

# State of New Hampshire HOUSE RECORD

## Second Year of the 159<sup>th</sup> General Court Calendar and Journal of the 2006 Session

---

Vol. 28

Concord N.H.

Friday, February 17, 2006

No. 16

Contains: Reports and Amendments for February 22, Hearings, Meetings, Notices and Order Form for the 2005  
Permanent Journal

---

### HOUSE CALENDAR

#### MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, February 22 at 1:00 p.m.**

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

W. Douglas Scamman, Speaker

### NOTICE

There will be a Republican Caucus on Wednesday, **February 22 at 12:30 p.m.** in Representatives Hall.

Rep. Michael O'Neil, Majority Leader

### NOTICE

There will be a Democratic Caucus and luncheon on Wednesday, **February 22 at noon** at the Upham Walker

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

**Because of vacation and no legislative meetings the week of February 27 - March 3 the deadline for all calendar scheduling, reports and notices is extended to Friday, February 24 at 2:00 p.m. There will be no calendar next week.** Please note that normally 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 <sup>th</sup> , Wednesday   | Last day to introduce 2006 House Bills                           |
| February 9 <sup>th</sup> , Thursday   | Last day to REPORT HBs going to 2 <sup>nd</sup> committee (noon) |
| February 15 <sup>th</sup> , Wednesday | Last day to ACT on HBs going to 2 <sup>nd</sup> committee        |
| February 23, Thursday                 | Last day to REPORT all other HBs (noon)                          |
| March 16 <sup>th</sup> , Thursday     | Last day to REPORT HBs from 2 <sup>nd</sup> committee (noon)     |
| March 22 <sup>nd</sup> , Wednesday    | CROSSOVER Last day to ACT on HBs                                 |
| April 6 <sup>th</sup> , Thursday      | Last day to REPORT SBs going to 2 <sup>nd</sup> committee (noon) |
| April 12 <sup>th</sup> , Wednesday    | Last day to ACT on SBs going to 2 <sup>nd</sup> committee        |
| April 20 <sup>th</sup> , Thursday     | Last day to REPORT all other SBs (noon)                          |
| April 27 <sup>th</sup> , Thursday     | Last day to REPORT SBs from 2 <sup>nd</sup> committee (noon)     |
| May 3 <sup>rd</sup> , Wednesday       | Last day to ACT on SBs                                           |
| May 11 <sup>th</sup> , Thursday       | Last day to FORM Committees of Conference                        |
| May 18 <sup>th</sup> , Thursday       | Last day to SIGN Comm. of Conference Reports (3:00 pm)           |
| May 24 <sup>th</sup> , Wednesday      | Last day to ACT on Comm. of Conference Reports                   |

WEDNESDAY, FEBRUARY 22  
CONSENT CALENDAR

COMMERCE

**HB 1218**, relative to the unauthorized use of the name of a financial institution. **INEXPEDIENT TO LEGISLATE**  
Rep. James R. Martin for Commerce: RSA 384:12-a, IV prohibits the use of the name of a financial institution in a “deceptive” manner. This bill would amend that RSA by deleting the word “deceptive” thus prohibiting any use of the name of a financial institution. Violation could result in license revocation and an administrative fine of \$2500 for each violation with each individual piece of mail constituting a violation in the case of mailed advertising. The committee believes that the legislature should not prohibit the use of the name of a financial institution where the information is in the public domain and the use is not deceptive. **Vote 11-7.**

**HB 1299**, establishing a medical malpractice insurance study commission. **INEXPEDIENT TO LEGISLATE**  
Rep. Donald H. Flanders for Commerce: There are already several study committees looking into the various aspects of malpractice insurance which are in the process of gathering statistics. The first report will not be available until late summer which will not allow sufficient time to prepare a viable report before the end of this session. In view of this it was felt this issue could be better addressed next session when the results of the current studies will be available. **Vote 17-0.**

**HB 1325**, relative to state regulation of martial arts schools. **REFER FOR INTERIM STUDY**  
Rep. James R. Martin for Commerce: This bill removes martial arts schools from the definition of health clubs and establishes a separate chapter regulating martial arts schools. It would permit such schools to offer three year contracts and makes other material changes to current law. Over 20 representatives attended the final subcommittee meeting and raised questions to which answers were not readily available, including the proper definition of “martial arts,” the need for separate regulation, how to treat martial arts, whether three year contracts are appropriate and other basic issues. The committee concluded that further study was required. **Vote 16-1.**

**HB 1483**, authorizing vehicle licensing, title, and registration recovery fees by motor vehicle rental companies. **INEXPEDIENT TO LEGISLATE**  
Rep. Donald H. Flanders for Commerce: The Attorney General’s Office informed the committee that car rental companies are not prohibited from collecting vehicle licensing, registration, and title fees as long as the recovery is disclosed. Current law does not require disclosure. However, if the fees are included in the rental price and not disclosed, the rental company may be subject to a claim that it is acting in an unfair or deceptive manner. Because many rental companies appear to disclose

recovered fees, the committee did not feel it was necessary to address this issue at this time. **Vote 18-0.**

**HB 1606-FN**, relative to coupons and rebates used to purchase alcohol. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Kidder for Commerce: The committee could not substantiate that coupons were being fraudulently turned in by retail employees. As a result, we felt that the problem was not significant and didn't need to be dealt with by the legislation at this time. **Vote 18-0.**

## **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB 1105**, relative to eyewitness identification procedures. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: New Hampshire Police Departments have policies in place that are compatible with the Commission on Law Enforcement accreditation standards. This bill is no doubt well intended in response to articles in the media and experiences in some courts describing flaws in eyewitness identification. Identification of a perpetrator of a crime is part of evidence gathering and the court will develop their own procedures for admissibility of evidence. It is best to leave this matter to be decided by judges and juries and not through legislation. **Vote 15-3.**

**HB 1149**, regarding public notification of sexual offender information and establishing a committee to study the creation of a sexual offender classification system. **REFER FOR INTERIM STUDY**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The committee voted to keep the bill for Interim Study. The so called Child Protection Act (HB 1692) has similar subject matter, but the committee voted to stay involved with this subject as HB 1692 begins its journey through the legislative process. **Vote 16-0.**

**HB 1335**, relative to the authority of law enforcement officers during a state of emergency. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as amended, addresses the possibility that during a declared State of Emergency, additional uniformed law enforcement assistance may be needed from outside the state. The bill provides for an avenue to obtain the assistance. The responding uniformed officers will have the necessary authority during the declared State of Emergency. Supervision of the responding officers will be by N. H. Law Enforcement, thus retaining local control. **Vote 19-1.**

**HB 1380**, establishing the New Hampshire forensic science oversight commission. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: No tangible need for an Oversight Commission was provided at this time for the State of New Hampshire. No example of what this Commission could correct was cited. One problem brought out was a past situation in the Medical Examiner's Office. This matter was dealt with by investigation, arrest and conviction as it should have been. A positive result of debate was the suggestion that new legislation be forthcoming requiring the State Police Lab and Medical Examiners be nationally accredited. The State Police Lab is accredited and is reviewed every five years. It is also audited annually by the FBI and the National Institute of Justice. The Medical Examiner's Office is soon to be accredited. These standards should be maintained to establish and preserve the integrity of the office. **Vote 18-0.**

**HB 1435**, relative to the emergency plan for service dogs and other animals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill arose in the aftermath of Hurricane Katrina, when countless owners of service animals and pets experienced difficulties in evacuating the disaster area. This legislation will require state emergency management officials to develop a plan for evacuation of guide dogs, hearing ear dogs and other service animals. The committee considered the sponsor's proposal that all pets be included in this plan. However, such a plan is considered overly ambitious and unworkable at this point in time. **Vote 16-0.**

**HB 1639-FN**, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: While the committee understands the concerns of the sponsors, there has never been an instance in New Hampshire where the concerns addressed by the bill have ever even remotely arisen. The committee felt that although it may be an emotional issue for some, the bill is not needed. The genesis for this bill are the incidents that took place in Louisiana. New Hampshire is not Louisiana. **Vote 13-5.**

**HB 1642-FN**, relative to criminal penalties and forfeiture for activities in support of illegal immigration. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: While the intent of this bill is understandable, it contains so many constitutional issues so as to make it unworkable. Portions of this bill are already covered under Peonage (HB 1662). The committee believes that the federal government needs to expend more effort to address this area which is in the area of federal responsibility. **Vote 17-2.**

**HB 1643-FN**, relative to enhanced penalties for committing an assault in the presence of a minor. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This is a well intentioned bill brought forward as the result of one anecdotal incident. It addresses, specifically, second degree assault RSA 631:2, simple assault RSA 631:2-a, reckless conduct RSA 631:3, or criminal threatening RSA 631:4, creating an enhanced penalty if the offense is committed in the presence of a person under the age of 16. There are broad negative implications to creating an enhanced penalty to these laws. With no

intent to downplay these offenses, for the most part they are relatively minor assault offenses. In particular, the mens rea for reckless conduct does not require the state of mind necessary to prove an assault. Passage of this type of legislation could lead to some serious unintended consequences. After serious deliberation, the committee does not recommend passage of this bill.

**Vote 20-0.**

**HB 1729-FN**, implementing a "good time" sentence reduction system for inmates in the state prison system. **REFER FOR INTERIM STUDY**

Rep. E. Albert Weare for Criminal Justice and Public Safety: This bill proposes to establish a "good time" sentence reduction system for inmates in the state prison system. This bill as written would create more problems than it would correct. It is in direct conflict with the truth in sentencing statute already in effect, would create a financial burden on the already under funded Department of Corrections and would compromise the vast majority of plea bargain sentences that have been adjudicated in our court system. The Department of Corrections has informed the committee that three hundred current inmates may be eligible for release if the bill is enacted and 126 of those would be convicted sex offenders. Because of the issues raised, the short funding and limited programs presently being conducted by the Department of Corrections, it would not be possible for DOC field services to monitor those released. The possibility exists that a study may develop programs to alleviate some of the issues now confronted by the Department of Corrections. **Vote 11-5.**

## EDUCATION

**HB 1157**, relative to the definition of a sending district. **OUGHT TO PASS**

Rep. J. Timothy Dunn for Education: This bill will correct RSA 193:17 IV, a statute that since the June 18, 1998 revision has had unintended consequences that have resulted in possible lawsuits and potential financial liability for students for whom some school districts believed they were no longer responsible. Court proceedings pursuant to RSA 169-C (Child Protection), RSA 169-B (Delinquency), RSA 169-D (Children in Need of Services (CHINS) or RSA 463 (Guardianship of Minors) may result in residential placements of children into foster homes, group homes, educational facilities and so on. When the court awards legal custody of a child to the Department of Health and Human Services, Division for Children, Youth and Families (DCYF), that school district where the parent or guardian of the child resides when the child comes into care is the sending school district until legal custody is returned to the parent, guardian or some other person. This remains constant through numerous changes in placement. The Department of Health and Human Services, Division for Juvenile Justice Services (DJJS) has legal supervision of children who are Delinquents or CHINS. In these cases the sending school district is always the district in which the parent or guardian having legal custody resides. Each time a parent or guardian moves, the school district where they reside is joined as a party to the court proceedings as the sending district, and the previous school district is discharged from the proceedings. The definition of "sending school district" became problematic at the last revision of RSA 193:27 IV, specifically June 18, 1998. The language that was added left the statute open to interpretation by stating that "the sending district shall be, from the change in legal custody or guardianship forward, that district in which the child resided at the time of the original placement." The unintended consequence in the case of a CHINS or Delinquency case, should it become an abuse or neglect matter, is that the original school district in which the child and the parent or guardian resided when the child was originally placed pursuant to the CHINS or Delinquency proceeding could wrongly be named the sending district, rather than the school district where the parent or guardian having legal custody resided when DCYF was awarded legal custody by the court in the child protection case. If RSA 193:27 IV is not corrected, more lawsuits regarding the identification of liable sending district could be the result, needlessly pitting one school district against one another, thereby wasting valuable resources. **Vote 15-1.**

**HB 1306**, relative to threats made by pupils against a school. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Ingbreton for Education: This bill would weaken present procedures turning a delinquency offense into a milder "CHINS" offense and would make it more difficult to get an offender into the appropriate process. Local SAU's already have the ability to do on their own what is provided for in this bill. It was opposed by the School Boards Association, the NEA, and the Department of Health and Human Services Juvenile Division. **Vote 16-0.**

**HB 1308**, establishing a commission to study revising the New Hampshire special education statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy F. Stiles for Education: Several bills before the committee this session dealt with concerns and issues relative to special education. An ad hoc committee that could gather information from all the parties identified in HB 1308 as well as other interested parties could begin the discussion earlier with possible legislation to be ready for the 2007 session. **Vote 16-0.**

**HB 1378**, establishing a committee to study the financial implications on local school districts when special education students attend charter schools. **INEXPEDIENT TO LEGISLATE**

Rep. Kimberley S. Casey for Education: The committee, by recommendation of both the sponsor and co-sponsor, understands that these concepts will be folded into an ad hoc committee to look at all aspects of the special education laws. **Vote 12-0.**

**HB 1428**, relative to the duties of the advisory committee on the education of children/students with disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The subject of this legislation will be addressed in an ad hoc committee dealing with numerous special education issues. **Vote 16-0.**

**HB 1518**, relative to the joint board of a school administrative unit. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The sponsors asked that this bill be found inexpedient because the issue was resolved locally and legislation is not needed. **Vote 12-0.**

**ELECTION LAW**

**HB 1385**, relative to nomination papers and the definition of "party." **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: The intent of this bill was to lower the requirement necessary for a party to qualify for ballot status. The percentage of vote necessary from the previous election would be lowered from 4 percent to 2 percent. The number of signatures necessary for nomination petitions was reduced. In addition, a candidate may substitute payment of a fee per petition signature for the filing of a nomination paper. The committee felt that this bill violated the intent of current statutes. **Vote 14-0.**

**HB 1577**, relative to the eligibility of persons with nontraditional domicile to vote. **INEXPEDIENT TO LEGISLATE**

Rep. Claudia A. Chase for Election Law: Under current law, persons with nontraditional domiciles have not been excluded from voting and, therefore, we determined that this bill is unnecessary and redundant. **Vote 13-1.**

**FINANCE**

**HB 690-FN**, relative to aid to the needy blind and relative to undue hardship for public assistance. **OUGHT TO PASS**

Rep. Larry A. Emerton for Finance: This bill continues the legislature's effort to ensure that long-term care under Medicaid is provided to those who need it. It slightly eases the standard of undue hardship that must be met before the transfer of assets penalty can be imposed. The bill also makes a technical correction, adding those receiving aid to the needy blind to other categories that must agree to reimburse the government, if they can, for any government aid they receive. The fiscal impact of these changes is indeterminable but believed to be relatively small absolutely and in relation to the size of the programs. **Vote 20-0.**

**HB 1656-FN-A**, establishing an electronic toll collection transponder inventory fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth Weyler for Finance: The turnpike managers would like to have an inventory fund established so that they could buy transponders as needed, without governor and council approval for each contract. Since we have joined an interagency group and have agreed to their rules on EZ Pass, there is only one source for the transponders. Transponders are currently being sold at the rate of 200 per day. They are sold at our cost of \$25 each. As of January 25, 2006, 269,596 were in use by our subscribers. The turnpike would like to buy 16,000 transponders per quarter, and keep 5-7 thousand in stock. We are still in a transition year for establishing EZ Pass, and this fund was seen as a necessary tool. The amendment changed the source of the fund from the highway fund to the turnpike fund. The amount requested remained one million dollars. The turnpike fund has a present balance of about 62 million dollars; only 43 million of that is now dedicated. **Vote 20-0.**

**HB 1765-FN-A-L**, appropriating matching funds for disaster relief resulting from the October 2005 floods. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth Hager for Finance: This bill provides funds for the towns devastated by the October 2005 floods in western New Hampshire. The state generally pays 12.5% of the town's costs after FEMA pays 75%. This bill asks each town to pay up to \$5,000 and appropriates \$2,911,000 for the state to pay the rest of the match. **Vote 21-0.**

**FISH AND GAME**

**HB 1140**, establishing a committee to study the establishment and enforcement of protection zones for nesting loons. **OUGHT TO PASS**

Rep. Peter E. Solomon for Fish and Game: This bill authorizes a legislative study of the effectiveness of the existing programs to protect loon nesting areas. Over the past ten years, the Loon Preservation Committee has placed signs and/or rope lines around 338 nesting sites in New Hampshire. Although these protected sites have produced 15% more chicks than open sites, the overall loon population has been declining in recent years. The committee unanimously supports a study to determine if legislation is needed to improve the current program which is aimed at increasing our resident loon population. **Vote 9-0.**

**HB 1182-FN**, relative to the recreational taking of lobster by scuba divers. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill adds a new designation to the number of traps a lobster fisherman may use. A recreational lobster fisherman or a very limited commercial fisherman (100 traps or less) may obtain a license for \$103.00. This is a new category authorized by this bill. The commercial lobster fisherman with 600 or fewer traps moves up to a \$175 annual license fee. The full commercial license for 1200 traps or less shall remain at \$300 for the annual license. This amendment was not directly germane to the original bill; an act relative to the recreational taking of lobster by scuba divers. The hearing for the original bill was held on January 24, 2006, and all testimony, except for the sponsor, was against the bill. A public hearing on the amendment was held on February 7, 2006. All testimony was in favor. The Fish and Game Department is in favor of the legislation. **Vote 9-0.**

**HB 1302**, relative to hunting in the town of Bow. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. L'Heureux for Fish and Game: This legislation, which has come before the committee on several occasions and has consistently been defeated, would have made the town of Bow a shotgun only town. Hunting and safety issues, that may be a concern to Bow, are already adequately covered under existing statutes. According to testimony provided by the Fish and Game Department, there have been no reported incidents in the last six years or more. Furthermore, the implementation of more restrictions on the hunters and sportsmen of New Hampshire is unnecessary to solve a problem that doesn't exist. The New Hampshire Fish and Game Department, Sunset Mt. Fish and Game Club, and the New Hampshire Wildlife Federation all opposed this bill. **Vote 10-0.**

