h

Amendment to HB 1585
Proposed by the Committee on Children and Family Law - C

Amend RSA 461-A:9-a, V as inserted by section 1 of the bill by replacing it with the following:

- V. The department of health and human services shall receive a copy of any order to enforce a parenting plan issued under this section.

This bill establishes an expedited hearing process for motions to enforce parenting plans.

2006-0592h

Amendment to HB 1589
Proposed by the Committee on Public Works and Highways - C

Amend subparagraph 1(a) of section 2 of the bill by replacing it with the following:

- (a) Four members of the house of representatives, 2 of whom shall be members of the public works and highways committee, appointed by the speaker of the house of representatives.
- Amend the bill by replacing section 3 with the following:
 - 3 Duties. The committee shall study the feasibility of using unoccupied state-owned buildings as transition homes for 17-year-olds and 18-year-olds who are ready to leave foster care or the youth development center. The committee shall identify any suitable property currently owned by the state and shall assess the feasibility of converting such property to transition homes. The committee shall solicit testimony from agencies, organizations, and individuals with relevant information and expertise.

2006-0067h

Amendment to HB 1589-FN-LOCAL
Proposed by the Committee on Education - R

Amend the bill by replacing section 1 with the following:

- 1 School Building Aid; Amount of Annual Grant. Amend RSA 195:15-b, I to read as follows:
 - I (a) The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, *or for the cost of acquiring, developing, or renovating any municipally-owned land, buildings, or facilities to be used for school district purposes*, to the extent approved by the department of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for a school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, a receiving district operating an area school, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.
 - (b) *For any municipally-owned land, buildings, or facilities for which school building aid is granted under this subdivision, the following shall apply:*
 - (1) *A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or facilities, whichever is greater.*
 - (2) *The cost of any proposed renovation project shall be less than the cost of a new acquisition for the same purpose.*
 - (3) *In the absence of a bond or note or upon the expiration of any bond or note issued to provide funds for land, buildings, or facilities, the principal parties shall enter into an agreement on how such land, buildings, or facilities are to be used.*

2006-0785h

Amendment to HB 1601-FN-LOCAL
Proposed by the Committee on Education - R

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

- AN ACT relative to the funding of catastrophic special education aid and making an appropriation to the department of education to support the Laurent Clerc Academy.
- Amend the bill by replacing all after section 1 with the following:
 - 2 Statement of Purpose. The general court finds that elementary and secondary education for students who are deaf or hard of hearing should be provided in an environment that is respectful of the culture of the deaf and hard of hearing. Since a linguistically accessible environment is generally the least restrictive environment for deaf and hard of hearing students, such an environment would be consistent with the Individuals with Disabilities Education Improvement Act of 2004.
 - 3 Appropriation. There is appropriated the sum of \$186,000 for the fiscal year ending June 30, 2006, and the sum of \$241,000 for the fiscal year ending June 30, 2007, to the department of education which shall use such funds to support the Laurent Clerc Academy in providing elementary and secondary education for deaf and hard of hearing students. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.
 - 4 Effective Date.
 - I. Section 1 of this act shall take effect 60 days after its passage.
 - II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the formula used to determine liability for catastrophic aid expenses. The bill also makes an appropriation to the department of education for the 2006 and 2007 fiscal years to support the Laurent Clerc Academy.

2006-0586h

Amendment to HB 1611-FN
Proposed by the Committee on Health, Human Services and Elderly Affairs - R

Amend RSA 161-4:3-a as inserted by section 2 of the bill by replacing it with the following:

- 161-4:3-a Authorization of Legally Responsible Relative. The department may authorize reimbursement to a parent who provides personal care to a minor child with special health care needs residing at home. Such reimbursement shall occur only when the department determines that the needs of the child, the unavailability of appropriate providers or suitable alternative care services, and cost efficiencies make utilization of a parent for the provision of such services necessary and appropriate. Reimbursement shall be limited to care that is medically necessary due to specific health needs and shall not be made for care generally expected and provided by parents to a child of similar age and developmental stage. The department shall not authorize reimbursement to a parent until a plan and rules adopted pursuant to RSA 541-A, are reviewed and approved by the oversight committee on health and human services, established in RSA 126-A:13.