**HB 1341**, relative to the use of land for hunting. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Smith for Fish and Game: Although the intent of the legislation is good, the bill as proposed would have done little other than create expense for the Fish and Game Department. It was the feeling of the committee that hunting in the southern tier of the state is somewhat controlled by zoning. In the less populated areas, the problem is land being posted by owners. Rather than wasting precious Fish and Game funds, and using time unproductively, the committee felt that somehow the state should come up with some program to encourage land owners to let their land be open to hunting and fishing. The Fish and Game Department was opposed to the bill. **Vote 9-0.**

**HB 1423-FN**, relative to prorating the initial registration fee for off highway recreational vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis Reed for Fish and Game: The committee recommends that the bill be Inexpedient to Legislate after discussions with the Fish and Game Department and the Bureau of Trails. Each agency noted that the bill as written would be difficult to administer because of the existing registration structure. Both agencies, with agreement of the prime sponsor, feel that the concept and intent of the bill needs to be analyzed by the agencies to address the best interest of the other users. **Vote 9-0.**

**HB 1646-FN**, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul Mirski for Fish and Game: Allowing for the Department of Fish and Game to promulgate rules to provide for the use of leashed tracking dogs for the recovery of wounded deer, moose or bear is good environmental policy and resource sensitive. **Vote 9-0.**

**HB 1747-FN**, establishing a New Hampshire healthy tidal waters and shellfish protection program and fund and establishing fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: The activities provided for in this bill have been in place since 1999. To date, annual expenses have not fluctuated significantly. Since the programs inception, it has been funded by federal dollars. This bill appropriates \$175,000 which will not be provided by Federal sources in Fiscal Year 2006. At the original bill hearing, everyone was in favor of the program being maintained; however, a large amount of testimony was against the fees being assessed as proposed. A subcommittee was formed including a Ways and Means Committee member. It was felt that fees would not be able to be fairly assessed, for it would be almost impossible to attribute accurate percentage of costs, and the percentage could change from year to year due to various factors. Also a number of the potential fee increases would be on fees fairly recently increased due to cost increases. For this reason, and also due to the program promoting healthy seafood (shipped all over New Hampshire), and maintaining a healthy seashore which encourages seasonal visitors and the room and meal tax money they leave here. The committee supports the amendment. **Vote 9-0.**

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1331**, establishing a committee to study the Temporary Assistance to Needy Families (TANF) reauthorization. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Temporary Assistance to Needy Families (TANF) program has recently been reauthorized by Congress. As required, New Hampshire places the federal authorization into New Hampshire statute by this bill. This bill contains only the federal authorization. No other content was included. The committee was disappointed with some of the changes made in this program. However, this bill is not the vehicle to address possible changes. Other legislation would be required. Failure to place the federal authorization into statute could lead to administrative and fiscal consequences including loss of financial support for the Department of Health and Human Services and the clients who need and will benefit from the program. The committee was in unanimous support of this legislation. **Vote 14-0.**

**HB 1346**, requiring certain persons to keep the contents of prescriptions confidential. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill safeguards the privacy of both patients and physicians by preventing the sale of their identity for use by pharmacies and drug companies to promote specific medications or monitor the effectiveness of sales and marketing efforts. The bill makes the sale of such private information a violation of the Unfair Trade Practice Act., While HIPAA is supposed to protect patient identity from being bought and sold, it is not always effective. A major drug company is under investigation for paying pharmacists and employees of physician offices to identify patients whose medications could be switched to a competing brand. In New Hampshire, the Pharmacy Board receives

complaints from individuals who get coupons for other drug brands in the mail. Currently, drug companies buy the prescribing records of health care providers who prescribe medications. This is done without the provider's permission, and the committee believes it is an unwarranted invasion of privacy that eventually leads to higher drug utilization costs. The bill was amended to define carefully the prohibited uses of identity data. It also protects legitimate uses of identity such as insurance reimbursement, private insurance and Medicaid formulary compliance, fraud investigation, and academic research. Significantly, the legislation does not prohibit the collection, sale, or use of prescriber identity in the aggregate (e.g. the number of prescriptions for a specific brand by all the psychiatrists in Manchester). Therefore, the committee believes that a drug company's commercial interest in promoting its products and evaluating its sales force is adequately protected. In restricting the commercial use of identity data, doctors will be allowed to make prescribing decisions based on therapeutic value without influence from drug reps. This can lead to slower increases in cost for Medicaid and health insurance premiums paid by businesses and individuals. The Medical Society, DHHS, and the AG's office all support the legislation. **Vote 13-0.**

**HB 1465-FN**, relative to food stamp overpayments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill seeks to remedy a hardship faced by food stamp recipients who occasionally receive an overpayment of benefit through no fault of their own and are unable to repay the amount. The legislation prevents the Department of Health and Human Services from automatically seeking reimbursement for overpayment of food stamp benefits when the overpayment is the result of department error. As amended, the waiver of repayment claim is restricted to situations where the amount of overpayment is greater than \$450 or the recipients income is higher than 200% of federal poverty level. The amendment also directs the department to seek approval from the US Department of Agriculture and establish procedures for waiver of claims. The committee noted that this policy of not pursuing reimbursements for small overpayments is consistent with other states. **Vote 15-0.**

**HB 1708-FN**, relative to Temporary Assistance to Needy Families (TANF) eligibility for 2-parent families. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would set requirements for 2-parent families to be eligible for Temporary Assistance to Needy Families (TANF). At the time the bill was prepared, DHHS had not known of the implications of the TANF reauthorization by Congress. The recent reauthorization reduces monies and programs contained in previous authorizations. Having the implications of the new authorization in hand, the committee felt that it would be inappropriate for a public policy viewpoint to initiate new programs under TANF. The new authorization is included in HB 1331. In addition, the House has already passed legislation (HB 1461) creating a task force to study the TANF program. The committee voted unanimously against this bill and the Department of Health and Human Services states the bill is no longer an issue or is needed. **Vote 13-0.**

**HB 1709-FN**, establishing an autism registry in the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. April H. Mason for Health, Human Services and Elderly Affairs: This bill establishes an autism registry in the Dept. of Health and Human Services. Best estimates indicate that one in 500 children born in the state will be diagnosed with an autism spectrum disorder. There is a clear need for greater accuracy in the reporting of epidemiological data on the incidence and prevalence of autism spectrum disorders (ASD) in the state. This bill would require that licensed health care providers, upon making the diagnosis of ASD, report such diagnosis to the state. This registry shall not be operational until grant money is secured. This registry will not require any appropriations from the Department of Health and Human Services and is not utilizing state funds. Once grant, donations, or other moneys are received, the State may opt to enter into an agreement with an appropriate entity for the management of the registry; such as a university or college. This registry is an important first step in understanding the increased prevalence of autism spectrum disorders in New Hampshire and how to best facilitate future planning. **Vote 13-0.**

**HB 1717-FN**, requiring certain direct care services in nursing homes. **INEXPEDIENT TO LEGISLATE**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: To meet recommended staffing standards developed by the National Citizens Coalition for nursing home reform this bill would require nursing homes to provide a minimum of 4 hours of direct nursing care for medically fragile elderly persons. The committee reluctantly deemed this bill inappropriate to legislate because of the difficulty nursing homes are already experiencing in hiring qualified nursing personnel, due to the shortage of trained RN's, LPN's, CNA's and other related health workers. **Vote 13-0.**

**HB 1722-FN**, relative to the New Hampshire council on developmental disabilities. **OUGHT TO PASS**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes the New Hampshire Council on Developmental Disabilities in the statutes. The New Hampshire Developmental Disabilities Council was established in 1971 under the Developmental Disabilities Assistance and Bill of Rights Act and has been an administratively attached board of the Department of Health and Human Services. This bill changes it to a free-standing entity. The federal government is requiring this change in order that advocacy entities are afforded a distance from those agencies they are monitoring on behalf of the client population. **Vote 14-0.**

**HB 1763**, extending a committee and adding certain duties relative to pharmacy reimbursement. **OUGHT TO PASS**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The intent of this bill is to extend the life of the

study committee established in 2005 under HB 697 which was formed to review Medicaid reimbursement rates. Based on that committee's final report submitted in November of 2005, it was determined that additional work still needed to be done by the committee. The work will include but not be limited to examining the cost which the state of New Hampshire pays for drugs, the "Most Favored Nation" issue as it affects the price that New Hampshire citizens on Medicaid pay for prescriptions and Medicaid reimbursement levels for co-payments to pharmacies. **Vote 15-0.**

**HB 1764**, relative to the committee to study medicaid reimbursement rates for pharmacy providers. **OUGHT TO PASS**  
Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The intent of this bill is to extend the life of the study committee established in 2005 under HB 697 which was formed to review Medicaid reimbursement rates. Based on that committee's final report submitted in November of 2005, it was determined that additional work still needed to be done by the committee, The work will include but not be limited to investigating variable reimbursement rates to pharmacies and assessing the possibility of establishing a mail-order pharmaceutical program for Medicaid customers. **Vote 15-0.**

**JUDICIARY**

**HB 1193-FN**, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: This bill is attempting to address the same problem in CACR 39, related to the last sentence in article 72A in the constitution. The bill directs the Secretary of State to remove the sentence "the rules so promulgated shall have the force and effect of law." The sponsor brought in extensive research from the constitutional convention to demonstrate the last sentence was deleted at the convention. The Secretary of State, however, brought in a single copy from the convention with the last sentence included. Finally the committee felt the only constitutional way to change the constitution is with another constitutional amendment. **Vote 15-4.**

**HB 1256**, establishing a committee to study the feasibility of creating an independent administrative office of the courts. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The thesis of this bill was that the present Administrative Office of the courts is unconstitutional because it was established by the Supreme Court by rule rather than by the Legislature and Governor by statute, and because the judicial branch, though the Chief Justice of New Hampshire, administers the courts rather than the executive branch agency. The bill proposed to study the federal court counterpart to our Administrative Office of the Courts, which was established by act of Congress, as part of an inquiry to determine which functions of New Hampshire's could be performed outside the judicial branch. At the public hearing, the prime sponsor agreed that if the federal counterpart was in substance the same as the present New Hampshire system—in particular, if it, too, is administered by the judicial branch, through the Chief Justice of the United States—he would not object to New Hampshire's administrative office to the courts being consisted as it is, as long as it were authorized by statute to do so. The committee was easily able to obtain the text of the federal statutes creating the federal administrative office and to determine that it does, in fact, closely resemble the present New Hampshire system. A study was therefore found to be unnecessary. The next step of filling a bill to provide specific legislative authorization for this system can be taken in the next legislative session, if desired. **Vote 18-0.**

**HB 1266**, relative to acceptance of consular identification documents. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: A consular identification is an identification card issued by a foreign embassy for its expatriates. The bill would require that state agencies and law enforcement accept the card as proof of citizenship and that financial institutions may accept the card as a form of identification. The majority of the committee felt that since the federal government may include regulation of these cards in the real ID legislation, it is premature and unnecessary for N.H. to pass anything. The committee, also, was concerned that state agencies must accept an ID that is not a passport but issued by a foreign country. **Vote 13-5.**

**HB 1277**, providing limited immunity to mental health care providers caring for voluntarily admitted patients. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The sponsor was seeking protection from liability for mental health workers, who are negligent, when voluntarily admitted patients bring items into a mental unit with the intention of harming themselves. During the hearing and subsequent subcommittee meetings, it became apparent that the bill did not address the sponsor's issues and further that the language of the bill restates current law. During the subcommittee meeting the sponsor realized that he could not articulate how he wanted to change the law and after looking into the matter further, he decided that the best resolution would be to us ITL this bill. Since the bill did not change the current law, the committee agreed with the sponsor and recommends this bill inexpedient to legislate. **Vote 20-0.**

**HB 1316**, exempting records of the National Animal Identification System from the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Robert D. Mead for Judiciary: This bill would exempt certain records of the National Animal Identification System from the Right-To-Know law. This N.A.I.S system has not yet been put in place and therefore we would be passing an exemption without knowing what information it would entail. An exemption to the Right-to- Know law should only be supported if the harm that might be caused by disclosure outweighs the public's right to know. The committee felt that such harm was not

demonstrated. **Vote 20-0.**

**HB 1322**, relative to the establishment of allodial rights. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This law makes reference to NH colonial laws and methodology by which property was transferred. The bill would require that property could only be “acquired” by the use of “lawful” money. The term “lawful” money was defined as being gold or silver coin. It was the feeling of the committee that this would cause a tremendous burden to the citizens of New Hampshire, and be extraordinarily disruptive to commerce. Furthermore, it is the responsibility of the federal government to define what is “lawful money,” not the State of N.H. **Vote 13-0.**

**HB 1382**, regulating the disclosure of personal information. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Judiciary: The committee supports the privacy concerns which this bill attempts to address. However, as written, the bill is too broad, and would have far reaching detrimental consequences. The committee urges the sponsor to submit future legislation, more narrowly drawn, to accomplish the goals intended. **Vote 17-0.**

**HB 1388**, relative to tenant security deposits and termination of tenancy. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy J. Elliot for Judiciary: This bill would double the security deposit on rental units to two months rent and would allow for eviction of a tenant at the end of a lease. The end of lease issue is being considered in HB 1548. It was determined that the increase of deposit would place an undue hardship on tenants, especially those new to the rental market. **Vote 16-1.**

**HB 1505**, relative to private actions under the consumer protection act. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: The intent of the bill was to address frivolous class action law suits. Unfortunately the bill created more problems than it intended to solve. Given the limited time the committee has to attempt to work on the issue, the sponsor and the committee decided that this bill is inappropriate at this time. **Vote 16-0.**

**HB 1512**, relative to civil liability for volunteers. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill is an issue that has been around for quite a while, and it always has quite a bit controversy surrounding it. The sponsor agreed that perhaps the best way to resolve this issue is to form a study committee, so the amendment replaces the bill with a study committee to study the issue of liability for people who volunteer in transportation, and other related issue to community transportation. The committee believes that if those on both sides can work through a study committee to try to come up with a proposal to address the issue of a dwindling supply of volunteer drivers that everyone can agree with that they should be given the chance to do so. **Vote 16-0.**

**HB 1552**, relative to the authority of land surveyors to enter onto land to make surveys. **INEXPEDIENT TO LEGISLATE**

Rep. Gail C. Morrison for Judiciary: The intent of this bill is to allow land surveyors to enter onto the property of others to conduct land surveys exempting them from charges of trespass. This bill does not consider the rights of abutting property owners. No provision is made for advance notice. Further, testimony did not show a need for this legislature change. **Vote 18-0.**

**HB 1554**, relative to the amount paid for property in eminent domain. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: The committee received three House Bills this session relative to compensation for an eminent domain taking. The intent of all three were very similar. The subcommittee voted to place these bills into Interim Study as they may be incorporated into the final bill. The prime sponsor of this bill agreed with this decision. **Vote 15-0.**

**HB 1596-FN**, relative to eminent domain compensation. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: The House Judiciary Committee received three House bills this session relative to compensation for an eminent domain taking. The intent of this bill was very similar to the other two. The committee voted to place these bills into Interim Study as they may be incorporated into the final bill. **Vote 16-0.**

**HB 1636-FN**, relative to appeals from class A misdemeanor sentences imposed by the district courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill arises out of a study committee in the fall of 2003; legislation was introduced in 2004 (HB 1394) that dealt with this issue, but some unresolved concerns were raised during the hearing on that bill, and the portions of HB 1394 that HB 1636 now deal with were removed. The Supreme Court took it upon itself to try and resolve the concerns that were raised in the hearing on HB 1394 in 2004 and requested that this bill be introduced. This bill provides that if a person appeals a Class A Misdemeanor conviction to the superior court de novo and then waives the right to a jury trial the person is automatically remanded to the district court for imposition of sentence. The other issue this bill resolves is the fact that currently in order to appeal an issue of law in a Class A Misdemeanor conviction to the Supreme Court a person is required to appeal de novo before they can bring the issue of law to the Supreme Court. This bill allows a defendant to appeal issues of law directly to the Supreme Court without going through a de novo trial if they so choose. The amendment fixes one technical error in the bill and with that correction we believe this bill ought to pass. **Vote 17-0.**

**HB 1641-FN**, establishing a common law court. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This bill would set up a court of “Common Law.” The committee felt that this was unnecessary, unwarranted and an added expensive for our citizens. N.H. has a workable court system that relies on common law when no applicable law exists. This new court would be unmanageable and duplicative. **Vote 13-0.**

**MUNICIPAL AND COUNTY GOVERNMENT**

**HB 1106-L**, relative to charter commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. Hopfgarten for Municipal and County Government: This legislation would not allow a new charter commission to be established for a period of 5 years after the final report of the existing charter commission is filed. This legislation would prevent both citizen petitions or town generated charter commission questions from being placed on the ballot for 5 years. In addition, if a charter that is passed has significant flaws including those of a constitutional or statutory flaw, that charter could not be corrected through the commission process. For these reasons, the committee could not recommend passage of this legislation. **Vote 14-0.**

**HB 1257**, relative to conflicts of interest of municipal officials. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: Without the only sponsor of this bill in attendance at the hearing, the assumption that the committee must make is what is stated in the analysis of the bill. This bill requires municipal officials not to participate in any matters in which they have a financial interest. Planning and zoning board members shall not participate in any matter in which they have prejudged the outcome. The only testimony that was heard at the hearing was in opposition of the bill. The proposed amendment to RSA 31:39-a allows no participation in any matters that a municipal official may have a financial interest in. The bill possibly defines a financial interest as a “private interest.” There is no definition of “private interest” which leads to confusion. The second part of this bill restricts planning and zoning board member participation in any matter in which they have prejudged their outcome. The committee heard testimony that this protection is already afforded in RSA 673:1 which addresses disqualification of any member. **Vote 13-1.**

**HB 1273**, relative to the disposition of municipal records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry S. Gale for Municipal and County Government: In 2005 the disposition of Municipal records was transferred from administrative rules to RSA 33-A.. A municipal committee was charged with determining what municipal office would be responsible for the retention of each type of record. In 2005 there were some municipal ordinances already in effect that were not recognized. Therefore section one of HB 1273 made a housekeeping change that recognized these ordinances. Also in section one the composition of the municipal records committee was changed by having representation of one assessor instead of a complete board of assessors. Section two clarified three retention schedules – current, welfare applications and property record cards – and added one retention schedule for Intent to Excavate. A non-germane amendment ratifying the acts, votes, and proceedings of the special meeting of the town of Brookline held on September 13, 2005. **Vote 14-0.**

**HB 1445**, relative to including "none of the above" on official ballot budgetary questions. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would require official ballot municipalities to provide a third voting option on the ballot for budgetary questions only. The third option would be “none of the above.” The majority of the committee believes that would be potentially confusing. Voters can currently leave the ballot blank, which in essence is neither a “yes” or a “no” vote. In addition to adding confusion adding the third option would add more expense to municipalities because voting machines would have to be reprogrammed. **Vote 13-1.**

**HB 1584**, relative to cemetery setbacks and septic systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gilman C. Shattuck for Municipal and County Government: Many communities in New Hampshire have “Burial Grounds” (private cemeteries) scattered about the communities. It is long time public policy to avoid disturbance to known burial grounds. This bill requires that the location of known burial sites or cemeteries within or adjacent to the property on which a proposed sewage or waste disposal system is to be located be included on the plans for such a system. A common practice in earlier times was to do burials on occasion immediately outside the burial ground. This was known as “Burial in Pale”. To avoid disturbing possible remains in the area outside the stated area of the burial ground, a 25 foot buffer was established. This bill requires that plans for such systems must generally provide such a setback. The committee felt that these provisions would prevent disturbance to known burial grounds. **Vote 14-0.**

**PUBLIC WORKS AND HIGHWAYS**

**HB 1186**, relative to the location of the Cheshire county superior court. **REFER FOR INTERIM STUDY**

Rep. David B. Campbell for Public Works and Highways: The committee wishes to study this bill, which deals specifically with the location of Cheshire County superior Courthouse and more generally whether the location of County Court facilities throughout the state must be located in named county seat, or alternatively, if there are sufficient reasons, may be located in municipalities other than the county seat. **Vote 15-1.**

**HB 1313**, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge. **OUGHT TO PASS**

Rep. James W. Danforth for Public Works and Highways: The committee feels that the naming of the bridge between the Towns of Newfields and Stratham “United States Submarine Veterans of World War II Memorial Bridge” is a proper and a fitting tribute to the silent service veterans of World War II. **Vote 17-0.**

**HJR 23**, designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: The state of New Hampshire previously established the Purple Heart Trail as being, in part, U. S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95. This resolution adds

a spur to that trail, being from the northerly intersection of U.S. Route 4 and U.S. Route 3 in Boscawen and running northerly along U.S. Route 3 to the New Hampshire State Veterans Cemetery, approximately 1.5 miles. Additionally, this provides for the Department of Transportation to place appropriate markers designating this spur as the Purple Heart Trail and additional markers as appropriate along the full length of the previously established Purple Heart Trail. **Vote 16-0.**

**SCIENCE, TECHNOLOGY AND ENERGY**

**HB 1146**, establishing a committee to study renewable portfolio standards. **OUGHT TO PASS**

Rep. James M. Garrity for Science, Technology and Energy: This bill establishes a legislative study committee to explore all issues relating to Renewable Portfolio Standards (RPS) and their future potential as part of the state’s energy policy. This bill is related, but not linked to SB 314, which is a more comprehensive RPS policy bill. If SB 314 does not survive, then HB 1146 will be in place to keep the subject of RPS in active discussion. The committee agrees that RPS is an important enough subject to study. **Vote 15-0.**

**HB 1425**, establishing a commission to study the efficacy of current laws in reducing exposure of children to lead hazards. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would establish a commission to study the “efficacy” of current laws regarding lead exposure and lead hazards to children. Efficacy means the power to produce an effect and the sponsors feel that current laws are not achieving their goals. Several supporters from the medical community offered testimony in support of the bill and in most instances had an opinion of what they felt was needed to reduce lead hazards for children. Committee members pointed to an existing program at HHS that deals with these issues. The NH Childhood Lead Poisoning Prevention Program (CLPPP) works to reduce the number of NH children with elevated blood lead levels. The program is a resource for NH residents who need help addressing the hazards of lead in their children's environment. The CLPPP conducts statewide surveillance, provides medical case management and home inspections for lead-poisoned children, and provides information and referral for reduction and abatement of lead hazards. There is a lead study and action bill currently in the Senate (SB 250) and the committee feels that the sponsors would be better served by consolidating their efforts in this broader bill. **Vote 14-2.**

**HB 1431**, relative to air permit applications. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill attempts to modify RSA 125C (Air Pollution Control) by requiring the Department of Environmental Services to make significant revisions to the current air permitting process. There are currently 450 sources which hold air permits in New Hampshire. DES acts on approximately 150 air permit applications every year including renewals and modifications. The department conducts comprehensive air quality impact reviews that provide an opportunity for public participation while considering the economical and business needs for the state. This bill would have significant fiscal impact on the Department of Environmental Services by mandating at least an additional 150 public hearings on an annual basis. The estimated added cost to the department would be \$375,500 per year. It would cause considerable delay and expense for an applicant by elimination of the dual tract in current law to obtain local zoning ordinance, building or zoning code approvals. The New Hampshire Department of Environmental Services air permit does not currently authorize a company to build any facility that a local zoning ordinance prohibits. Any permit that the department approves is further subject to appeal to the state Air Resource Council made up of members of the general public, environmental advocates, medical professionals and industry. The committee agreed that our current laws provide significant oversight by the DES and appropriate public notice and interaction. **Vote 14-0.**

**HB 1691-FN**, establishing a geothermal assessment project. **INEXPEDIENT TO LEGISLATE**

Rep. Gene F. Andersen for Science, Technology and Energy: The committee decided that this bill may be a valuable tool towards alternate energy production. However, the committee believes that the Department of Environmental Services (DES), which would be the direct source for the implementation process, could apply for federal funds for implementation of the project or otherwise include the implementation of the assessment project in the upcoming budget for DES. **Vote 13-0.**

**STATE FEDERAL RELATIONS AND VETERANS AFFAIRS**

**HB 1754**, relative to canteen privileges at veterans' clubs licensed by the liquor commission. **OUGHT TO PASS**

Rep. Kris Roberts for State-Federal Relations and Veterans Affairs: The committee agrees with the recommendation from the state liquor commission to extend canteen privileges to the members of Veteran’s non-profit groups. This change will allow a veteran’s club if authorized and approved by a majority of the members of one or more nationally-recognized veterans nonprofit groups to exercise canteen privileges, within the same facility and use of the liquor license of original building owner. These veteran organizations provide valuable community services. **Vote 10-0.**

**HCR 23**, urging the President to find it necessary to drawdown the strategic petroleum reserve. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The committee understands the financial impact of oil prices on the citizens of New Hampshire. However, due to the lack of refining capacity, any release from the strategic oil reserve would most likely end up on the world market providing little or no benefit to the American public. The purpose of the strategic

oil reserve is to protect the United States from unanticipated losses or stoppage of oil supply. With the uncertainty concerning the Iranian nuclear intention, the committee doesn't believe it would be a wise strategic move to release crude oil supplies at this time. **Vote 10-0.**

**HCR 25**, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. **OUGHT TO PASS**

Rep. Lars T. Christiansen for State-Federal Relations and Veterans Affairs: The committee agrees that the General Court should request that the United States withdraw funding for the United Nations if it adopts a resolution to forbid private ownership of firearms and any other constitutionally guaranteed rights which would be in violation of the United States Constitution and the New Hampshire Constitution. **Vote 9-1.**

## TRANSPORTATION

**HB 1201**, relative to child passenger restraints. **OUGHT TO PASS**

Rep. Sherman A. Packard for Transportation: This bill clarifies the language in the child passenger booster seat law. It makes clear that once a child reaches the age of six years old or a height of 55 inches they no longer need to be in a booster seat. Currently, law enforcement believes that both provisions have to be attained. This was not the legislative intent when passed. **Vote 10-0.**

**HB 1261**, relative to driver's license revocation or denial for drugs or alcohol involvement. **INEXPEDIENT TO LEGISLATE**

Rep. Jennifer M. Brown for Transportation: This is one of the two bills with the same intent. This one gives the Director of the Department of Motor Vehicles the authority to take someone's license based on a non motor vehicle related drug or alcohol charge. We felt that authority should be in the hands of the courts. HB 1448 that the committee amended and passed will put this decision in the hands of the courts. **Vote 13-0.**

**HB 1270**, relative to the use of wireless telephones while driving. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have fined an operator of a motor vehicle for using a cell phone that was not of the "hands free" style, with some exceptions. At least 18 states have compiled statistics and the findings are conclusive; distractions such as reading maps, eating, changing radio stations, attending the children and pets, and outside distractions are ahead of talking on a cell phone. Thousands of calls are placed to 911 from wireless phones. People are reporting emergencies, impaired drivers, watching criminal activity and the list goes on. We have all encountered the distracted driver talking on the cell phone on our trips to Concord. They slow down and speed up too often, they road travel, they pay no attention to signs and lights, as a matter of fact this goes on even when drivers aren't talking on the phone. Cell phones are the distraction people love to hate. As suggested, cell phone laws should be the same state to state. "Hang up and drive" could become the new federal slogan. While the Transportation Committee does not encourage people to use their cell phones while driving, we do encourage the education of safety hazards no matter what the distraction and the consequences thereof. **Vote 12-0.**

**HB 1297**, relative to requirements for a vehicle dealer license. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill would prevent any person convicted of a felony from obtaining a motor vehicle dealer license. This seems like a good idea to prevent any less than honest person from engaging in the business of selling cars. Many problems surround this proposal. Is it fair to punish someone for life, who may have made a mistake when they were young and have since become an honest hardworking citizen. Many dealerships today are mega dealerships owned by numerous people or corporations. These mega dealers hire General Managers to run the different dealerships. Would we not then want General Managers, Sales Managers and Financial Managers to also be free of any felony convictions. This bill would also not apply to these small dealers who do not possess dealer plates. Finally, the requirement to acquire a franchise for selling new motor vehicles today is far more stringent than the provision of this proposed law. **Vote 10-0.**

**HB 1484**, relative to including motorcycle safety in driver education courses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill as amended requires that a minimum of 45 minutes of a nationally recognized motorcycle awareness course be included in the current 30 hours of driver education. Also, required would be a minimum of 45 minutes of a nationally recognized course on heavy truck and tractor trailer awareness. Both courses would be approved by the Director. With more motorcycles and trucks on the road the committee felt teaching awareness of these different vehicles was important to help reduce the increasing number of accidents between cars and these different vehicles. This would not increase the number of classroom hours currently at 30 hours. Only some instructors are currently teaching these subjects and this would put uniformity into the driver training program. **Vote 10-0.**

**HB 1664-FN**, relative to nondriver identification cards. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Motor Vehicles to issue non-driver identification cards at public and private schools throughout the state. The cards would be issued to children starting at 10 years of age, would have a photo, name, address, citizenship, ID number, date of birth, optional blood type and signature. The cost would have been \$10 and \$15. The bill would have required the department to mobilize vans or motor homes, hire and train more personnel at a great cost. Because not everyone would do this the 50 percent the Department of Motor Vehicle gets would not even begin to cover the cost. The committee felt that more information on how the national identification program

will be administered is necessary. It may take care of the problem. **Vote 14-0.**

## WAYS AND MEANS

**HB 1444**, relative to definitions under the real estate transfer tax. **OUGHT TO PASS**

Rep. Jim Ryan for Ways and Means: This bill is a “housekeeping” bill that closes a loophole in the real estate transfer tax by clarifying certain definitions, eliminating surplus language and altering a rigid formula for determining whether a company is “principally” engaged in the business of real estate. The bill was unanimously supported at the hearing and is filed at the request and with the approval of the DRA. Accordingly, the committee recommends that this be ought to pass. **Vote 19-0.**

**HB 1460-FN-A**, establishing a deduction against the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Ways and Means: This bill would have established a deduction against the business profits tax for FICA taxes of tipped employees taken as a credit instead of a deduction on federal income taxes. Some restaurants elect to take the federal credit to reduce taxes but then lose a bit on state tax calculations. They want both. The committee agreed with the Commissioner of Revenue Administration that state law should not be changed only to maximize federal tax breaks. **Vote 19-0.**

**HB 1618-FN-A**, relative to net operating loss deductions under the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Jim Ryan for Ways and Means: The Department of Revenue Administration is concerned that in certain instances the application of credit from the BET to the BPT creates what tax planners enjoy calling a “double” target of taxable opportunity. Concern was demonstrated by the DRA Commissioner that in certain instances the value of a credit may have a value of eight cents greater than the credit amount of one dollar. The committee, and later a subcommittee, attempted to craft a response, but in each instance had results with unintended consequences such as either affecting cyclical business entities or by increasing business taxes. The committee appropriately declined to pass legislation that requires more analysis both by the agency and taxpayers prior to legislative analysis. The committee voted to recommend this bill as Inexpedient to Legislate, but does forecast that the issue will be revisited in the next term. **Vote 19-0.**

**HB 1699-FN-A-LOCAL**, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Ways and Means: This bill is really a disclosure bill rather than a tax bill. There is a lot of related historical information that has an affect on the issue of disclosure and many in the committee feel the bill should be recrafted with the appropriate amount of study given to those issues. **Vote 18-1.**

## WEDNESDAY, FEBRUARY 22

### REGULAR CALENDAR

## CHILDREN AND FAMILY LAW

**HB 1127**, relative to obligation of religious leaders to report child abuse. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for the **Majority** of Children and Family Law: This bill was introduced to amend RSA 516:35 (Privileged Communications, Religious Leaders) to make it consistent with RSA 169-C:29, (NH Child Protection Act). Both statutes have been in NH law since 1979. The complexities resulting from the interpretation and application of RSA 516:35, without amendment, have caused confusion with consequence for children. The majority of the committee agreed that Interim Study and further discussion may help to resolve the ambiguity inherent in these two statutes and allow time to make further recommendations, if necessary. **Vote 10-5.**

Rep. Karen K. McRae for the **Minority** of Children and Family Law: The minority of the committee supported the subcommittee report of Inexpedient to Legislate. This issue is fraught with constitutional issues as well as religious ramifications and has been studied this year as well as two years ago. The minority feels that the study will not result in an effective way to prevent child abuse or neglect.

**HB 1580**, relative to the child support formula. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David A. Bickford for the **Majority** of Children and Family Law: This bill, as amended, utilizes time spent in each parents’ home as part of the formula to determine the child support amount. Therefore, both parents have an appropriate means of providing for their children. The court is required to retain the calculation used to determine the child support obligation and give the rational for why it did or did not deviate when the issue of special circumstances is brought before the court. This hopefully will bring fairness to both parents and their children. **Vote 7-5.**

Rep. Carolyn M. Gargas for the **Minority** of Children and Family Law: Even though changes to the Child Support formula need to be considered, the changes in this bill are premature. The Child Support Commission has not completed its work including the financial analysis by an economist. According to some who work in the field of family law, there is no urgency for this formula.