2006-0729h

Amendment to HB 1621-FN
Proposed by the Committee on Commerce - C

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

- AN ACT prohibiting the overpricing of commodities during a declared state of emergency or a market emergency.
- Amend the bill by replacing all after the enacting clause with the following:
 - 1 New Chapter; Commodity Prices; Overpricing Prohibited. Amend RSA by inserting after chapter 359-H the following new chapter:

CHAPTER 359-I
COMMODITY PRICES

- 359-I:1 Definitions. In this chapter:
 - I. "Commodity" means any goods, services, materials, merchandise, supplies, equipment, resources, or other article of commerce, including food, water, ice, medicine, chemicals, petroleum products, and lumber, necessary for consumption or use as a direct result of a declared state of emergency or market emergency.
 - II. "Distributor" means the seller of a commodity to a selling merchant.
 - III. "Market emergency" means a significant disruption to the production, distribution, or sale of a commodity or commodities caused by an event such as a natural or man-made emergency or disaster.
 - IV. "Selling merchant" means the retail seller of a commodity to an end user of the commodity.
- 359-I:2 Prohibition on Price Gouging.
 - I. It is unlawful for any distributor or selling merchant, or his or her agent or employee, to sell a commodity to a consumer at an unconscionably high price during any of the following events:
 - (a) During a declaration of a state of emergency by the governor within the area of the declared state of emergency.
 - (b) Following the finding of a market emergency by the Merrimack county superior court upon petition filed by the attorney general within the area of the finding of a market emergency.
 - II. A price is unconscionably high if the amount charged represents a gross disparity between the price of the commodity and:
 - (a) The price at which the same commodity was sold or offered for sale in the usual course of business during the 7 days immediately prior to the declared state of emergency or market emergency; and
 - (b) The price of the commodity of like grade and quality when compared to the highest price at which the commodity was offered for sale by other similar businesses in the same or adjacent county.
 - III. Price increases due to an increase in the amount charged attributable to increased wholesale, delivery, labor, replacement costs or other necessary costs incurred or reasonably anticipated to be incurred by the selling merchant or wholesaler, shall not be considered price gouging.
 - IV. A violation of this chapter shall be enforceable by the attorney general for civil penalties pursuant to RSA 358-A:4, and shall not be subject to the criminal provisions under RSA 358-A:6 or the private right of action of RSA 358-A:10. Any violation of this chapter shall be based on the setting of the price and such violation shall not be based on each separate sale.
- 2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill prohibits distributors and merchants from selling commodities at unconscionably high prices during a declared state of emergency or a market emergency.

2006-0351h

Amendment to HB 1624-FN
Proposed by the Committee on Transportation - C

Amend the bill by replacing section 5 with the following:

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

2006-0816h

Amendment to HB 1634-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 2 with the following:

2 Definitions. Amend RSA 100-A:1, IV to read as follows:

IV. "Employer" shall mean (a) the state or any department, commission, institution, or agency of the state government by which an employee is paid through the office of the state treasurer with respect to their employees, (b) the state, the local school district, or other employers of teachers eligible for membership in the system with respect to the teachers in their employ, (c) any police department or police force of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent policemen in their employ, ~~and~~ (d) any fire department of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent firemen in their employ, and (e) *any political subdivision that has elected to participate under RSA 100-A:20*; provided, however, that in no instance shall any employer contribute or participate in the retirement system unless *by a reasonable determination of the board of trustees* such employer qualifies as a governmental entity, political subdivision, agency, or instrumentality eligible to ~~participate in the retirement system~~ as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended.

Amend RSA 100-A:1, VI(e) as inserted by section 5 of the bill by replacing it with the following:

(e) Except for service described in subparagraph (d), in no case shall prior service purchased as creditable service in the New Hampshire retirement system under the provisions of this section be deemed to be creditable service for the purposes of eligibility for medical benefits after retirement under the provisions of RSA 211:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

Amend the bill by inserting after section 10 the following and renumbering the original sections 11-19 to read as 12-20:

11 Administration. Amend RSA 100-A:14, V to read as follows:

V. The board of trustees shall have the full power to employ and compensate such employees on such terms as may be necessary as charges upon the funds of the retirement system, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the retirement system shall not be classified employees of the state within the meaning of RSA 211:49. Notwithstanding, any individual employed by the retirement system whose employment calls for 20 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state. Upon election by such individual, the retirement system shall pay from its funds the state's share of such benefits. Any remaining costs of health, dental, and life insurance benefits which an individual elects to receive pursuant to this paragraph, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the retirement system. It may also engage such actuarial, medical, and like services as may be required to transact the business of the system. The compensation for such special services, and all other expenses of the board necessary, hereto, shall be paid at such rates and in such amounts as the board shall approve. *Service as an employee of the retirement system shall be creditable service for purposes of RSA 211:30, II. Any retirement system employee who transfers, without a break in service, to a state classified service position shall transfer all the days of sick leave credit and annual leave credit that the retirement system employee has accumulated pursuant to this section.*

At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.