# COMMERCE

**HB 1374**, establishing a committee to require personal information holders to disclose a security breach. **REFER FOR INTERIM STUDY**

Rep. Jane S. Langley for Commerce: The committee has heard four bills dealing with this subject and has recommended HB 1404 and HB 1414-FN as Inexpedient to Legislate, but has incorporated all the issues of concern into HB 1660-FN. The committee felt that it was prudent to keep one bill in committee pending the outcome of HB 1660-FN and therefore recommended refer to interim study. **Vote 15-0.**

**HB 1404**, relative to breach of security of computerized personal information. **INEXPEDIENT TO LEGISLATE**  
Rep. Charles L. Clark for Commerce: The bill is another in a group of proposed identity theft related legislation which the committee decided to find Inexpedient to Legislate in order to fold it into HB 1660-FN. **Vote 15-0.**

**HB 1542**, relative to responsible drug advertising. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James R. Martin for the **Majority** of Commerce: This is another attempt to regulate prescription drug advertising. It deems any drug advertising “false” unless the ad includes a black box warning label stating that this is a prescription drug. It makes advertising without such a warning a misdemeanor or a felony and provides for a minimum of \$25,000 in damages and up to three times actual damages. Prescription drug advertising is likely preempted by federal law, indeed the FDA recently announced that it preempts all prescription drug labeling (the package insert). When prescription drug ads refer to matters included in the package inserts, the ads must fairly present the contents of the package inserts. First, it appears that this bill is unnecessary because virtually all prescription drug ads already state they are by prescription only. Second, this bill would violate the First Amendment of the United States Constitution which not only protects the right to speech but also the right not to speak. “Forced speech” also violates the First Amendment. The bill also violates the Commerce Clause of the United States Constitution in that this bill would place an unreasonable burden on interstate commerce. It would be virtually impossible for a nationwide magazine or newspaper to include special ads just for New Hampshire. As such, the bill places an impermissible burden on interstate commerce and violates the Commerce Clause. Finally, the penalty provisions apply to “whoever violates” thus punishing not only pharmaceutical companies, but also those who publish the ads such as newspapers, magazines, radio and television stations. **Vote 13-3.**

Rep. Bonnie G. Mitchell for the **Minority** for Commerce: While the majority believes that the FDA is “doing a fine job” in regulating prescription drugs and advertising, the minority believes there are many areas of drug regulation, particularly advertising, where consumer safety would be enhanced by complementary state law. Prescription drug abuse is an epidemic. There are now more people abusing prescription drugs than those who abuse heroin, cocaine and methamphetamines, combined! Research estimates 15 million Americans abuse prescription drugs. There is a clear need for consumer protection, which is the historic and constitutionally protected domain of the states. Yet New Hampshire has been unwilling to protect the public in an area that the White House has labeled as an epidemic, prescription drug abuse. We should not be surprised that prescription drug abuse has spiked over the past several years. Since 1997, the drug industry has increased spending on advertising from \$265 million to nearly \$4 billion today. But the public continues to lack basic, understandable safety information. Ads tell people, especially kids, that these drugs are “good,” “make you sexy” or “will make your life better”. Why are we surprised that prescription drug abuse is increasing? As we know, advertising is a powerful medium, but warnings continue to be inadequate. A representative of the FDA’s medical experts told a Congressional panel that federal drug regulators were “virtually incapable of protecting America.” This bill seeks to add safety information to advertisements. The warning says, “State Law Requires a Prescription For Use, Do Not Try To Diagnose Yourself. That Should Only Be Done By A Healthcare Professional.” This makes the public aware that they are receiving information about a powerful prescription drug. While the majority insists this information “is always” presented in ads, the minority is amazed at the creative ways the drug industry has found to downplay the recognition of this fact by consumers. For its part, the Minority makes two further arguments against this bill: Federal Preemption and the Commerce Clause, relative to interstate commerce, both of which are questionable. While the drug industry, and more recently the FDA, has argued for federal preemption of all state drug regulation, this simply does not exist. In fact recent FDA rules changes, which again purported federal preemption, was met with a stinging rebuke from the President of the National Conference of State Legislators. Simply put, just because the drug industry and FDA want preemption, does not make it so. This bill does not frustrate FDA efforts, it enhances public safety. Finally, this bill, as a proposed state law, will only affect advertising specifically subject to New Hampshire state law. We are free to protect New Hampshire consumers as we see fit. We have done this in other areas such as banking, securities and tobacco advertising. While neighboring states have different laws in these areas, there is no Commerce Clause violation, nor is there in this bill. The minority believes that this committee has a duty to protect consumers. This duty extends to protecting New Hampshire consumers from the current epidemic of prescription drug abuse, as labeled by the White House.

# CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 1151**, relative to the prohibition of illegal aliens. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee shares the sponsor’s concern with the problem of illegal immigration. The federal government has clearly failed to provide a tough, effective enforcement scheme, and there is a clear need for a change in existing policies. Unfortunately, HB 1151 would create more problems than it would solve. The legislation would require New Hampshire business owners to perform a review of documentation with little guidance or training in such procedures. It would require businesses to comply with confusing and conflicting regulatory and record-keeping requirements, creating a chaotic environment for New Hampshire businesses. In addition, the United States Immigration and Nationality Act explicitly prohibits states from enacting state-level employer sanction laws, raising serious questions as to the constitutionality of this legislation. While we are unable to support HB 1151 in its current form, we believe public attention should remain focused on this issue. **Vote 18-0.**

**EDUCATION**

**HB 1178**, relative to the definition of an adequate education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Timothy E. Easson for the **Majority** of Education: The prime sponsor of the bill sought to replace the current statute that defines the “criteria for an equitable education” in RSA 193-E:2 with the Kentucky definition of an “adequate public education.” The Kentucky criteria is inadequate because it lacks any reference to reading, writing and speaking English; skill in mathematics; skill in methods of science; knowledge of biological, physical and earth sciences; economics; geography; and technological skills. Additionally, the committee learned that in 1998, after the Claremont II decision, the House and Senate Education Committees met jointly and used the Kentucky standards as a starting point by which they arrived at the current statute. The majority takes the position that moving forward with this bill would be a major step backward **Vote 10-6.**

Rep. Emma L. Rous for the **Minority** of Education: The minority believes the term “adequacy” must be returned to the language in Chapter 193 E. By substituting the term “equity” for “adequacy”, we have shifted the focus from educational content to educational funding. The committee intends to set up an ad hoc committee to discuss the issue of adequacy.

**HB 1323**, relative to the statement of purpose in the statewide education improvement and assessment program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William J. Remick for the **Majority** of Education: This bill removes the word “democracy” from RSA 193-C:1. The vast majority of the committee disagrees. **Vote 12-1.**

Rep. Timothy E. Easson for the **Minority** of Education: It is important to have the statement of purpose of RSA 193-C:1 to accurately reflect the fact that our nation is a republic and not a democracy. The minority believes that this distinction needs to be clarified in current law.

**HB 1384**, relative to standardizing the format for special education budgets. **INEXPEDIENT TO LEGISLATE**

Rep. Emma L. Rous for Education: This bill seeks to isolate a district’s special education budget from the annual school district budget. While special education regularly appears as a line item in district budgets, highlighting special education in a separate budget risks exposing the identity of special education students and opens a mandated budget to debate. In addition, it is inappropriate for the legislature to prescribe State Board of Education forms. **Vote 7-6.**

**ELECTION LAW**

**HB 1509**, relative to campaign expenditures for the office of governor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill as introduced would increase the limitation on campaign expenditures for candidates for the office of governor who agree to limit campaign expenditures. As amended by the committee, the limitations on campaign expenditures for candidates for United States Senate and candidates for Representative to Congress would also be increased. The bill, as amended, would also increase the maximum contribution to a candidate who agrees to abide by the spending limit as an additional incentive to agree to the spending limit. The effective date was also changed to July 1, 2006. **Vote 14-0.**

**FISH AND GAME  
SPECIAL ORDER**

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

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

**HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS,**

**HB 1681-FN**, establishing the unused prescription drug program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: The committee recognized that prescription drugs are often thrown away at hospitals and other health care facilities, wasting thousands of dollars a month and potentially creating an environmental hazard. This bill creates a program to allow for unused prescription drugs and devices to be safely re-dispensed as long as they are in tamper-proof packaging and have never been in the possession of an individual. At least 20 other states have enacted similar legislation. As amended, the Board of Pharmacy would set rules to allow hospitals, other health care facilities, pharmacies and correctional institutions to voluntarily agree to store, re-label and re-dispense drugs and devices appropriately and safely. This could save the state money in the prison system. The amendment also removes the fiscal impact on the state since the program would be self-funded through fees. **Vote 16-0.**

**JUDICIARY**

**CACR 39**, relating to the administration of the Supreme Court. Providing that Supreme Court rules shall no longer have the force and effect of law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the **Majority** of Judiciary: The committee heard three bills related to the court’s ability to make rules for themselves. This amendment to the constitution would remove the last sentence to Part II Article 73-a which was enacted in 1978 and states “ The chief justice of the court shall be the administrative head of all the courts. He shall, with the concurrence of a majority of the Supreme Court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law.” The committee felt that removing a seemingly redundant sentence would not change the effect of the remaining constitutional amendment, but may cause confusion on whether court rules are enforceable. The sponsor’s intent is similar to another bill (HB 1193) which the committee heard this session relating to the issue of whether the 1972 constitutional convention intended for the sentence to be included in the constitutional amendment. This is an old issue and was litigated in the 1993 case of Bosa vs. Merrill. The legislature addressed the issue by enacting a statute that requires the actual wording be placed on the ballot. Evidently, prior to the passage of this law most constitutional amendments did not have the actual wording of the amendment on the ballot upon which the voters would be voting. The official signed copy of the proposed amendment did include the extra sentence. **Vote 14-6.**

Rep. Gregory M. Sorg for the **Minority** of Judiciary: The committee’s research appears to have shown conclusively that the final sentence of Article 73-a (“The rules so promulgated shall have the force and effect of law”) was not on the ballot and, therefore, was not ratified by the people. The majority, however, takes the position that the error was harmless, because to say that court rules have the force and effect of law is simply to state a truism. The minority, though, is mindful that the word “law” is commonly understood to be synonymous with the word “statute.” And while there is no disputing that properly promulgated rules and regulations operate as the functional equivalent of law in the sense that they must be obeyed, the same as any statute, it is nevertheless true that in the hierarchy of law, rules and regulations are understood to be subordinate to statute; that is, a rule or regulation cannot be issued without statutory authorization to do so, and can be nullified by statute, while a statute can never be nullified by rule or regulation. Adding the unratified sentence to Article 73-a has given rise to the subtle and – as it has developed – pernicious assumption on the part of the Supreme Court that its rules are not just the equal of statute, but superior. This has resulted in a momentous alteration of the separation of powers between the judicial and legislative branches, giving the judicial branch constitutional cover to place its policy choices in the area of rulemaking beyond the power of the legislative branch

**MUNICIPAL AND COUNTY GOVERNMENT**

**HB 1597-FN-L**, relative to municipal obligations for indigent medical expenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the **Majority** of Municipal and County Government: The original bill excluded medical assistance from the type of relief provided by municipalities under the general assistance statute RSA 165. The obligation under RSA 165 is broadly worded and could be interpreted to require coverage of a wide range of physician and hospital charges. The Department of Health and Human Services does not know how much municipalities pay for medical assistance now due to the fact that this is confidential information between the municipality and the individual seeking the assistance. The committee feels that the language of the original bill was too strict. An amendment was drafted and presented to the committee for its consideration. The majority of the committee feels that the amendment properly addresses the issue raised by the bill. Currently, towns and cities are mandated to adopt written guidelines relative to general assistance. The amendment allows the local governing body of a town or city to adopt written guidelines to exclude from its general assistance program surgical and medical expenses, except for prescribed medication. This exclusion is only when there is no other means to provide such medication. **Vote 10-4.**

Rep. Jessie L. Osborne for the **Minority** of Municipal and County Government: This bill simply shifts the cost for health care from local community to non-profit and private hospitals. This will cause the health insurance rates to rise and also to cause non-profits to close. This is not a problem and this bill is a solution looking for a problem.

**STATE FEDERAL RELATIONS AND VETERANS AFFAIRS**

**HCR 22**, relative to the right to pursue a livelihood in natural resources industries. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for the **Majority** of State-Federal Relations and Veterans Affairs: The New Hampshire Fishermen have a long proud and beneficial history to the state and country as a whole. While it is understood that the demands of over fishing and unlimited fishing have undesirable effects on fishing stocks affecting the livelihood of the men and women engaged in the industry. It should be noted that due to Homeland Security issues the US. Coast Guard has become distracted from one primary mission of protecting US Fishing. Hopefully this HCR will provide the opportunity to highlight this short coming. We must protect our fishing industry from illegal factory ships farming large stocks fish within our territorial waters. **Vote 10-2.**

Rep. Russell A. Albert for the **Minority** of State-Federal Relations and Veterans Affairs: Using History as an example of unrestricted fishing, restriction may soon hurt it – but over time will benefit the fishing industry.

**SPECIAL ORDER**

**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 age, readily available for promoting through the Internet. **Vote 7-3.**

**TRANSPORTATION**

**HB 1307**, relative to application requirements for motor vehicle recycling yard licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jean-Guy J. Bergeron for Transportation: This bill requires all applicants for a motor vehicle recycling yard license, a motor vehicle junk yard license, or a license renewal to include certification of compliance with best management practices established by the Department of Environmental Services. The amendment was to change the effective date to January 1, 2007. **Vote 12-2.**

**HB 1328-FN**, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill would change the current practice of inspecting our vehicles from once a year to once every two years. The argument is that cars are safer today than in the past. Many other states have changed their inspection requirements in a variety of different ways. The problems the committee has is that there have been no comprehensive studies done that can prove or disprove whether changing from a yearly inspection to every other year or eliminating it altogether has had an impact on motor vehicle crashes. Another problem was whether EPA would consider us in violation of our emission testing program if we decided to test every other year instead of the agreed annual test on all cars 1996 and newer. Each year thousands of new and used cars are being added to the roadways in our state. The committee does not believe that now is the time to take a chance on allowing unsafe vehicles onto our highways and possibly cause more accidents and injuries due to defective equipment. We do not know whether a person will put 10,000 or 50,000 miles per year on their vehicle. The committee believes that we should try and assure the driving public that other vehicles on the road are as safe as possible. We don't feel that changing our inspections to every two years would offer that assurance. **Vote 11-0.**

**HB 1417-FN**, establishing gold star number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Motor Vehicles to furnish one set of special number plates, at no extra cost, for one vehicle owned by a parent, spouse, or child of a person killed while on duty in the armed forces. No veterans came and spoke in support of this bill. The majority of the committee took the stance that we don't need another new number plate and that there are other ways to honor our armed service people who have died while on duty. **Vote 9-4.**

**WAYS AND MEANS**

**HB 1101-FN-LOCAL**, relative to the definition of "hotel" for purposes of exclusion from the meals and rooms tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for the **Majority** of Ways and Means: While this is well intended legislation; it would exempt rooming houses, which provide low cost, short term living space, from the rooms and meals tax. As it is, the tax is not applied to rental agreements greater than 180 days or is refunded when agreements go beyond 180 days. Proof that the refund was provided to the taxpayer is required to get the 180 day refund. Under this legislation only rooms which rent for less than \$140.01 per week would be affected. Under this legislation the benefit would accrue to the proprietor, current law provides that the taxpayer is the renter and must receive the refund, the tax amount would be less than \$1.61 per day. As with many of the changes we make to existing law, there are often unintended consequences. By definition it is impossible to anticipate what all of those consequences would be, in this case the Commissioner of the Department of Revenue Administration indicated that he did not see a way to insure that there would be no such problems. An amendment was offered in an attempt to fix the potential

problems and more narrowly define what a rooming house is. The amendment would have required the department to adopt rules, rules require the reallocation of resources to develop, administrate and enforce; resources which are better used collecting money owed the state. There is concern that even with the amendment, there are certain other types of rentals that may become eligible for the exemption, an unexplored example would be a cabin rental which is available on a year round basis.

**Vote 12-5.**

Rep. Susan W. Almy for the **Minority** of Ways and Means: For those who suddenly cannot afford to pay the rent or mortgage, low-cost commercial rooming houses are the only alternative to sleeping out in the cold or throwing themselves on the mercy of municipal welfare departments or the overwhelmed charitable shelters. These rooming houses struggle with high property taxes and maintenance costs, and their numbers have shrunk over the years as their target clientele finds them harder to afford. The Rooms and Meals Tax adds about 10 percent onto their cost. Eight percent is for the tax, and the rest for the complicated paperwork needed for what is usually a 6-20 bed operation. This bill as amended would respect the constitutional mandate of reasonable taxation by exempting low-rent rooming houses licensed as charging \$20/night or less from the Rooms and Meals Tax, thus making it easier for this free enterprise alternative to town welfare to survive.

**HB 1418-FN**, relative to road toll refunds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christine C. Hamm for Ways and Means: Under current law, consumers are allowed to apply for a road toll refund for the tax levied on gasoline purchased for use in boats and other off-road vehicles. In 2005, more than half the people entitled to these refunds did not apply for them, thus causing these monies to lapse – half into the general fund, the balance to the Fish and Game Department. This legislation would enable consumers entitled to the refund to elect to direct these funds either to the Navigation Safety Fund or to the Lake Restoration and Preservation Fund to be allocated to the control and prevention of exotic aquatic species. Most of the committee doubted this would amount to a significant increase in the allocations currently provided for these undertakings but, considering that most of these monies were generated through boating activities, the majority considered it appropriate to give consumers the opportunity to direct their refunds to benefit the state's lakes and ponds. The amendment was submitted to provide a mechanism for improving some technicalities relating to filing times and administration of the refund. **Vote 10-8.**

**HB 1515-FN-A**, increasing the tobacco tax and dedicating certain tobacco tax revenues to the tobacco use prevention fund.

**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howie Lund for the **Majority** of Ways and Means: This bill would increase the tobacco tax and dedicate a certain portion of tobacco tax to the tobacco use and prevention fund. The Tobacco Prevention Program is currently funded yearly with \$1.6 million of federal funds. The committee felt the goal of the bill was laudable but that this very important revenue stream should not be changed at this time. The tobacco tax was raised 54 percent (twenty-eight cents) during our last session. This is the state's fourth largest tax source which makes it a key contributor in the funding of the state's budget. **Vote 13-6.**

Rep. Susan W. Almy for the **Minority** of Ways and Means: Last year, the percentage of New Hampshire's population that smokes started up again. We know these smokers will cost us dearly through our county nursing homes, state Medicaid budget, private insurance rates, general worker productivity, and early loss of life. We also have good evidence now that prevention works – econometric modeling based on all 50 states shows a doubling of the reduction in the smoking rate over 6 years if every state followed at least the minimum CDC recommended funding levels of \$6 per capita. We had a good program started in 2001, we lost the American Legacy Fund money because we killed all state funding in 2003, and the federal grants remaining are both uncertain and much smaller. We are handing the next generation two major burdens – greatly increased health budgets, and working lives cut short. This Legislature must get serious about prevention of future cost escalation.

**HB 1604-FN-A-LOCAL**, establishing business tax credits for employer-sponsored shared commuting costs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Kevin L. Camm for the **Majority** of Ways and Means: This bill would have provided tax credits to employers that develop ride share/commuter initiatives up to the \$250 per employee. The majority believes that such a policy would have indeterminable costs and unconvincing results. The committee is not in favor of narrowly focused tax credits since others must replace lost revenue. Should a business employ an individual to administer such a program, those costs are already legitimate business expenses to the company. It should be a case-by-case business decision to organize ride share programs. Since it is a laudable idea, individuals that take their cars off the road will benefit through less gas and oil expenses as well as less wear and tear on their vehicles and thus more money in their pockets. Should four individuals from a company organize their commuting efforts that would take three cars off the road providing major savings to the four individuals. The state would benefit by less congestion on the road and an improvement to air quality. The state would lose the revenue from the gas tax of the three vehicles removed from the road. To then further reward the company \$1000 in tax credits was deemed too excessive. **Vote 15-4.**

Rep. Christine C. Hamm for the **Minority** of Ways and Means: This legislation elicited testimony from a variety of sources, including members of the public, the business community, non-profit agencies and the Department of Environmental Services, all of whom saw it as a creative attempt to preserve the state's quality of life by providing a small incentive for lessening gasoline consumption, relieving traffic congestion, alleviating parking problems and reducing toxic emissions that contaminate the state's air quality and degrade even its most remote and superlative views. Although there was an attempt to amend the

bill to provide appropriate agency oversight, the majority of the committee voted Inexpedient to Legislate. The minority believes a better alternative would have been Interim Study, which would have provided an opportunity for members of the Ways and Means Committee to reduce the state's fiscal exposure by capping the tax credits, at the same time enabling them to collaborate with other legislative committees to preserve the bill's benefits while addressing its perceived shortcomings.

## SPECIAL ORDER

**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.**

**HB 1638-FN-A**, reducing the rate of the communications services tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the **Majority** of Ways and Means: Reducing the communications services tax will reduce general fund revenue by \$15 million per year beginning in FY 2007 without an offsetting reduction in spending or an increase in another revenue source. The bill's sponsor felt this bill would have a revenue neutral effect due to the people who continue to use land lines. The committee felt it is unlikely that the proposed reduction in the communication services tax would be the area which would enhance our overall tax climate, dollar for dollar. **Vote 17-2.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: This bill would reduce the communications service tax from 7 to 5.5 percent. More commonly, that's known as the tax on telephones, and it generates approximately \$70 million a year. This 1.5 percent reduction would mean \$15 million a year less for state coffers, a fact the minority readily acknowledges. How are you going to make up for such a loss? That's the first question those of us on Ways and Means ask when considering tax reductions, and without an answer a bill is virtually dead on arrival. The same day the committee exceed this bill, we began the process of revenue estimates and learned that business taxes could well run \$35-50 million ahead of schedule this year and at least \$10 million ahead for next year. Other taxes, except rooms and meals taxes and the real estate transfer taxes, are mostly on target, so there is ample evidence that the state, even after resupplying the rainy day fund, can afford this tax reduction. The minority believes this bill can stand as a proxy for lower taxes. The minority believes we should view it as a good faith down payment to our citizenry which has been hit with numerous tax and fee increases this biennium, everything from the 28 cent per pack cigarette tax increase to an increase on motor vehicle violation fines (which went into effect without even as much as a public hearing) to an increase in filing fees in district courts. We could not afford to temporarily reduce the gasoline tax as proposed by the sponsor of HB 1473. That would have cost the state approximately \$60 million in total. We could not afford to eliminate the BET and reduce the BPT (HB 1599) as proposed by the sponsor of this bill. That would have cost the state approximately \$144 million a year. We could not afford HB 1319 which would have reduced the cigarette tax by 28 cents a pack and would have cost the state more than \$47million this year. The same argument cannot be made for this bill. Quite simply, we can afford to do this. What we cannot afford to do is continually tell the public that we favor lower taxes and then not reduce them when provided the opportunity to do so. This tax was enacted in 1990 at a rate of three percent with a surcharge of 66 2/3 percent, making the effective rate five percent. A year later, we kept the rate at three percent but increased the surcharge to 100 percent, making the effective rate six percent. Through the years, we kept saying this was going to be a temporary tax until in 2003 we made it a permanent tax at the rate of seven percent. Since this tax has such a muddled history, we should do everything we can to roll it back and live up to past promises. Since virtually everyone has a telephone, the decrease would be spread to virtually everyone in the state, at least to those who pay the tax. (The exemption on the first \$12 per month of a phone bill would remain in effect). To say no to this reduction when we can afford it is to acknowledge the sad truth that our top priority here is to increase spending rather than to reduce taxes.

## 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)

**HB 1703-FN**, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees. (Pending question is Ought to Pass.)

**HR 13**, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). (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 2/2/06)

## COMMITTEE OF CONFERENCE

**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

### TUESDAY, FEBRUARY 21

#### 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.
- 10:00 a.m. Subcommittee work session on **HB 1652-FN**, relative to certain insurance claims.
- 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.
- 11:30 a.m. Subcommittee work session on **HB 1555**, establishing a commission to investigate cost drivers in providing health care.
- 1:00 p.m. Subcommittee work session on **HB 1399**, relative to the compensation paid to directors or officers of a charitable trust and **HB 1513**, requiring legislative approval for changes to the purpose of a special corporation.

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

- 9:00 a.m. Subcommittee work session on **HB 1692-FN**, establishing the New Hampshire sexual predators act.
- 10:00 a.m. **HB 1420-FN**, prohibiting remote control and Internet hunting.
- 10:30 a.m. **Rescheduled** executive session on pending legislation.
- 11:00 a.m. Subcommittee work session on **HB 1667-FN**, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine and **HB 1745-FN**, relative to methamphetamine-related crimes involving children and incapacitated adults.

#### EDUCATION, Room 207, LOB

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

#### ELECTION LAW, Room 308, LOB

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

#### ENVIRONMENT AND AGRICULTURE, Room 307, LOB (Please note room change.)

- 8:30 a.m. Executive session on pending legislation.
- 9:30 a.m. Subcommittee work session on **HB 1123**, 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 1594-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 1373**, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.
- 2:00 p.m. Subcommittee work session on **HB 1551**, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators.

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

- 9:00 a.m. Full committee work session on **HB 1456-FN**, relative to licensure of septic system inspectors.
- 9:00 a.m. Subcommittee work session on **HB 1590-FN**, relative to the pari-mutuel commission.
- 10:00 a.m. Executive session on pending legislation.

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

- 7:00 p.m. Presentation by DES on “Pay as You Throw.”

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

- 11:00 a.m. 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 II), Rooms 210-211, LOB**

- 10:00 a.m. Work session on **HB 1249-FN-A-LOCAL**, relative to state reimbursement for school breakfasts and making an appropriation therefor, and pending legislation.

**FINANCE – (DIVISION III), Room 209, LOB**

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

**HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 206, LOB**

- 9:00 a.m. Ad hoc committee to study the quality and delivery of nursing care to persons in nursing facilities or receiving home or community-based care.

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

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

**JUDICIARY, Room 208, LOB**

- 9:30 a.m. Subcommittee work session on **HB 1492**, granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill and **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.
- 10:15 a.m. **Rescheduled** executive session on pending legislation.

**LEGISLATIVE ADMINISTRATION, Room 104, LOB**

- 2:00 p.m. **HB 1762**, extending a committee and adding a certain duty relative to pharmacy reimbursement.  
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

**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.

**TRANSPORTATION, Room 203, LOB**

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

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

- 10:00 a.m. Subcommittee work session on **HB 634-FN-A**, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.
- 1:00 p.m. Full committee work and executive session on pending legislation and revenues.

**WEDNESDAY, FEBRUARY 22**

**COMMERCE, Room 302, LOB**

- 9:00 a.m. Subcommittee work session on **HB 1533**, relative to services provided by manufacturers and distributors of beer to beer retailers.
- 10:00 a.m. Executive session on pending legislation.

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

- 9:00 a.m. Subcommittee work session on **HB 1692-FN**, establishing the New Hampshire sexual predators act.
- 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**

- 8:45 a.m. Subcommittee work session on **HB 1298**, establishing a commission to evaluate disciplinary procedures of the board of medicine.
- 9:00 a.m. Executive session on pending legislation, if needed.

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

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

**JUDICIARY, Room 208, LOB**

- 9:00 a.m. Subcommittee work session on **HB 1565**, relative to evictions in cases involving incidents of domestic violence.
- 10:00 a.m. Executive session on pending legislation, if needed.

**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** executive session on pending legislation.

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

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

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

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

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

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

**THURSDAY, FEBRUARY 23**

**COMMERCE, Room 302, LOB**

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

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

- 9:00 a.m. Subcommittee work session on **HB 1692-FN**, establishing the New Hampshire sexual predators act
- 11:00 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.

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

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

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**

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

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

- 9:00 a.m. **Rescheduled** 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.

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

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

**FRIDAY, FEBRUARY 24**

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

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular business.

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

**NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Senate Conference Room**

10:00 a.m. Meeting with the Honorable Stan Keyes, P.C. Canadian Consul General.

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

10:00 a.m. Regular meeting.

**MONDAY, MARCH 6**

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

3:00 p.m. Regular meeting.

**INFORMATION TECHNOLOGY COUNCIL (RSA 4-D:4,I), Room 102, LOB**

1:30 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

**TUESDAY, MARCH 7**

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

5:00 p.m. Regular meeting.

**FRIDAY, MARCH 10**

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

9:00 a.m. Continued regular meeting.

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

10:00 a.m. Regular meeting.

**MONDAY, MARCH 13**

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

1:00 p.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 83, Chapter 209:1, Laws of 2005), Room 305, LOB**

10:00 a.m. Regular meeting.

**MONDAY, MARCH 20**

**NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Senate Conference Room**

10:00 a.m. Regular meeting.

**FRIDAY, MARCH 24**

**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 Chenell Drive, Concord**

9:30 a.m. Regular meeting.

**MONDAY, MARCH 27**

**PERMISSIBLE FIREWORKS REVIEW COMMITTEE (RSA 160-C:13), Room 204, LOB**

10:00 a.m. Regular meeting.

**FRIDAY, MARCH 31**

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

10:00 a.m. Regular meeting.

**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 NOTICES**

**Hillsborough** County Executive Committee will hold a public hearing on Tuesday, **February 21** at 6:30 p.m. at the County Complex, Bouchard Building, 329 Mast Road, Goffstown for the following purpose: 1. Consistent with RSA 28:8-c to consider approval of the proposed bid for the lease of real property owned by the County to Community Solutions for the purpose of a half-way house.

**Hillsborough** County Delegation will meet on Tuesday, **February 21** at 7:00 p.m. at the County Complex, Bouchard Building, 329 Mast Road, Goffstown for the following purpose: 1. Consistent with RSA 28:8-c to consider approval of the proposed bid for the lease of real property owned by the County to Community Solutions for the purpose of a half-way house. 2. And any other business to come before the Delegation.

Rep. J. Gail Barry, Clerk

Hillsborough County Delegation

**COUNTY DELEGATION NOTICES**

**Merrimack** County Executive Committee will meet on Wednesday, **March 8** from 6:00 to 8:00 p.m. in the Lower Level Conference Room of the McDonnell Administration Building, 4 Court Street, Concord. The Nursing Home, Human Services, Administration etc, and Registry of Deeds budget will be heard

**Merrimack** County Executive Committee will meet on Monday, **March 13** from 6:00 to 8:00 p.m. in the Lower Level Conference Room of the McDonnell Administration Building, 4 Court Street, Concord. The Corrections, County Attorney, Facilities and Sheriff/Dispatch budgets will be heard.

Rep. Jessie Osborne, Chairman

Merrimack County Executive Committee

**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 NOTICES**

**Rockingham** County Executive Committee will meet on Tuesday, **February 21** at 5:30 p.m. at the Hilton Auditorium, RCNH, Brentwood, to finalize any unfinished business prior to the Delegation meeting.

**Rockingham** County Delegation will meet on Tuesday, **February 21** at 6:00 p.m. 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 Dolcino, 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 Bergquist, 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, 1657, 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 22, 249, 371.

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

\*\*\*\*\*

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 Legislative Caucus for Young Children (LCYC) will meet on Tuesday, **February 21** at 1:30 p.m. in Room 206, LOB. The agenda will include action and updates on 2006 House and Senate bills and a discussion of goals for 2007-2008 legislative session.

Rep. Mary Stuart Gile

\*\*\*\*\*

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](mailto: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](mailto:mLOW@hta-nh.com) or visit the NHSPE website [nhspe.org](http://nhspe.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 647-8700 x200 or [cbaldassara@sfceng.com](mailto:cbaldassara@sfceng.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 28<sup>th</sup>** 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 Laflamme, 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@unh.edu](mailto:chris.hamann@unh.edu).

Rep. James Pilliod

\*\*\*\*\*

To all legislators: Pick up a newspaper, turn on the radio or watch the news and specials on television, two subjects are constantly covered, first is the subject of the growing threat on the illegal use and manufacture of methamphetamine which is a highly addictive drug scourge right here in NH. To insure all legislators are current on the subject we will have a complete update on **March 7** at 10:00 a.m. in Representatives Hall, from the Attorney Generals Office (Jane Young), HHS Commissioner (John Stephen) and US Attorney (Tom Colantuono). Following that presentation will be our second presentation at 10:45 a.m. on the global threat of the Avian Flu potential pandemic, that presentation/update will be done by our professional staff from HHS, namely the state epidemiologist, Jose Montero and Director of Communicable Disease, Mary Ann Cooney. All interested members are encouraged to attend these special presentations.

Rep. Peter L. Batula

\*\*\*\*\*

All legislators and staff are invited to attend the New Hampshire Automobile Dealers Association's (NHADA) Annual Legislative Reception at the NHADA office at 507 South Street on **March 8**, at 4:00 p.m., or immediately following the legislative sessions. This is a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun social gathering.

W. Douglas Scamman, Speaker

\*\*\*\*\*

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 your 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

\*\*\*\*\*

House members and staff are cordially invited to the 4<sup>th</sup> Annual NH Capital St. Patrick's Day Breakfast and Roast hosted by The Demers Group on Wednesday, **March 15<sup>th</sup>** at 7:15 a.m. at the Grappone Conference Center, Marriott Courtyard in Concord. Roasters include Governor John Lynch, Senate President Ted Gatsas, Deputy House Speaker Ken Weyler, Senate Democratic Leader Sylvia Larsen, House Democratic Leader Jim Craig, emcee Scott Spradling with special performances by the Professional Fire Fighters of NH Bagpipe Band and Rep. Jim Garrity. RSVP to obtain a ticket by March 10 at 228-1498 or [James.Demers@TheDemersGroup.com](mailto:James.Demers@TheDemersGroup.com).

Reps. Kenneth L. Weyler and Jim Craig

\*\*\*\*\*

The Strafford County Republicans 2006 Lincoln Day Dinner will be held on Monday evening, **March 20** at the "Oaks" in

Somersworth. Featured speakers are US Senator John E. Sununu and Radio and Television celebrity Dan Pierce. There will be dining, dancing and great food. Tickets \$50 per person includes a chance for a \$500 US Saving Bond. For tickets contact Reps. Cliff Newton and Sam Cataldo.

Reps. Clifford A. Newton and Sam A. Cataldo

\*\*\*\*\*

US Senator Chuck Hagel will be the special guest at the Lincoln Day Dinner hosted by the Merrimack County Republican Committee on **Tuesday, March 21** at the Grappone Center/Courtyard Marriott in Concord. A reception will begin at 5:45 p.m. and dinner will begin at 6:30 p.m. Tickets are \$50. To purchase tickets and to obtain information contact Anne Copp at 768-5530 (home) or anne\_copp@raytheon.com.

Rep. Eric Anderson

\*\*\*\*\*

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. Cooney

\*\*\*\*\*

The Department of Transportation will hold the following meetings:

- Feb 21** Hooksett Municipal Building, 16 Main Street, Hooksett, 7:00 p.m. Public officials/public informational meeting, Hooksett, rehabilitation Pine Street Bridge/I-93 – F.E. Everett Turnpike.
- Feb 23** Main Fire Station, Ambulance Room. 347 Main Street, Gorham, 7:00 p.m. Public officials/public informational meeting, Gorham, rehabilitation of riding surface, repair and replacement of drainage structures and upgrading guardrail on NH Route 16 from the US 2 intersection north 3.8 miles to the Berlin City line.
- Mar 1** Albany Town Hall, 1972 North Route 16, Albany, 7:00 p.m. Public officials/public informational meeting, Albany, rehabilitation of NH 112 one mile east of Rocky Gorge Parking area continuing east 1.2 miles to west end of Lower Falls.
- Mar 6** NHDOT, 7 Hazen Drive, Highway Design Conference Room, Concord, 8:00 a.m. TE Application Presentations, Transportation Enhancement.
- Mar 8** Council Chambers, State House, Concord, 2:00 p.m. Governor’s Advisory Commission on Intermodal Transportation (GACIT).
- Mar 17** NHDOT, 7 Hazen Drive, Conference Room 112/113, Concord, 9:00 a.m. CMAQ Application presentations. Congestion Mitigation and Air Quality (CMAQ).
- Mar 20** NHDOT, 7 Hazen Drive, Conference Room 112/113, Concord, 2:00 p.m. Advisory Committee Meeting, Transportation Enhancement (TE).
- Mar 22** Portsmouth Public Works, 680 Peverly Hill Road, Portsmouth, 10:00 a.m. Advisory Committee Meeting, Portsmouth, US Route 1 Bypass Study.
- Mar 29** NHDOT, 7 Hazen Drive, Conference Room 112/113, Concord, 2:00 p.m. Advisory Committee Meeting, Congestion Mitigation and Air Quality (CMAQ).