17 Payment by Retirement System; Group I State Employees. Amend RSA 100-A:52-b, I (b) to read as follows:

(b) The spouse of a qualified retiree, *until death or remarriage*.

2006-0747d

Amendment to HB 1645-FN
Proposed by the Committee on Criminal Justice and Public Safety - C

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

AN ACT relative to fireworks display permits, the position of permissible fireworks inspector, and the sale of permissible fireworks.

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

1 Requirements for the Display of Fireworks; Permit Fee. Amend RSA 160-B:7, V to read as follows:

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city, or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and such display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, the chief may revoke the permit. *At least 48 hours prior to the date of the display, the operator of the display shall transmit a copy of the completed display permit, approved by the town, city, or village district, to the department of safety.*

2 Permissible Fireworks Inspector. Amend the introductory paragraph of RSA 160-C:17 to read as follows:

160-C:17 Permissible Fireworks Inspector. There is hereby established in the office of the state fire marshal the ~~position of~~ *full-time classified* position of permissible fireworks inspector. The permissible fireworks inspector *shall be under the direction and supervision of the state fire marshal and shall:*

3 Minimum Age for Sale of Permissible Fireworks. Amend RSA 160-C:5, VIII to read as follows:

VIII. No person under the age of 21 shall be engaged in the business of handling or selling any permissible fireworks; provided, however, that a person less than 21 years of age but at least ~~18~~ *16* years of age may handle and sell permissible fireworks at a licensed sales location if he or she is under the direct supervision of a person 21 years of age or older.

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

This bill:

I. Requires that the display permit be submitted to the department of safety at least 48 hours prior to the display.

II. Makes the position of permissible fireworks inspector a full-time, rather than seasonal, position.

III. Lowers the minimum age to sell permissible fireworks from 18 to 16 years of age.

2006-0003b

Amendment to HB 1648
Proposed by the Committee on Children and Family Law - C

Amend RSA 190:12, V-b as inserted by section 2 of the bill by replacing it with the following:

V-b. Whenever a dispute arises ~~between a parent and a school district~~ *among one or more school districts, the department of health and human services, or one or more of the previously mentioned parties*, 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 dispute in writing that the ~~respective~~ *superintendents involved* 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.

2006-0372d

Amendment to HB 1631-FN-A-LOCAL
Proposed by the Minority of the Committee on Ways and Means - R

Amend RSA 198-0-c, II(b) as inserted by section 5 of the bill by replacing it with the following:

(b) If a municipality's local equalized valuation per pupil as calculated in paragraph I is less than the statewide average equalized valuation per pupil as calculated in paragraph I, the municipality shall be entitled to receive ~~statewide enhanced education~~ *tax capacity aid* in an amount equal to the following: subtract the local equalized valuation per pupil as calculated in paragraph II from the statewide average equalized valuation per pupil as calculated in paragraph I. This amount shall be ~~multiplied by the ratio of the municipality's local equalized valuation per pupil to the statewide average equalized valuation per pupil~~ *multiplied by the ratio of the municipality's local equalized valuation per pupil to the statewide average equalized valuation per pupil* tax capacity aid. The result shall be multiplied by the average daily membership in residence in such municipality and shall be available to a municipality as ~~statewide enhanced education~~ *tax capacity aid*.

Amend RSA 198-0-c as inserted by section 5 of the bill by inserting after paragraph III the following new paragraph:

IV. Beginning July 1, 2007, and for the first year of each biennium thereafter, the department shall calculate a tax capacity aid coefficient using the adjusted equalized valuation excluding utilities, as defined in RSA 198:38, for the fiscal year that was 2 years prior to the fiscal year for which aid is to be determined as follows: divide 363,000,000 by the total statewide equalized valuation of all municipalities excluding utilities. The result shall be the tax capacity aid coefficient.

2006-0800b

Amendment to HB 1660-FN
Proposed by the Committee on Commerce - R

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

1 New Subdivision; Right to Privacy; Notice of Security Breach. Amend RSA 359-C by inserting after section 18 the following new subdivision:

Notice of Security Breach.

359-C:19 Definitions. In this subdivision:

"Computerized data" means personal information stored in an electronic format.

II. "Person" means an individual, corporation, trust, partnership, incorporated or unincorporated association, limited liability company, or other form of entity, or any agency, authority, board, court, department, division, commission, institution, bureau, or other state governmental entity, or any political subdivision of the state.

III. (a) "Personal information" means an individual's first name or initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

(1) Social security number.

(2) Driver's license number.

(3) Account number, credit card number, or debit card number.

(4) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

(b) Personal information shall not include information that is lawfully made available to the general public from federal, state, or local government records.

IV. "Security breach" means unauthorized acquisition of unencrypted computerized data, or encrypted computerized data in combination with any required security code, access code, or password that would permit access to the encrypted data, that materially compromises the security, confidentiality, or integrity of personal information maintained by a person doing business in this state. Good faith acquisition of personal information by an employee or agent of a person for the purposes of the person's business shall not be considered a security breach, provided that the personal information is not used or subject to further unauthorized disclosure.

359-C:20 Notification of Security Breach Required.

I. (a) Any person doing business in this state who owns or licenses computerized data that includes personal information shall, when it becomes aware of a security breach, promptly determine the likelihood that the information has been or will be misused. If the determination is that misuse of the information has occurred or is reasonably likely to occur, or if a determination cannot be made, the person shall notify the affected individuals as soon as possible as required under this subdivision.

(b) Any person engaged in trade or commerce that is subject to RSA 358-A:3, I shall also notify the regulator which has primary regulatory authority over such trade or commerce. All other persons shall notify the New Hampshire attorney general's office. The notice shall include the anticipated date of the notice to the individuals and the approximate number of individuals who will be notified. Nothing in this section shall be construed to require the person to provide to any regulator or the New Hampshire attorney general's office the names of the individuals entitled to receive the notice or any personal information relating to them.

(c) The disclosures required under subparagraphs I(a)-(b) shall be made as expeditiously as possible, but no more than 15 business days after such breach has been discovered.

II. Notification pursuant to paragraph I may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation.

III. The notice required under this section shall be provided by one of the following methods:

(a) Written notice.

(b) Electronic notice, if such notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. section 7001.

(c) Telephonic notice, provided that a log of each such notification is kept by the person or business who notifies affected persons.

(d) Substitute notice, if the person demonstrates that the cost of providing notice would exceed \$5,000, that the affected class of subject individuals to be notified exceeds 1,000 or the person does not have sufficient contact information. Substitute notice shall consist of all of the following:

(1) E-mail notice when the person has an e-mail address for the affected individuals.

(2) Conspicuous posting of the notice on the person's business website, if the person maintains one.

(3) Notification to major statewide media.

(e) Notice pursuant to the person's internal notification procedures maintained as part of an information security policy for the treatment of personal information.

IV. Notice under this section shall include at a minimum:

(a) A description of the incident in general terms.

(b) The approximate date of breach.

(c) The type of personal information obtained as a result of the security breach.

(d) The telephonic contact information of the person subject to this section.

V. Any person engaged in trade or commerce that is subject to RSA 358-A:3, I which maintains procedures for security breach notification pursuant to the laws, rules, regulations, guidances, or guidelines issued by a state or federal regulator shall be deemed to be in compliance with this subdivision if it acts in accordance with such laws, rules, regulations, guidances or guidelines.

VI. (a) If a person is required to notify more than 1,000 consumers of a breach of security pursuant to this section, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by 15 U.S.C. section 1681(p), of the anticipated date of the notification to the consumers, the approximate number of consumers who will be notified, and the content of the notice. Nothing in this paragraph shall be construed to require the person to provide to any consumer reporting agency the names of the consumers entitled to receive the notice or any personal information relating to them.

(b) Subparagraph (a) shall not apply to a person who is subject to Title V of the Gramm Leach-Bliley Act, 15 U.S.C. section 6801 et seq.

359-C:21 Violation. Failure of a person engaged in trade or commerce subject to RSA 358-A to the notices required by this subdivision shall be a violation of RSA 358-A and such person shall be subject to the provisions of RSA 358-A:4 and RSA 358-A:10.

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

2006-0707h

Amendment to HB 1671-FN
Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing sections 2 and 3 with the following:

2 New Subparagraph; Dental Hygienists; Services. Amend RSA 317-A:21-c, II by inserting after subparagraph (e) the following new subparagraph:

(f) The administration of nitrous oxide/oxygen minimal sedation (anxiolysis) by the dental hygienist is certified by the board after training and after passing an examination approved by the board.