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

STATE HOUSE VISITATION SCHEDULE  
2005 & 2006 SCHOOL YEAR

Virginia Drew, Public Information Administrator    Kenneth Leidner, Director

| <u>DATE</u> | <u>TIME</u>       | <u>GROUP</u>                   | <u>Grade/Size</u> |
|-------------|-------------------|--------------------------------|-------------------|
| Feb 21      | 9:00              | Broken Ground School – Concord | 4/24              |
| Feb 21      | 11:00/1:00        | Merrimack Valley High School   | 10/50             |
| Feb 22      | 10:00/11:30 SH/HM | DJ Bakie School – Kingston     | 4/88              |

|        |                   |                                |           |
|--------|-------------------|--------------------------------|-----------|
| Feb 22 | 2:00              | Carlise Place                  | Adults 10 |
| Feb 23 | 10:00/11:30       | North Hampton Elementary       | 4/55      |
| Feb 24 | 10:00/11:30 SH/SC | Stratham Memorial School       | 4/60      |
| Feb 24 | 1:30              | Trip Center – Franklin         | 12 Adults |
| Feb 28 | 11:00             | Davenport High School          | 8-11/15   |
| Feb 28 | 1:00              | Keene Area Home School Network |           |

**FINAL NOTICE-FINAL NOTICE-FINAL NOTICE-FINAL NOTICE-FINAL NOTICE**

**DEADLINE** for orders of the 2005 Permanent House Journal  
has been set for  
**THURSDAY, MARCH 9, 2006**

The number of Journals printed is determined by the number of advance orders received, which helps to contain costs in printing. The 2005 Journal is in the final stages of preparation, so orders **must** be finalized.

Upon request, members of the Legislature for the year in question, 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.

**Please do not order a Journal if you have no intention of claiming it.**

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

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

**\*\*\*Please Print\*\*\***

REP/SEN/NAME \_\_\_\_\_

AGENCY/BUSINESS \_\_\_\_\_

CONTACT \_\_\_\_\_

PHONE/EXT. \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_  
CITY/STATE/ZIP \_\_\_\_\_

\_\_\_\_\_ COPY(IES) **2005 Permanent House Journal**

SIGNED \_\_\_\_\_

**WEDNESDAY, FEBRUARY 22**  
**AMENDMENTS**  
**(LISTED IN NUMERICAL ORDER)**

**Amendment to HB 1101-FN-LOCAL**

**Proposed by the Minority of the Committee on Ways and Means - R**

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

AN ACT exempting certain rooming houses from the meals and rooms tax.

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

1 Purpose. The purpose of this act is to exempt from the burden of the meals and rooms tax certain special rooming houses, which provide transitional, low-cost housing for low-income and displaced persons, persons who have recently been homeless, and persons who are at risk of homelessness.

2 Definitions; Hotel. Amend RSA 78-A:3, III to read as follows:

III. "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses ***except as provided in subparagraph (d)***, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, chalets, barracks, dormitories, and apartments. The term does not include the following:

(a) A hospital licensed under RSA 151, or a sanitarium, convalescent home, nursing home, or home for the aged[;].

(b) Any establishment operated by any state or United States agency or institution, except the New Hampshire department of resources and economic development[;].

(c) An establishment owned by a nonprofit corporation or association operated exclusively for religious or charitable purposes, and which does not offer sleeping accommodations to the general public[;].

***(d) A special rooming house, as defined in RSA 78-A:3, XX.***

3 New Paragraph; Definitions; Special Rooming House. Amend RSA 78-A:3 by inserting after paragraph XIX the following new paragraph:

XX. "Special rooming house" means an establishment which offers sleeping accommodations to the public at a rental rate of not more than \$140 per week and which is licensed as a special rooming house under RSA 78-A:4, III.

4 New Paragraph; Licenses and Registration; Special Rooming Houses. Amend RSA 78-A:4, II to read as follows:

III. Special rooming houses, as defined in RSA 78-A:3, XX, shall not be required to be licensed as hotels and shall be exempt from taxation under this chapter; provided that any person operating a special rooming house shall register with the department for a special rooming house license. This license shall remain valid until the special rooming house ceases operation, a change in ownership occurs, or the license is suspended or revoked by the department. The license shall be conspicuously posted in a public area upon the premises of the special rooming house. A special rooming house shall not be licensed as a hotel for a period of one year after the date upon which such establishment is licensed as a special rooming house. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to special rooming house licensing requirements under this paragraph.

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

**AMENDED ANALYSIS**

This bill exempts certain rooming houses from the meals and rooms tax.

2006-0602h

**Amendment to HB 1182-FN**

**Proposed by the Committee on Fish and Game - C**

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

AN ACT relative to the limited commercial lobster license fees.

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

1 Limited Commercial Lobster License; Fees. Amend RSA 211:18, III(c) to read as follows:

(c) Any individual who is not eligible for the commercial license under subparagraph (b) and any other individual engaged in commercial taking of lobster and crab may receive a limited commercial license. The fee for a resident limited commercial lobster and crab license shall be \$103 ~~and~~ ***for new licensees on and after January 1, 2006, and \$175 for licensees who held a limited commercial license prior to January 1, 2006.*** The fee for a nonresident, limited commercial lobster and crab license shall be \$350.

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

**AMENDED ANALYSIS**

This bill increases fees for certain persons acquiring a limited commercial lobster license.

2006-0566h

**Amendment to HB 1269**

**Proposed by the Committee on Fish and Game - R**

Amend the bill by replacing section 1 with the following:

1 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.

I. No person shall, at any time, hunt, take, or possess, any red deer or elk, or any part of the carcass, taken in this state, except as follows:

(a) Red deer or elk which have been propagated within this state may be taken.

(b) Notwithstanding RSA 212:30-e, V, persons licensed to propagate red deer or elk shall be permitted to sell live animals for on premises field harvest by the purchaser.

(c) Persons licensed to propagate red deer or elk, or their designated agent, shall accompany a purchaser into the harvest area, and shall stay in the purchaser's presence until the harvest is completed. Only one purchaser shall be permitted in the harvest area at one time.

(d) The propagator shall provide the purchaser with a bill of sale for each red deer or elk carcass, bearing the date of purchase, the total weight of the carcass, the name and address of the purchaser, and the address and permit number of the propagator. The bill of sale shall remain with the carcass as long as it remains in the state.

II. The provisions of this section shall not affect any other law on the transportation, importation, or sale of red deer or elk.

#### AMENDED ANALYSIS

This bill allows for the taking of red deer or elk and establishes regulation of the process.

2006-0865h

#### Amendment to HB 1273

##### 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 disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline.

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

1 Municipal Committees; Duty Removed. Amend RSA 33-A:3 to read as follows:

33-A:3 Municipal Committees. The municipal officers or their designee together with the clerk, treasurer, [assessors] **an assessor**, and tax collector of each city or town shall constitute a committee to govern the disposition of municipal records pursuant to this chapter. ***Unless otherwise provided by a municipal ordinance***, the committee shall designate the office responsible for the retention of each type of record created for the municipality.

2 Disposition and Retention Schedules. Amend RSA 33-A:3-a, XXIX to read as follows:

XXIX. Current use [card] **release**: ~~[until removed from current use plus 3 years]~~ **permanently**.

3 Disposition and Retention Schedules. Amend RSA 33-A:3-a, LII to read as follows:

LII. Health and human services case records ***including welfare applications***: active plus 7 years.

4 Disposition and Retention Schedules. Amend RSA 33-A:3-a, CXII to read as follows:

CXII. Property record card: ~~[permanently]~~ ***current and last prior reassessing cycle***.

5 New Paragraph; Disposition and Retention Schedules. Amend RSA 33-A:3-a by inserting after paragraph CLIII the following new paragraph:

CLIV. Intent to Excavate: completion of reclamation plus 3 years.

6 Special Meeting. All acts, votes, and proceedings of the special meeting of the town of Brookline held on September 13, 2005 are hereby legalized, ratified, and confirmed.

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

#### AMENDED ANALYSIS

This bill authorizes the committee to govern the disposition of municipal records to designate the office responsible for the retention of each type of record created for the municipality and changes certain retention schedules.

This bill also legalizes the September 13, 2005 special meeting of the town of Brookline.

2006-0727h

#### Amendment to HB 1307

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

Amend the bill by replacing section 3 with the following:

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

2006-0670h

### Amendment to HB 1331

#### 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 the New Hampshire Temporary Assistance to Needy Families (TANF) program.

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

□ New Hampshire Employment Program and Family Assistance Program; Statement of Purpose. Amend RSA 167:77 to read as follows:

167:77 Statement of Purpose.

I. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government~~[- whether through block grants or by a federal waiver. If a waiver is necessary, it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented].~~ To the extent permitted by federal law, it is the intent of the general court to ~~[replace the aid to families with dependent children program with]~~ **operate the Temporary Assistance to Needy Families (TANF) program through 2 subprograms:**

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able-bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. ~~[Such replacement establishes]~~ The New Hampshire employment program and the family assistance program ~~[as the]~~ **are** cash assistance programs upon which Medicaid and Food Stamps are automatically granted in the same relationship ~~[as under the AFDC program].~~

III. ~~[A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program, the statutes and rules governing that program shall apply and be in effect.]~~ Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services, and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long-term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance ~~[through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement]~~ **to the labor market.**

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency.

(i) Implement a program that is clear, focused, and simple to administer.

VI. The goals of the family assistance program shall be to:

- (a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.
- (b) Promote employment opportunities ~~[on a voluntary basis]~~.

2] Definition of Employment-Related Activities. RSA 167:78, IX is repealed and reenacted to read as follows:

IX. "Employment-related activities" mean activities that meet the federally defined work activities in The Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, Section 407(d) of the Social Security Act, as amended by the Deficit Reduction Act of 2005, and further defined in rules adopted pursuant to RSA 541-A.

3] Employment Program; Eligibility. Amend RSA 167:79, II to read as follows:

II. The following persons shall be included in the assistance group, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance, if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, **including cohabitating adults who share a minor child**. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

4] Employment Program; Requirement to Prevent Reduction in Benefits. Amend RSA 167:79, VI (c) to read as follows:

(c) A parent/caretaker relative and case members shall cooperate with ~~[all employment-related activities of]~~ **required appointments for entry into** the employment program.

5] Employment Program Characteristics. Amend RSA 167:82 to read as follows:

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility **and employment program participation** requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily deferred from the participation ~~[requirements in RSA 167:85, 167:90, and 167:91]~~ **in employment-related activities:**

- (a) Dependent children under the age of 16.
- (b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or the equivalent.
- (c) ~~[One]~~ A parent or caretaker relative ~~[per assistance group]~~ who is personally providing care for a child under the deferral age established by the department by rules adopted pursuant to RSA 541-A.
- (d) A parent or caretaker relative who is 60 years of age or older.
- (e) A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A.
- (f) ~~[A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A.~~
- (g) ~~[A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.~~
- (h) ~~[A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required.~~
- (i) A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.
- (j) ~~(g)~~ Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

III. Financial assistance for an assistance group shall be reduced if a parent or caretaker relative of the assistance group:

- (a) Fails to assign child support rights to the department.
- (b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for noncooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for noncooperation with child support requirements when at least one of the following conditions exists:
  - (1) The child for whom support is sought was conceived as a result of incest or forcible rape;
  - (2) Proceedings for adoption of the child are pending in a court; or
  - (3) A social service agency is helping the parent or caretaker relative decide whether to relinquish the child for

adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become reemployed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

- (1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;
- (2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;
- (3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;
- (4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;
- (5) Acceptance by the parent or caretaker relative of **new** employment~~[-, or enrollment of at least half-time in any recognized school, training program or institution of higher education,]~~ that requires the parent or caretaker relative to leave **current** employment;
- (6) Leaving a job in order to accept a bona-fide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;
- (7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;
- (8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or
- (9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82, III(c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82, III(c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, 167:90, or 167:91. ***Failure to participate in employment-related activities for the number of hours specified by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended by the Deficit Reduction Act of 2005, and by rules adopted pursuant to RSA 541-A shall result in the denial of benefits for the entire assistance group.*** Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The department shall establish reduction rates, ~~[and]~~ the duration of the reduction ~~[for reductions under RSA 167:79, VI, 167:82, III, and 167:82, IV]~~ ***rates and financial assistance closure reasons*** by rules adopted pursuant to RSA 541-A.

~~[The initial reduction rate imposed on any household shall be determined by disregarding the needs of the participant who is out of compliance, but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children.]~~ No reduction **or closure** shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance **or closure** and the specific actions which must be taken in order to reinstate full assistance. No reduction **or closure** shall be imposed ~~[which disregards the needs of the children]~~ when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible **pursuant to rules adopted under RSA 541-A**.

VII.(a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II. The financial assistance grant is the difference between the assistance group's net income and the payment standard. The financial assistance payments may be contingent on the performance of program activities and may be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

- (1) An applicant earned income disregard.
- (2) A participant earned income disregard.
- (3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.
- (4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.
- (5) [Repealed.]
- (6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced **or closed** pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction **or closure** shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction **or closure** and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction **or closure amount** that has been imposed on any person applying for assistance from that municipality.

6] Infringement on Rights of Other Employees Prohibited. Amend RSA 167:82-a, I to read as follows:

I. The employment program shall not ~~[use participants]~~ **permit individuals to participate in the employment program** in any way contrary to federal law under section 407(f) of the Social Security Act.

7] Rulemaking; Notice Requirements. Amend RSA 167:83, II(b) to read as follows:

(b) Notification of case decisions which affect the **type or** amount of benefits, ~~[or]~~ **the** level of eligibility ~~[to participants]~~, or changes in participation requirements.

8] Rulemaking. Amend RSA 167:83, II(o) to read as follows:

(o) **Operation of the employment program and employment-related activities as required by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and the Deficit Reduction Act of 2005.**

(p) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

9] Right to Notice of Type and Amount of Benefits. Amend RSA 167:83, III(c) to read as follows:

(c) To be notified of the decision relative to eligibility, and **benefit amounts and** of any changes which affect the benefit amount, the level of eligibility, or changes in participation requirements.

10] Family Assistance Program. Amend RSA 167:84, I and II to read as follows:

I. The family assistance program shall provide financial assistance for dependent children who:

~~[(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, or the unemployment or underemployment of a parent; and~~

~~(b) Reside with either their nonable-bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child. Financial assistance may be provided to the nonable-bodied caretaker relative.]~~

*(a) Are cared for by a caretaker relative who is not included in the assistance group.*

*(b) Are cared for by a specified relative and does not meet the definition of RSA 167:78, I.*

*(c) Are cared for by caretaker relative who is included in the case and does not meet the definition of RSA 167:78, I.*

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), 167:80 and 167:81 to be eligible for financial assistance under this section, and shall be subject to applicable sanctions **or case closures** under RSA 167:82, III(a), III(b), and III(f).

11 Employment Program Work Component; Employment-Related Activities. RSA 167:85 is repealed and reenacted to read as follows:

167:85 Employment Program Work Component; Employment-Related Activities. All participants in the employment program shall participate in an assessment, employment plan development, and be involved in an employment-related activity while participating in the program unless temporarily deferred from participation as authorized by rules adopted pursuant to RSA 541-A and RSA 167:82, II. Noncompliance with employment-related activities without good cause shall be subject to financial assistance penalties pursuant to RSA 167:82, III and IV.

I. Employment-related activities shall be available as specified in The Personal Responsibility and Work Opportunity Reconciliation Act and The Deficit Reduction Act of 2005. Additional employment-related activities that are consistent with the purpose and goals of The Personal Responsibility and Work Opportunity Reconciliation Act, The Deficit Reduction Act of 2005, and this subdivision shall be defined by rules adopted under RSA 541-A.

II. A person temporarily deferred under RSA 167:82, II may participate in the employment program on a voluntary basis to the extent that the program is available and funding and resources are sufficient as determined by the commissioner. If such a person participating in the employment program does not meet the requirements of this section without good cause pursuant to RSA 167:82, the person shall not re-enroll for 3 months.

III. The commissioner may waive requirements under this section if funding and resources are not available to administer this section.

12 Support Services. Amend RSA 167:86 to read as follows:

167:86 Support Services. The commissioner shall reimburse persons for ~~[necessary]~~ travel, child care, and other support service expenses ~~[incurred]~~, **as funding and resources permit**, while ~~[conducting]~~ **participating in approved** employment program activities. The amount shall be determined by the commissioner by rules pursuant to RSA 541-A. Child care shall be appropriate and safe. The lack of such care shall be considered good cause for deferral from participation.

13 Initial Employment Appraisal and Assessment; Employment Contract. Amend RSA 167:88 to read as follows:

167:88 Initial Employment Appraisal and Assessment; Employment Contract.

I. The commissioner shall ~~[determine a participant's ability for employment based on:~~

~~(a) Such person's work experience, skills, training, education, physical abilities, local labor market area conditions, and if appropriate, aptitude and vocational interests;~~

~~(b) Such person's child care, transportation, and other support service needs;~~

~~(c) Any other factors that the employment program considers relevant in accordance with rules adopted pursuant to RSA 541-A.~~

~~H. The commissioner may make the determination in paragraph I through various methods, including, but not limited to, interviews, testing, counseling sessions, and self-assessment instruments. Participants identified as needing additional services not provided by the commissioner may be referred to community agencies, resources, and services.~~

~~HH.] make initial and ongoing assessments of the skills, prior work experience, and employability of each participant entering the employment program.~~

II. The commissioner shall develop an employment ~~[contract]~~ **plan** in conjunction with the participant. ~~[To the extent that it is feasible and consistent with the purpose and goals of this subdivision, the employment contract shall reflect the preferences of the participant with respect to goals for employment, training or education.]~~ The employment contract **plan** shall:

(a) Indicate employment goals for achieving long-term economic independence, including goals for immediate employment in the labor market.

(b) ~~[Outline a planned series of action steps necessary to achieve employment goals.]~~ **Describe the obligations of the participant that will help him or her become or remain employed in the private sector, and describe the steps necessary for the participant to engage and remain in good standing with program requirements.**

(c) Describe the services to be provided by the employment program.

(d) Identify the support service needs of the participant and indicate how those needs are being addressed.

**(e) Follow any other requirements pursuant to the Personal Responsibility and Work Opportunity**

**Reconciliation Act, as amended by the Deficit Reduction Act of 2005.**

IV. The commissioner shall make the final approval of the employment contract.

14 Job Search Programs; Employment Related Activities. RSA 167:90 is repealed and reenacted to read as follows:  
167:90 Employment Related Activities.