3 Dental Records. Amend RSA 317-A:27-a to read as follows:

317-A:27-a Dental Records. Dentists and dental hygienists shall make a record of all examinations and treatments performed or recommended. The record shall be in such a manner and in sufficient detail that it may be used for identification purposes. A dentist shall maintain patients' *paper and radiographic* records for at least 7 years from the time the dentist or dental hygienist last treated the patient. In the case of a minor patient, a dentist shall maintain a patient's *paper and radiographic* dental records for at least 7 years past the age of majority.

This bill includes certain misdeemeanors as professional misconduct, allows dental hygienists to administer certain sedation, and clarifies the retention of dental records.

This bill is a request of the board of dental examiners.

2006-0005b

Amendment to HB 1677-FN
Proposed by the Committee on Judiciary - R

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

AN ACT relative to the annulment of the arrest record of a person found not guilty on the merits.

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

1 New Paragraph; Annulment of Criminal Records; Not Guilty on the Merits. Amend RSA 651:5 by inserting after paragraph II the following new paragraph:

I-a. Upon a finding by the court that the annulment will assist in the person's rehabilitation and will be consistent with the public welfare, the arrest record of any person who has been found not guilty on the merits shall be immediately annulled at no cost to the person.

2 Annulment of Criminal Records. Amend RSA 651:5, IX to read as follows:

IX. *Except as provided in paragraph II-a*, when a petition for annulment is timely brought, the court shall require the department of corrections to report to the court concerning any state or federal convictions, arrests or prosecutions of the petitioner and any other information which the court believes may aid in making a determination on the petition. The department shall charge the petitioner a fee of \$100 to cover the cost of such investigation unless the petitioner demonstrates that he is indigent or he has been found not guilty or his case has been dismissed or not prosecuted in accordance with paragraph II. The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit them to be heard regarding the interest of justice in regard to the petition.

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

This bill requires the arrest record of any person who has been found not guilty on the merits to be annulled at no cost to the person upon a finding by the court that the annulment will assist in the person's rehabilitation and will be consistent with the public welfare.

2006-0853b

Amendment to HB 1679
Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to the property tax exemption for university system property.

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

1 Statement of Intent.

I. The general court recognizes the university system of New Hampshire is established for the main purpose of providing a well coordinated system of public higher education offering liberal undergraduate education encompassing the major branches of learning, emphasizing our cultural heritage, and cultivating the skills of reasoning and communication. The general court further recognizes that in order to accomplish this task there are many avenues that must be pursued. One of these avenues is to maintain free or at least low cost facilities, student unions, and bookstores for students and faculty on all campuses of the university system, and to collect rents from such facilities.

II. The collection of these rents in the form of leases for such facilities rises to the level of a possible conflict with RSA 187-A:25 which states that the property of the university system of New Hampshire and each of its constituent institutions and divisions is exempt from taxation. The general court also finds that the collection of these rentals/leases may be construed to create competition with local businesses. The appropriate avenue to address this would be the inclusion of the university system of New Hampshire into RSA 72:23. The general court feels that any and all personal and real property used to complete the purpose for which the university system of New Hampshire was established should be exempt from taxation. The leasing policy of the university system of New Hampshire regarding payment of taxes to the host municipality closely mirrors RSA 72:23 regarding real estate and personal property tax exemptions. The general court further believes that any facilities for

which rent is collected should not be exempt from taxation.

III. Therefore, the public policy for the existing statute is to prohibit a private business from escaping taxation simply by leasing itself on tax exempt property or from receiving an unfair tax advantage over another private business by doing so.

2 Property Taxation: Exempt Property. Amend RSA 72:23, (a) and (b) to read as follows:

1(a) Lands and the buildings and structures thereon and therein and the personal property owned by the state of New Hampshire including the university system of New Hampshire or by a New Hampshire city, town, school district, or village district unless said real or personal property is used or occupied by other than the state or a city, town, school district, or village district under a lease or other agreement the terms of which provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property. The exemption provided herein shall apply to any and all taxes against lands and the buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts, and village districts.

(b) All leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state including the university system of New Hampshire or a city, town, school district, or village district, entered into after July 1, 1979, shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date. This subparagraph shall not apply to leases of state-owned railroad properties which are subject to railroad taxes under the provisions of RSA 82 or which provide revenue to the state, a portion of which is distributed to cities and towns pursuant to RSA 228:69, 1(a). All such leases and agreements shall include a provision that "failure of the lessee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said lease or agreement by the lessor." All such leases and agreements entered into on or after January 1, 1994, shall clearly state the lessee's obligations regarding the payment of both current and potential real and personal property taxes, and shall also state whether the lessee has an obligation to pay real and personal property taxes on structures or improvements added by the lessee.

3 University System: Taxation of Nongovernmental Use. Amend RSA 187-A:25 to read as follows:

187-A:25 Tax Exemption. The property of the university system of New Hampshire and each of its constituent institutions and divisions is exempt from taxation, *except as provided in RSA 72:23.*

This bill clarifies the exemption from property taxation for property of the university system of New Hampshire.

2006-0861b

Amend the bill by replacing section 6 with the following:

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

2006-0611h

Amend the bill by replacing section 1 with the following:

1 New Section: Reporting Guidelines for Employee Health Care Coverage. Amend RSA 282-A by inserting after section 117-a the following new section: 282-A:117-b Reporting Guidelines for Employee Health Care Coverage: Definitions.

I. In this section:

(a) "Commissioner" means the commissioner of the department of employment security.

(b) "Employee" means all individuals employed full-time or part-time directly by an employer.

(c) "Health insurance benefits" includes payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits, as defined in section 213(d) of the Internal Revenue Code.

(d) "Health insurance costs" means the amount paid by an employer to provide health care or health insurance to employees in the state to the extent the costs may be deductible by the employer under federal tax law. The term "health insurance costs" includes payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits as defined in section 213(d) of the Internal Revenue Code.

II. An employer which has 500 or more employees shall, commencing on January 1, 2007 and annually thereafter, submit on a form and in a manner approved by the commissioner:

(a) The number of employees of the employer in the state as of one day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis.

(b) The number of employees eligible for health insurance benefits.

(c) The requirements employees and dependents must meet to qualify for health insurance benefits.

(d) The amount spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in the state.

(e) The percentage of payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in the state.

III. The information required under paragraph II shall:

(a) Be designated in a report signed by the principal executive officer or an individual performing a similar function; and

(b) Include an affidavit under penalty of perjury that the information required under paragraph I of this section:

(i) Was reviewed by the signing officer; and

(ii) Was based on the officer's knowledge and does not contain any untrue statement of a material fact or omit a material fact necessary to make the statement made not misleading is true to the best of the signing officer's knowledge, information, and belief.

IV. When calculating the percentage of payroll under paragraph II, an employer may exempt:

(a) Wages paid to any employee beyond the amount taxable for federal Social Security (FICA) purposes;

(b) Wages paid to an employee who is enrolled in or eligible for Medicare; and

(c) Wages paid to an employee who is a seasonal worker or works less than 90 days a year.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The content of any forms required under this subdivision.

(b) Further information which may be required under paragraph II of this section.

VI. On or before March 15 of each year, the commissioner shall make a report to the general court and the governor relative to:

(a) The name of each nonprofit and for profit employer with 500 or more employees in the state.

(b) The employer's definition of full-time employee and part-time employee.

(c) The number of full-time employees.

(d) The number of full-time employees eligible to receive health insurance benefits.

(e) The number of full-time employees receiving health insurance benefits from the employer.

(f) The source of health insurance benefits for those eligible full-time employees not receiving health insurance benefits through an employer subject to reporting under this subdivision.

(g) The number of part-time employees.

(h) The number of part-time employees eligible to receive health insurance benefits.

(i) The number of part-time employees receiving health insurance benefits from the employer.

(j) The source of health insurance benefits for those eligible part-time employees not receiving health insurance benefits through an employer subject to reporting under this subdivision.

2006-0619h

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

1 New Chapter: Sales of Certain Over-the-Counter Drugs by Retail Establishments. Amend RSA by inserting after chapter 358-R the following new chapter:

358-S:1

Definition. In this chapter, "over-the-counter sale" means a retail sale of a drug or product to consumers but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

358-S:2 Retail Sale Restrictions.

1 Except as provided in paragraph III, a retail establishment that offers for sale single-entity pseudoephedrine base or ephedrine base products in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a pharmacy counter where the public is not permitted and are offered for sale only by a licensed pharmacist or a registered pharmacy technician.

II. No retail establishment or individual shall transfer, sell, deliver, or provide more than 2 packages or a total of 6 grams, whichever is greater, of single-entity pseudoephedrine base or ephedrine base products, to any person per transaction.

III. A retail establishment may transfer, sell, deliver, or provide single-dose packages of single-entity pseudoephedrine base or ephedrine base products. No person shall purchase through over-the-counter sales more than 2 single-dose packages of such products or a total of 120 milligrams of such products in any single transaction. Such products shall be displayed either behind the cash register counter or in a locked display case accessible only to store employees.