I. Participants shall engage in employment-related activities for the number of hours requires by 42 U.S.C. section 607(c), as amended, to meet participation requirements. The department shall adopt rules under RSA 541-A relative to the required number of hours and the method of reporting and verifying the reported hours of employment-related activity.

II. The commissioner shall provide employment-related activities, as funding and resources permit, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005, and rules adopted under RSA 541-A.

15 Specialized Employment-Related Activities. Amend RSA 167:91 to read as follows:

167:91 Specialized [~~Services~~] **Employment-Related Activities**. The following describes [~~the employment program specialized services~~] **certain specialized employment-related activities** and associated participant requirements:

I. Each participant less than [~~24~~] **20** years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

- (a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or
- (b) Enroll in school to pursue a high school diploma.

II. [~~Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may be offered services to enhance basic literacy and work skills.~~]

III. A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.

IV. The commissioner may offer English as a Second Language services **to eligible participants identified by rules adopted under RSA 541-A**.

V. A participant shall be exempt from the requirements of paragraphs I and II if:

- (a) The participant is unable to successfully complete educational activities and is willing and able to participate in job search activities; or
- (b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract, and such goals do not require a high school diploma or equivalent.

VI. III. The commissioner may provide on-the-job training. A participant shall make satisfactory progress in the employment placement to continue to qualify as an employment-related activity under the employment program **and be an approved activity under The Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005**.

VII. IV. The commissioner may refer a participant to a training agency if such participant requires short-term training to enter the work force. All training shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to training programs to determine the appropriateness of the training in accordance with the criteria established [~~by the commissioner by~~] **under the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005 and in** rules adopted pursuant to RSA 541-A. Final approval of the training program shall be the responsibility of the commissioner.

VIII. The commissioner may refer a participant to postsecondary education if it appears that postsecondary education is required for the household to achieve long-term economic independence. All postsecondary education shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to postsecondary educational programs to determine the appropriateness of the postsecondary education in accordance with the criteria established by the commissioner by rules adopted pursuant to RSA 541-A. Final approval of the postsecondary educational program shall be the responsibility of the commissioner. The following shall apply:

(a) Any initial postsecondary educational program that is considered at least half-time as defined by the institution, shall include a part-time employment requirement that is reasonable and consistent with the needs of the dependent children for continuing parental care and protection.

(b) Any initial postsecondary educational program that is considered less than half-time as defined by the institution, shall include an employment requirement that may include full-time employment, if reasonable and consistent with the needs of the dependent children for continuing parental care and protection.

(c) A work placement or paid employment shall be arranged prior to the beginning of any educational program to satisfy the requirement in subparagraph VIII(a) or (b).

(d) Any initial postsecondary educational plans shall emphasize vocational skills training in a specific occupational area and shall not be approved beyond the associates degree level.

(e) The department shall not reimburse for tuition, books, supplies, or school fees.

(f) If a participant becomes unemployed while attending postsecondary educational activities, job search activities may be allowed for a predetermined period of time to meet the conditions in subparagraphs VIII(a) or (b).

~~(g) If a work placement or paid employment position is not available, participants may be required to enter into the alternative work experience program.~~

~~IX. A person in good standing in a postsecondary educational program or training program at the time of application to the department may continue to attend if the following requirements are met:~~

~~(a) The additional requirements in paragraphs VII and VIII are met.~~

~~(b) The costs of the education or training shall not be the responsibility of the department.~~

~~(c) Self-initiated education shall not be approved beyond the associates degree level unless the participant is completing a bachelors degree program within a limited period of time to be determined by the department by rules adopted pursuant to RSA 541-A which shall not exceed 2 years and meets any additional requirements of the program.~~

~~X.] V.(a) The department may operate an alternative work experience program *pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005.*~~

~~[(b) Participants shall not be entitled to a salary or training expense when participating in the alternative work experience program.~~

~~(c) At the successful conclusion of an alternative work experience program placement, the commissioner may reassess and enroll such participant in another employment-related activity, if appropriate and available.~~

~~(d) Any placement that is not considered full-time shall require participation in another employment-related activity. Placements less than 26 weeks shall be permitted.~~

~~(e) A participant who voluntarily quits an alternative work experience placement without good cause as defined in RSA 167:82, III(c) and (d) shall be subject to RSA 167:82.~~

~~(f) Participants who do not comply with all the requirements under this section without good cause as defined in RSA 167:82, III(c) shall be subject to RSA 167:82.]~~

~~XX.] VI. The department shall be the payor of last resort for all expenses involved in any training [and postsecondary educational activity,] and participants shall be required to apply for any other available assistance, prior to receiving financial assistance from the department. Financial assistance for training and educational programs shall have monetary limits established by the department by rules adopted by the commissioner pursuant to RSA 541-A.~~

~~[XII. Job search requirements and the work for benefits placement may be suspended by the commissioner for a specified time when the person is participating in other specialized services.~~

~~XIII. Participants assessed as needing intensive job readiness assistance in order to obtain full-time employment shall be referred to a job readiness program or educational services below the postsecondary level.~~

~~XIV. Participants assessed as needing assistance to resolve significant personal barriers prior to obtaining and accepting full-time employment shall be referred to the appropriate community services and resources.~~

~~XV. The duration of services under this section shall be determined by the commissioner by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.]~~

16 Repeal. The following are repealed:

I. RSA 167:78, XIII, relative to the definition of job search program.

II. RSA 167:78, XIV, relative to the definition of making good progress.

III. RSA 167:78, XXII, relative to specialized services.

IV. RSA 167:78, XXIV, relative to suspension of job search.

V. RSA 167:78, XXVI, relative to benefits program.

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

AMENDED ANALYSIS

This bill revises the Temporary Assistance to Needy Families (TANF) program in anticipation of federal, legislative changes to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

2006-0880h

Amendment to HB 1335

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

Amend RSA 106-I:2 as inserted by section 1 of the act by replacing it with the following:

106-I:2 Emergency Declared by Governor; Authority of Officers.

I. For the duration of any state of emergency declared by the governor because of a natural disaster, riot, or act of terrorism, notwithstanding any law to the contrary:

(a) The governor, the commissioner of safety, or the commissioner's designee, may request assistance from a duly trained and certified state, county, or local law enforcement officer from New Hampshire or from any other state, county, or local law enforcement agency;

(b) A uniformed law enforcement officer who responds to the request for assistance shall have the authority to make arrests and shall have full police powers, under the supervision, direction, and control of New Hampshire state, county, or local law enforcement officers; and

(c) The authority of a law enforcement officer who responds to the request for assistance shall continue until terminated by New Hampshire law enforcement authorities or by law enforcement authorities in the jurisdiction of the responding officer.

II. A law enforcement officer who responds to the request for assistance, and who is acting under the supervision, direction, and control of New Hampshire law enforcement authorities, shall have the same privileges and immunities as an officer in the jurisdiction of the state of emergency.

2006-0738h

#### Amendment to HB 1346

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

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

1 New Section; Pharmacists and Pharmacies; Prescription Information to be Kept Confidential. Amend RSA 318 by inserting after section 47-e the following new section:

318:47-f Prescription Information to be Kept Confidential. Records relative to prescription information containing identifiable patient and prescriber data shall not be used, transferred, licensed, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy, or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement, care management, and utilization review by the patient's insurance provider or the provider's agent. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any other purpose that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, except for evaluation by an insurance provider or the provider's agent for the purpose of compliance with the provider's formulary, or evaluate the effectiveness of a professional detailing sales force. In addition to other appropriate remedies under this chapter, a violation of this section is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this section.

2 New Paragraph; Controlled Drug Act; Prescription Information to be Kept Confidential. Amend RSA 318-B:12 by inserting after paragraph III the following new paragraph:

IV. Records relative to prescription information containing identifiable patient and prescriber data shall not be used, transferred, licensed, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail, or Internet pharmacy, or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement, care management, and utilization review by the patient's insurance provider or the provider's agent. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any other purpose that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, except for evaluation by an insurance provider or the provider's agent for the purpose of compliance with the provider's formulary, or evaluate the effectiveness of a professional detailing sales force. In addition to other appropriate remedies under this chapter, a violation of this paragraph is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this paragraph.

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

#### AMENDED ANALYSIS

This bill declares that prescription information shall not be used, transferred, licensed, or sold for any commercial purpose except for limited purposes.

2006-0512h

#### Amendment to HB 1418-FN

##### Proposed by the Committee on Ways and Means - R

Amend the bill by replacing section 1 with the following:

1 Road Tolls; Refunds; Deadline. Amend RSA 260:47, III(a) to read as follows:

(a)(1) ***Except as provided in subparagraph (2),*** all applications for refunds shall be made subject to prosecution for unsworn falsification pursuant to RSA 641:3 and shall be filed with the department no later than the deadline for filing with the federal government for refund of the federal excise taxes on fuel. This filing deadline may be waived by the commissioner for just cause for agencies of political subdivisions within the state. The waiver shall not be granted to any such agency more often than once in 3 years.

***(2) All applications for refunds for fuel used for off highway recreational vehicles, snowmobiles, and boats shall be made subject to prosecution for unsworn falsification pursuant to RSA 641:3 and shall be filed with the department annually no later than April 15 of the year following the calendar year the motor fuel was purchased by the user.***

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

#### AMENDED ANALYSIS

This bill authorizes the payment of road toll refunds to the navigation safety fund or the lake restoration and preservation fund if requested by the applicant. This bill also changes the deadline for road toll refund applications for fuel used for off highway recreational vehicles, snowmobiles, and boats.

2006-0691h

**Amendment to HB 1435**

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

Amend the title of the bill by replacing it with the following:  
AN ACT relative to the emergency plan for service animals.  
Amend the bill by replacing section 1 with the following:

1 New Paragraph; Emergency Services, Communications, and Management; Service Animal Evacuation Plan. Amend RSA 21-P:37 by inserting after paragraph V the following new paragraph:

VI. To prepare a comprehensive plan and program for the evacuation of hearing ear dogs, guide dogs, and other service animals, as defined in RSA 167-D.

**AMENDED ANALYSIS**

This bill authorizes the director of the division of emergency services, communications, and management to prepare a plan for service animals to be evacuated in the event of an emergency.

2006-0888h

**Amendment to HB 1465-FN**

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

Amend the bill by replacing all after the enacting clause with the following:  
1 New Section; Food Stamp Program; Overpayment. Amend RSA 161 by inserting after section 9 the following new section:

161:10 Food Stamp Program; Overpayment. To the extent permitted by the Food Stamp Act of 1977, as amended, and federal regulations adopted thereunder, the department of health and human services shall terminate or waive any claim to reimbursement for the overpayment of food stamps if the overpayment was the result of department error and:

- I. The amount of the overpayment is not more than \$450; or
- II. The recipient's income is less than or equal to 2 times the federal poverty level.

2 Rulemaking; Food Stamp Program. Amend RSA 161:4-a, IV to read as follows:

IV. The development and administration of the food stamp program under RSA 161:2, XIII, *including procedures for waiver of food stamp overpayments.*

3 Approval by United States Department of Agriculture. The department of health and human services shall obtain approval from the United States Department of Agriculture for the collection practice established in section 1 of this act.

4 Contingency. Section 1 of this act shall take effect when the department of health and human services certifies to the secretary of state and the office of legislative services that the department has received approval from the United States Department of Agriculture pursuant to section 3 of this act. If the department's request is denied, the department shall certify the denial to the secretary of state and the office of legislative services, and section 1 of this act shall not take effect.

5 Effective Date.

- I. Section 1 of this act shall take effect as provided in section 4 of this act.
- II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes criteria for the department of health and human services to waive claims to reimbursement of food stamp overpayments that result from agency error.

2006-0946h

**Amendment to HB 1484**

**Proposed by the Committee on Transportation - C**

Amend the title of the bill by replacing it with the following:  
AN ACT relative to including motorcycle and tractor-trailer safety in driver education courses.  
Amend the bill by replacing section 1 with the following:

1 Driver Education; Motorcycle and Tractor-Trailer Safety. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his *or her* sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of

both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. ***The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and the motorcycle rider education program advisory committee and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director.*** The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

AMENDED ANALYSIS

This bill requires motorcycle and tractor-trailer safety education in driver education courses.

2006-0855h

Amendment to HB 1509

Proposed by the Committee on Election Law - R

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

AN ACT relative to campaign expenditure and contribution limitations.

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

1 Political Contribution Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of [~~\$5,000~~] **\$25,000** in value, except for contributions made by a candidate in behalf of his **or her** own candidacy, or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his **or her** campaign expenditures and those expenditures made on his **or her** behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his **or her** fiscal agent, a political committee or its treasurer, or not to any one of the same.

2 Political Expenditure Limitation Amounts. Amend RSA 664:5-b, I-II to read as follows:

I. For governor:

(a) [~~\$625,000~~] **\$1,250,000** in a state primary election.

(b) [~~\$625,000~~] **\$1,250,000** in a state general election.

I-a. For United States senator:

(a) [~~\$625,000~~] **\$1,250,000** in a state primary election.

(b) [~~\$625,000~~] **\$1,250,000** in a state general election.

II. For representative to Congress:

(a) [~~\$350,000~~] **\$625,000** in a state primary election.

(b) [~~\$350,000~~] **\$625,000** in a state general election.

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

AMENDED ANALYSIS

This bill increases the limitation on campaign expenditures for candidates for the offices of governor, United States senator, and representative to Congress who agree to limit campaign expenditures. This bill also increases the limitation on the amount that may be contributed to a candidate who voluntarily agrees to limit his or her campaign expenditures.

2006-0895h

Amendment to HB 1512

Proposed by the Committee on Judiciary - C

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

AN ACT: establishing a committee to study volunteer activity related to transportation.

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

1 Committee Established. There is established a committee to study the issues surrounding volunteer activity related to transportation.

2 Membership and Compensation.

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

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

(b) One member of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall investigate issues surrounding the role of volunteers in a coordinated community transportation system, transportation liability, interstate transportation, and other areas as the committee deems appropriate. The committee shall consult with representatives from the New Hampshire Trial Lawyers Association, the New Hampshire

insurance department, and the governor’s task force on community transportation.

4 Chairperson; Quorum. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this act. 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 volunteer activity related to transportation.

2006-0985h

Amendment to HB 1580

Proposed by the Majority of the Committee on Children and Family Law - R

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

1 Child Support; Definitions; Adjusted Gross Income and Child Support Obligation. Amend RSA 458-C:2, I-II to read as follows:

I. “Adjusted gross income” means gross income, less:

- (a) Court-ordered or administratively ordered support actually paid to others, for adults or children.
- (b) Fifty percent of actual self-employment tax paid.
- (c) Mandatory, not discretionary, retirement contributions.
- (d) Actual state income taxes paid.
- (e) Amounts actually paid by the ~~[obligor]~~ **person** for allowable child care expenses or medical insurance coverage for

the minor children to whom the child support order applies.

I-a. “Allowable child care expenses” means actual work-related child care expenses for the children to whom the order applies, up to no more than an annual total of \$5,000 for one child, \$9,000 for 2 children, and \$12,000 for 3 or more children.

II. “Child support obligation” means the ~~[proportion of total]~~ support obligation which the obligor parent is ordered to pay in money to the obligee parent as child support as determined by the calculations set forth in RSA 458-C:3, II(a).

2 Child Support; Definition of Minimum Support Order and Net Income. Amend RSA 458-C:2, V-VI to read as follows:

V. “Minimum support order” means an order of support equal to \$50 per month. ***There shall be no minimum support if both parents or parties have an equal child support obligation.***

VI. “Net income” means the parents’ ~~[combined]~~ adjusted gross income less standard deductions published on an annual basis by the department of health and human services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people.

~~[(a) Federal income tax;~~

~~(b) F.I.C.A.]~~

3 Child Support; Definition of Percentage. Amend RSA 458-C:2, IX to read as follows:

IX. “Percentage” means the numerical figure that is applied to net income ***as part of the calculation*** to determine the amount of child support.

4 Child Support Formula. RSA 458-C:3 is repealed and reenacted to read as follows:

458-C:3 Child Support Formula.

| I. Number of Children | Percentage of Net |
|-----------------------|-------------------|
| 1                     | 25 percent        |
| 2                     | 33 percent        |
| 3                     | 40 percent        |
| 4 or more             | 45 percent        |

The number of children in the same household for which child support is paid shall determine the percentage applied against net income.

II.(a) The child support obligation shall be determined in a separate calculation for each parent or party by multiplying each parent’s or party’s annual net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section divided by 365.25 then multiplied by the number of days within the year that the other parent or party has residential responsibility for the dependent child or children, as specified in the court-approved parenting plan if one exists. The parent or party with the greater annual child support obligation shall be designated as the obligor and the child support owed to the other parent or party shall be based upon the obligor’s annual child support obligation less the annual child support obligation of the other parent or party. If both parents or parties have an equal annual child support obligation, no child support payment shall be ordered by the court.

(b) In cases where public assistance is provided on behalf of the dependent child or children and the right to support is assigned to the department of health and human services, the department's net income shall be zero for purposes of the child support guidelines calculation.

(c) The court shall determine the frequency of the obligor's child support payments in the child support order.

(d) All child support payments calculated pursuant to this chapter shall be rounded to the nearest whole dollar.

III. The self-support reserve and minimum child support obligation shall be calculated as follows:

(a) If the obligor's gross income is less than the self-support reserve and the court has determined that the obligor is not voluntarily unemployed or underemployed, the court shall order the child support obligation in the amount of a minimum support order.

(b) If the obligor's gross income is greater than the self-support reserve but payment of the order as calculated under this chapter would reduce the obligor's income below the self-support reserve, the obligor's child support obligation shall be presumed to be the difference between the self-support reserve and that parent's adjusted gross income, but in any event shall be no less than the amount of a minimum support order.