IV. No retail establishment may sell in an over-the-counter sale, products containing single-entity pseudoephedrine base or ephedrine base to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant produces in good faith relied on proof of age based upon the required photographic identification under RSA 358-S:3, 1(a).

V. A retail establishment that offers for sale combination pseudoephedrine base or ephedrine base products in direct line of sight of a store cash register or store counter staffed by one or more store employees.

VI. No retail establishment or individual shall transfer, sell, deliver, or provide more than 2 packages of combination pseudoephedrine base or ephedrine base products to any person in any single transaction.

358-S:3 Requirements for Purchase.

1 Before any transfer, sale, delivery, or provision of single-entity pseudoephedrine base or ephedrine base products is made, a retail establishment shall require:

(a) Photographic identification showing the buyer's date of birth; and

(b) For any transfer, sale, delivery, or provision of more than one package or a total of 3 grams, whichever is greater, of single-entity pseudoephedrine base or ephedrine base products, a pharmacy shall maintain a written or electronic log detailing:

(i) The date and time of the sale;

(ii) The amount of the drug sold;

(iii) The name of the buyer; and

(iv) The signature of the buyer.

II. Nothing in this section requires the buyer to obtain a prescription for the purchase of pseudoephedrine base or ephedrine base products.

358-S:4 Penalty: Reporting Required: Limitation of Liability.

1 Except as provided in paragraph III, a person who knowingly violates any provision of this chapter shall be guilty of a class A misdemeanor.

II. Any person employed by a business establishment that offers for sale pseudoephedrine base or ephedrine base products who sells such a drug to any person in a suspicious transaction shall report the transaction to the owner, supervisor, or manager of the establishment. The owner, supervisor, or manager shall report the transaction to the local law enforcement agency. A person who reports information under this paragraph in good faith is immune from civil liability relating to the report.

III. An owner, operator, supervisor, or manager of a business establishment that offers for sale products containing pseudoephedrine base or ephedrine base whose employee or agent is convicted of or charged with violating a provision of this chapter shall not be subject to the criminal penalty under paragraph I if the person:

(a) Did not have prior knowledge of, participate in, or direct the employee or agent to commit the violation; or

(b) Documents that an employee training program was in place to provide the employee or agent with information on the state and federal laws and regulations regarding methamphetamine precursor drugs.

2 Commission Established. There is established a commission to study the feasibility of establishing an electronic tracking system for sales of pseudoephedrine base and ephedrine base products.

3 Membership and Compensation.

1 The members of the commission shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, at least one of whom shall be from the health and human services committee, appointed by the president of the senate.

(c) The commissioner of the department of health and human services, or designee.

(d) The attorney general, or designee.

(e) One member representing the pharmacy board, appointed by the pharmacy board.

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

4 Duties. The commission shall study the feasibility of establishing an electronic tracking system for sales of pseudoephedrine base and ephedrine base products.

5 Chairperson: Quorum. The members of the commission shall elect a chairperson from among the members of the commission by the first-announced house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

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

7 Effective Date.

1 Section 1 of this act shall take effect January 1, 2007.

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

2006-0682h

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

1 Children in Need of Services: Petition, Notice of Liability. Amend RSA 169-D:5, 1 to read as follows:

1 A petition alleging a child is in need of services may be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath. *The following notice shall be printed in bold type on the first page of the petition: "Pursuant to RSA 169-D:29, parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding, including the costs of certain evaluations and placements. RSA 186-C regarding educationally disabled children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."*

2 New Paragraph: Children in Need of Services: Notice to Parents of Potential Liability. Amend RSA 169-D:5 by inserting after paragraph VI the following new paragraph:

VII. The court shall serve both parents, and any other individual chargeable by law for the child's support, with a copy of any petition filed under this section. The court shall request the appropriate contact information from the party filing the petition.

3 Children in Need of Services: Summons; Notice of Potential Liability. Amend RSA 169-D:6, III to read as follows:

III. The summons shall state as follows: *"Pursuant to RSA 169-D:29, parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C regarding educationally disabled children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."*

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

This bill requires all CHINS petitions to include a notice of potential liability on the first page. The bill also requires the court to provide both parents, as well as any other person who may be liable for expenses incurred on behalf of the child, with a copy of the petition and notice of liability.

2006-0378h

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.

2006-0378h

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.

2006-0378h

2006-0063h

Amendment to HB 1725-FN
Proposed by the Committee on Children and Family Law - C

Amend the title of the bill by replacing it with the following:
AN ACT extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases.
Amend the bill by replacing section 1 with the following:
I. Court Pilot Project Continued and Expanded; Confidentiality. Amend the section heading and paragraphs I and II of 2002, 243:2 as amended by 2004, 221:1 to read as follows:
243:2 Abuse and Neglect Hearings in the Grafton ~~and~~, Rockingham, and Sullivan County Courts; Pilot Project.
I. A pilot project in the Grafton ~~and~~, Rockingham, and Sullivan county courts is established to assess opening hearings in child abuse and neglect cases to *members of the public qualified by the court*, absent a finding that opening the hearing or that disclosure of some or all of the evidence would be contrary to the best interests of the child or would cause unreasonable harm to one or more of the parties.
II. All observers of and participants in hearings conducted under this section shall be subject to the confidentiality provisions of RSA 169-C:25, *except that information regarding court hearing schedules may be provided by the court to members of the public qualified by the court to attend such hearings.*
Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill continues the pilot project relative to abuse and neglect hearings for 2 years and extends the pilot project to Sullivan county.
The bill also clarifies that information relating to hearing schedules is exempt from the confidentiality provisions under the Child Protection Act, for purposes of the pilot project.

2006-0807h

Amendment to HB 1727-FN-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 relative to transfer or discharge of patients or residents in licensed facilities.
Amend the bill by replacing section 1 with the following:
I. Statement of Purpose. The general court recognizes the need to define conditions under which patients in, or residents of, facilities licensed under this chapter may be transferred or discharged voluntarily to the custody of relatives, or to other facilities. Therefore, the general court hereby clarifies the law regarding transfer or discharge of patients or residents in licensed facilities.
Amend the unnumbered concluding paragraph after RSA 151:26, II(a)(5) as inserted by section 2 of the bill by replacing it with the following:
Except as specified in paragraph II(b) of this section, written notice of transfer or discharge shall be given at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed in the patient's clinical record and a copy shall be transmitted to the patient, ~~the patient's next of kin~~ the patient's personal representative, legal guardian, the long-term care ombudsman ~~in the office of the ombudsman~~, established under RSA 161-F:10, and the ~~designated agency responsible for the protection and advocacy system for a developmentally disabled or mentally ill individual and the person or agency responsible for the patient's placement, maintenance, and care in the facility~~ *federally-designated protection and advocacy agency for individuals with disabilities.*
Amend RSA 151:26, V as inserted by section 3 of the bill by replacing it with the following:
V. For the purposes of this section, "transfer" or "discharge" shall not include transfers or discharges initiated at the request of the patient or his or her legal representative, except that transfer or discharge of a resident from a nursing home certified under federal law even if initiated at the request of the resident or his or her legal representative shall be subject to all federal notice requirements.
AMENDED ANALYSIS

This bill clarifies the paperwork required for a transfer or discharge from a licensed facility.

2006-0818h

Amendment to HB 1733-FN
Proposed by the Committee on Children and Family Law

Amend the bill by replacing all after the enacting clause with the following:
I. New Section: Parental Rights and Responsibilities; Information Provided to State Registrar. Amend RSA 461-A by inserting after section 6 the following new section:
461-A:6-a Information Provided to State Registrar. Upon issuing or modifying a permanent order concerning parental rights and responsibilities, the court shall provide the following information to the state registrar:
1. Whether decision making responsibility for the child shall be with both parents, the mother, the father, or another person.
II. Whether residential responsibility shall be shared equally, or approximately equally, by the child's parents, or if it shall be primarily the responsibility of the mother, father, or another party.
III. The type of petition: a petition for divorce, annulment, separation, or determination of parental rights and responsibilities.
IV. The date of the order relative to parental rights and the date of the divorce decree, if any.
V. The name of the hearing official.
2 New Section: Vital Records Administration; Record of Parental Rights and Responsibilities. Amend RSA 5-C by inserting after section 61 the following new section:
5-C:61-a Record of Parental Rights and Responsibilities. The division shall collect information relative to the determination of parental rights and responsibilities from the courts, pursuant to RSA 461-A:6-a. Such information be available to parties with a tangible interest in the record. The department also shall make statistical information relative to the determination of parental rights and responsibilities available to the public, upon request.
3 Effective Date. This act shall take effect January 1, 2007.
AMENDED ANALYSIS

This bill requires the court to provide the registrar of vital records with certain information regarding parental rights and responsibilities. The registrar shall provide statistical information relative to the determination of parental rights and responsibilities to the public, upon request.