5 New Section; Child Support Guidelines Worksheet. Amend RSA 458-C by inserting after section 3 the following new section:

458-C:3-a Child Support Guidelines Worksheet. At every hearing in which child support is involved, the party seeking the order shall file a child support guideline worksheet, as published by the department of health and human services, division of child support services, duly completed by either the party or attorney. The other party shall file a child support guideline worksheet if the guideline amount is in dispute. In any case where the court or court personnel complete or assist the parties in the completion of a child support guidelines worksheet, the worksheet shall be retained in the court file and made available for inspection at the request of the parties. In any event, the worksheet that results in the ordered child support obligation shall be kept in the file and available to the parties. The fact that the parties have agreed to an amount or may be requesting adjustments to the child support guidelines shall not suspend the requirements of this section. In cases where the other party has failed to disclose his or her income, a worksheet shall be completed using a reasonable estimate of that party's income.

6 New Paragraph; Application of Guidelines. Amend RSA 458-C:4 by inserting after paragraph IV the following:

V. The court shall provide the calculations for child support and the rationale for deviating from the guidelines, including reasons why or why not there were adjustments for special circumstances in accordance with RSA 458-C:5.

7 Repeal. RSA 458-C:2, XI, relative to the definition of total support obligation, is repealed.

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

AMENDED ANALYSIS

This bill amends the child support formula so that child support amounts are based primarily on income and the amount of time that the child spends with each parent. The bill also directs the parties to file their child support worksheets with the court and requires the court to provide the basis for either adjusting or declining to adjust the guidelines for special circumstances.

2006-0918h

Amendment to HB 1584

Proposed by the Committee on Municipal and County Government - C

Amend RSA 485-A:29, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person proposing either to subdivide land, except as provided in RSA 485-A:33, or to construct a sewage or waste disposal system, shall submit 2 copies of such locally approved plans as are required by the local planning board or other local body having authority for the approval of any such subdivision of land, which is subject to department approval, and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the department as provided in this paragraph. In the event that such subdivision plans which receive final local approval differ from the plans which are reviewed by the department, the person proposing the subdivision shall resubmit those plans to the department for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the department for informational purposes within 30 days of granting such final approval. The department shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, ***including the location of known burial sites or cemeteries within or adjacent to the property on which the proposed sewage or waste disposal system is to be located***, what tests are to be required, what standards, guidelines, procedures, and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance, and financial responsibility for such operations. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The

constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspections by the department shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. The presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for sewage or waste disposal systems designed for poorly drained soils. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the department and the requirements of this subdivision.

2006-0921h

**Amendment to HB 1597-FN-LOCAL**

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

Amend the bill by replacing section 1 with the following:

□ New Paragraph; Aid to Assisted Persons; Medical Expenses. Amend RSA 165:1 by inserting after paragraph III the following new paragraph:

IV. The local governing body of a town or city may adopt written guidelines to exclude from its general assistance program surgical and medical expenses, except for prescribed medication, when there is no other means to provide such medication.

**AMENDED ANALYSIS**

This bill permits a municipality to exclude medical expenses, other than certain prescription medication, from the municipality's local assistance program.

2006-0867h

**Amendment to HB 1636-FN**

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

Amend RSA 599:1 as inserted by section 2 of the bill by replacing it with the following:

599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the sentence is declared, may appeal therefrom to obtain a *de novo* jury trial in the superior court, which shall hear the appeal except in cases in district courts served by regional jury trial courts as provided in RSA 502-A:12-a. The appeal shall be entered by the defendant at the next return day unless for good cause shown the time is extended by the superior court. If, after a jury trial in the superior court, the defendant is found guilty, the superior court shall sentence the defendant, and the defendant may appeal questions of law arising therefrom to the supreme court. In the event the defendant waives the right to jury trial after the case has been appealed, the superior court shall forthwith remand the case to the district court for imposition of the sentence originally imposed by the district court, and the defendant may appeal questions of law arising therefrom to the supreme court. In all misdemeanor cases which are appealed to superior court or in which defendants are bound over it shall be the duty of the superior court to transmit to the justice of the district court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

2006-0992h

**Amendment to HB 1646-FN**

**Proposed by the Committee on Fish and Game - C**

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

□ New Section; Leashed Tracking Dogs. Amend RSA 207 by inserting after section 12-b the following new section:

207:12-c Notwithstanding any provision of this title to the contrary, a handler with a leashed dog may track wounded deer, moose, or bear. The executive director shall adopt rules pursuant to RSA 541-A, relative to the method and manner of take, time periods for training or using leashed tracking dogs, licensing requirements and fees, possession of recovered deer, moose, or bear, notification requirements, and other provisions deemed necessary to effectively regulate this practice. No person shall use an intact carcass of a deer, moose, or bear for training purposes, but may use samples of blood, tissue, and hide of a deer, moose, or bear legally taken or acquired in this state.

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

**AMENDED ANALYSIS**

This bill allows a handler to use a leashed tracking dog for the recovery of a wounded deer, moose, or bear, as provided in rules adopted by the executive director of fish and game.

2006-0629h

**Amendment to HB 1656-FN-A**  
**Proposed by the Committee on Finance - C**

Amend RSA 228 as inserted by section 1 of the bill by replacing it with the following:

□ New Section; Electronic Toll Collection Transponder Inventory Fund. Amend RSA 228 by inserting after section 24-c the following new section:

228:24-d Electronic Toll Collection Transponder Inventory Fund. There is hereby established an electronic toll collection transponder inventory fund not to exceed \$1,000,000, which sum is hereby authorized as a revolving fund comprised of funds in the turnpike fund that are not otherwise appropriated. The commissioner of transportation may purchase, through the Interagency Group, such electronic toll collection transponders as may be necessary for the operation of the department, which shall be a charge against the fund. All sales of electronic toll collection transponders from inventory shall be credited to the inventory fund and are hereby appropriated to the department of transportation and made available for expenditures from the inventory fund.

2006-0793h

**Amendment to HB 1681-FN**  
**Proposed by the Committee on Health, Human Services and Elderly Affairs - R**

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

□ New Subdivision; Unused Prescription Drug Program. Amend RSA 318 by inserting after section 55 the following new subdivision:

Unused Prescription Drug Program

318:56 Unused Prescription Drug Program Established. There is established the unused prescription drug program for the purpose of allowing the donation of unused prescription drugs and medical devices to uninsured or underinsured individuals. The program shall be administered by the New Hampshire pharmacy board.

318:57 Definitions. In this subdivision:

- I. “Board” means the New Hampshire pharmacy board.
- II. “Medical device” means an instrument, apparatus, implement, machine, or similar article, or any attachment or component part thereof, that has been prescribed by a physician or other authorized health care practitioner.
- III. “Patient” means a person to whom a drug or a medical device has been prescribed, that patient’s authorized representative, or the executor or administrator of the patient’s estate.
- IV. “Prescription drug” means a drug as defined in RSA 318:1, XVII, excluding any controlled drug as defined in RSA 318-B:1, VI.
- V. “Program” means the unused prescription drug program.

318:58 Donating, Accepting, and Redispersing Unused Drugs.

- I. Any patient may donate unused prescription drugs and medical devices to the program.
- II. Any person authorized to dispense prescription drugs and medical devices pursuant to RSA 318 or other law may redispense such drugs and devices for the purposes of the program.
- III. The following facilities and services may accept donations of unused prescription drugs and medical devices for the program:
  - (a) Any pharmacy as defined in RSA 318:1, XI;
  - (b) Any hospital, nursing home, hospice, or outpatient clinic licensed pursuant to RSA 151; and
  - (c) New Hampshire hospital, Glencliff home for the elderly, New Hampshire veterans home, and the state and county correctional facilities.
- IV. The following prescription drugs and medical devices may be accepted and redispensed through the program; provided, that they have not been in the possession of the patient or other member of the public:
  - (a) Unused prescription drugs that have not reached their expiration date, are contained in unopened unit dose or other tamper-evident packaging, and show no evidence of contamination; and
  - (b) Medical devices that have not been opened or adulterated.
- V. Unused prescription drugs and medical devices may not be resold, but the facility or service redispensing such drug or device may charge a handling fee for the service not to exceed \$15.
- VI. A facility or service may redispense unused prescription drugs and medical devices under the program to uninsured or underinsured persons as defined by the board, but redispensing to other patients is permitted if no uninsured or underinsured person is available.

318:59 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, for the program relative to:

- I. Standards and procedures for the donation, acceptance, storage and redispensing of unused prescription drugs and medical devices.

- II. Eligibility of individuals to receive unused drugs.
  - III. The maximum allowable handling fee for redispensing drugs and devices.
  - IV. Content and format of all forms required under this subdivision.
- 2] Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes the unused prescription drug program under which unused prescription drugs are accepted and dispensed to uninsured or underinsured persons. Under this bill, persons licensed to dispense drugs and certain other licensed entities may collect, relabel, and redispense donated prescription drugs and medical devices. Controlled drugs are exempted from the provisions of the bill. The New Hampshire pharmacy board is granted rulemaking authority for the purposes of the bill.

2006-0892h

#### Amendment to HB 1709-FN

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

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

- 1] Purpose and Intent. The general court finds and declares that:

I. Autism spectrum disorder (ASD) is a developmental disorder of brain function which is typically manifested in impaired social interaction, problems with verbal and nonverbal communication and imagination, and unusual or severely limited activities and interests. These symptoms generally appear during the first 3 years of childhood and continue throughout life, often taking devastating emotional and financial tolls on the families of the child with (ASD).

II. Best estimates indicate that one in 500 children born in the state will be diagnosed with ASD. However, these numbers may be understated because of current diagnostic procedures and reporting requirements. There is a clear need for greater accuracy in reporting as well as for information on the epidemiologic data on the incidence and prevalence of ASD in this state.

III. An autism registry is needed to improve current knowledge and understanding of ASD, to conduct thorough and complete epidemiologic surveys of the disorder, to enable analysis of this problem, and to facilitate planning for services to children with ASD and their families.

- 2] New Subdivision; Autism Registry. Amend RSA 171-A by inserting after section 29 the following new subdivision:

Autism Registry

171-A:30 Autism Registry.

I. There shall be established a state registry in the department which shall include a record of all reported cases of autism spectrum disorder (ASD) that occur in New Hampshire and other information relevant and appropriate to conduct thorough and complete epidemiologic surveys of ASD, to enable analysis of this problem, and to facilitate planning for services to children with ASD and their families. The department may enter into an agreement with an appropriate entity for the management of the registry; provided, that any records and data submitted to the department pursuant to this subdivision shall be the property of the department.

II. Physicians, psychologists, and any other licensed or certified health care provider who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with ASD shall report all new cases of this diagnosis to the department in a form and manner prescribed by the commissioner. The report shall be in writing and shall include the name and address of the person submitting the report and the child's date of birth, gender, and zip code at birth residence, and the specific diagnosis of the child diagnosed as having ASD. The department shall assign a unique identification code to identify the child diagnosed as having ASD. The code shall not include the name or address of the child.

III. All information required to be reported under this subdivision shall be confidential. A physician, psychologist, or health care provider providing information to the department in accordance with this section shall not be deemed to be, or held liable for, divulging confidential information.

IV. Nothing in this section shall be construed to compel a child who has been reported as affected with ASD to submit to medical or health examination or supervision by the department.

- 171-A:31 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for reporting cases of ASD under RSA 171-A:30.

II. Content of all forms required under this subdivision.

III. Confidentiality of records and information reported pursuant to this subdivision.

3] Applicability. The department of health and human services shall seek grant money from the Centers for Disease Control and Prevention and any other appropriate entity and may accept grants, gifts, and donations from any source for the registry established in section 2 of this act. The department of health and human services shall not expend any state appropriations for any purpose related to the establishment of the registry. The autism registry shall not become operational until the grant or other appropriate grants or moneys are secured.

- 4] Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill establishes an autism registry in the department of health and human services. Under this bill, health care providers who are qualified to make a diagnosis of autism spectrum disorder (ASD) are required to report new cases of ASD to the department. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill.

2006-0886h

**Amendment to HB 1747-FN  
Proposed by the Committee on Fish and Game - C**

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

AN ACT establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.

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

1 Purpose. The purpose of this act is to replace federal funds received in past years with state funds in order to keep an existing program fully operational. The state shall fund the program with a \$175, 000 appropriation from the general fund. This act is consistent with and supported by 1993, 251 (HJR 4), approved June 15, 1993; RSA 143:26; RSA 211:63; and RSA 485-A:8, V.

2 New Subdivision; Healthy Tidal Waters and Shellfish Protection Program. Amend RSA 487 by inserting after section 33 the following new subdivision:

New Hampshire Healthy Tidal Waters and  
Shellfish Protection Program

487:34 Healthy Tidal Waters and Shellfish Protection Program Established.

I. There is established within the department of environmental services the New Hampshire healthy tidal waters and shellfish protection program. This program ensures that water quality in coastal waters supports the propagation, conservation, and harvest of shellfish.

II. To the extent that funds are available, the department shall:

(a) Exercise and administer the classification of coastal waters under New Hampshire shellfish sanitation control authority, pursuant to RSA 143:21 and RSA 143:21-a, so that all waters suitable for shellfish propagation and harvest are classified, and, to the maximum extent possible, classified areas are approved for harvest of shellfish, in accordance with the National Shellfish Sanitation Program.

(b) Identify impaired water quality for shellfish harvesting and work with cooperating agencies and the public to mitigate impairments.

(c) Educate citizens about the need for watershed stewardship to keep coastal waters clean for harvest of shellfish and other designated uses that depend upon safe and clean water.

(d) Conduct strategic planning, together with cooperating agencies and organizations, for New Hampshire’s shellfish program, to enhance recreational shellfish harvest and establish commercial aquaculture harvest potential.

487:35 Finding of Public Purpose. The general court finds that it is for the public good and welfare of this state to protect and preserve its tidal waters for propagation and harvest of shellfish and for other beneficial uses. Shellfish propagation and harvest is a primary indicator of the overall ecological and water quality health of coastal waters. As such, the general court further recognizes the need to restore, preserve, and maintain the state’s tidal waters in order that these significant environmental, aesthetic, and recreational assets will continue to benefit the social and economic well-being of the state’s citizens.

487:36 Definitions. In this subdivision

I. “Commissioner” means the commissioner of the department of environmental services.

II. “Coastal waters” means surface waters of the state, as defined in RSA 485-A:2, XIV, that are subject to the influence of the tides.

III. “Department” means the department of environmental services.

IV. “Coastal watershed area” means the entire watershed area from which water eventually drains to the state’s estuaries and coastal waters.

487:37 Healthy Tidal Waters and Shellfish Protection Fund Established.

I. A special healthy tidal waters and shellfish protection fund is established for exclusive use by the department to accomplish the purposes of this subdivision. This fund shall be nonlapsing and continually appropriated to the department for the purposes of this subdivision.

II. The commissioner may apply for and accept, from any source, gifts; donations of money; federal, municipal, or private grants; legislative appropriations; and other funds and incentives for the purposes of this subdivision. The funds accepted under this paragraph shall be paid into the healthy tidal waters and shellfish protection fund established under paragraph I.

3 New Subparagraph; New Hampshire Healthy Tidal Waters and Shellfish Protection Fund. Amend RSA 6:12, I(b) by

inserting after subparagraph (242) the following new subparagraph:

(243) Moneys received under RSA 487:37, II which shall be credited to the New Hampshire healthy tidal waters and shellfish protection fund established under RSA 487:37.

4 Appropriations. The sum of \$175,000 is hereby appropriated for the fiscal year ending June 30, 2006 to the healthy tidal waters and shellfish protection fund established in RSA 487:36. The governor is authorized to draw a warrant for said sum of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire healthy tidal waters and shellfish protection program and fund, and makes an appropriation to fund the program.

2006-0758h

**Amendment to HB 1765-FN-A-LOCAL  
Proposed by the Committee on Finance - C**

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

AN ACT relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.

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

1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. In response to October 2005 flood damage sustained by communities in Cheshire, Sullivan, Grafton, Merrimack, and Belknap counties, a sum not to exceed \$2,911,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2006, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the period from October 8, 2005 to October 17, 2005. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible municipality or state agency that completed a request for public assistance within the required 30-day period of the October 26, 2005 declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or \$5,000, whichever is less. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2008.

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

AMENDED ANALYSIS

This bill appropriates state matching funds to the department of safety, bureau of emergency management, for disaster assistance to the communities that sustained flood damage in

2006-0715h

**Amendment to HJR 23  
Proposed by the Committee on Public Works and Highways – C**

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire has established the Purple Heart Trail as being, in part, U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95, the Military Order of the Purple Heart of the USA desires to add a spur to this trail, being from the northerly intersection of U.S. Route 4 and U.S. Route 3 in Boscawen and running northerly along U.S. Route 3 to the New Hampshire state veterans cemetery, approximately 1.5 miles; and

Whereas, this cemetery is being actively used by our veterans; and

Whereas, a number of these veterans are holders of the Purple Heart medal, including casualties from Operation Iraqi Freedom; and

Whereas, a Purple Heart Memorial monument has been recently placed on the Memorial Walkway at the cemetery; and

Whereas, New Hampshire has established the New Hampshire Purple Heart Trail, in part, as being U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95; and

Whereas, signs have been placed along said trail; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the portion of U.S. Route 3 from the intersection of U.S. Route 4 and U.S. Route 3 in Boscawen running northerly to the New Hampshire state veterans cemetery is hereby designated as a Purple Heart Trail spur; and

That the department of transportation shall place appropriate markers indicating the designation of this portion of U.S. Route 3 as the Purple Heart Trail spur; and

That the portion of the New Hampshire Purple Heart Trail being the length of New Hampshire U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95 shall have appropriate signs placed along the full length of this trail; and

That the department of transportation shall place the additional markers indicating the designation of this route being the Purple Heart Trail.