

State of New Hampshire HOUSE RECORD

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

Vol. 28

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Friday, April 7, 2006

No. 30

Contains: Reports and Amendments for April 12, Hearings, Meetings, List of House Bills Amended by the Senate and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, April 12th** at **10:00 a.m.**

Chairmen and Vice Chairmen will meet on **Tuesday, April 11** at **9:00 a.m.** in Room 203, LOB.

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **April 12** at **9:15 a.m.** in Representatives Hall.

Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **April 12** at **9:00 a.m.** in Rooms 305-307 of the Legislative Office Building.

Rep. James W. Craig, Democratic Leader

NOTICE

To maintain better key management in the House chamber, the Sergeant-at-Arms will remove the keys of those with excused absences before the start of the session. Anyone in this category will be able to pick up their key in the chamber anteroom should they come in later. All legislators are reminded that House Rule 9 requires members to turn off their voting stations whenever leaving their seats, even though they plan to return. Members are reminded that they should not interfere with another's voting station. Legislators are also reminded that if they have to leave early for the remainder of the day, they should sign out in the Speaker's Office. By signing out, they will be excused for any subsequent roll calls and their attendance will be registered for mileage payment.

W. Douglas Scamman, Speaker

NOTICE

STATEHOUSE CAFETERIA TO BE A "WI-FI HOTSPOT!"

The Statehouse Cafeteria dining room will be set up as a "Wi-Fi HotSpot." Anyone using an 802.11 wireless compatible device (laptop or PDA) will be able to access the Internet for free during the hours that the cafeteria dining room is open. Unlike other areas of the Statehouse complex, where an Encryption Key must be used, the Cafeteria will offer open access. This new HotSpot will be set up on a separate network so that the legislative network will remain secure. This was made possible through joint efforts of House and Senate leadership, under the guidance of Stan Kelly, Manager of the Statehouse Information Systems.

W. Douglas Scamman, Speaker

LEGISLATIVE HEALTH SCREENING DAY

All Legislators and Legislative staff are invited to the Legislative Health Screening Day presented by Health Services. This event will be held on Thursday, **April 27** from 9:00 a.m. to 1:00 p.m. in Rooms 305-307 and 306-308, LOB. Have your blood pressure taken, blood sugar tested, spine screened, balance assessed, eyes and throat checked, get some stress reduction hints and even a short massage, plus much more. Got questions? Bring them to our participating professionals for quick and up to date information. Looking forward to seeing all of you.

Jeanne Berube, RN and Dianne Bergquist, RN

SHUTTLE SERVICE - LAST TRIP

The shuttle service from Storr Street Parking Garage will make its **last** trip of the season on Wednesday, **April 12th**. The van will drop-off and pickup on North State Street between the State House and LOB. If you have any questions or need any assistance please feel free to call my office or Protective Services at 271-3321.

W. Douglas Scamman, Speaker

NOTICE

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

WEDNESDAY, APRIL 12

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 323, establishing a legislative youth advisory council. **OUGHT TO PASS**

Rep. Barbara Hull Richardson for Children and Family Law: This bill establishes a legislative youth council similar to a very successful program in Maine. It would involve youth with legislators in dealing with policies on issues related to youth. This program would conduct an annual summer event for council members regarding leadership, government and the legislature, to which legislators would be invited. The council would meet no fewer than four times each year, and would conduct two hearings a year on issues of importance to youth. **Vote 12-0.**

SB 370-FN, relative to multidisciplinary child protection teams. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony P. Matarazzo for Children and Family Law: The committee comes unanimously to support children who have been victims of neglect, physical, psychological, or sexual abuse and/or any combination of these traumas to alleviate further pain and suffering. The intent of this bill is to keep these children from having to be subjected to the onslaught of multiple agencies that currently step in to help the child. The Department of Children, Youth and Families (DCYF), the police, physical and mental health practitioners, school and others will be coordinated to prevent the child from having to be interviewed over and over again, requiring the child to relive the trauma. This bill allows DCYF to enter into agreements to create multidisciplinary child protection teams to investigate and interview in unison. It creates human resources and other efficiencies, all the while improving on minimizing the trauma to the child. **Vote 13-0.**

SB 382, relative to the guardian ad litem board. **OUGHT TO PASS**

Rep. Mary Stuart Gile for Children and Family Law: This bill establishes a guardian ad litem board which shall be responsible for overseeing the credentialing, activities, and discipline of guardians ad litem in NH who are, or who have been, certified by the board. Categories include terms of appointment, duties of the board, rulemaking authority, certification, confidentiality and disclosure of information, immunity from civil and criminal actions, court appointed special advocates and severability. **Vote 14-0.**

SB 395, relative to the number of children in a licensed foster home. **OUGHT TO PASS**

Rep. Barbara Hull Richardson for Children and Family Law: This bill allows foster families to exceed the limit of six youngsters (including children living in the home and children received for foster care) when the Department of Health and Human Services concludes that the foster family is able to provide for the safety, permanency, and well-being of the child or children. **Vote 13-0.**

COMMERCE

SB 283-FN, relative to stop loss insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald H. Flanders for Commerce: This bill is at the request of the Insurance Department. It establishes law governing stop loss insurance and provides minimum criteria for such insurance. It also prohibits stop loss insurers from providing direct coverage of health care expenses of an individual, thereby eliminating the possible undermining of our community rating system. **Vote 15-0.**

SB 295-FN, relative to registration of business entities. **OUGHT TO PASS**

Rep. Kathleen N. Taylor for Commerce: This bill relates to the registration and dissolution of certain business entities. Also, fees were adjusted to properly cover the costs incurred by the Secretary of State in the registration of corporations. **Vote 15-0.**

SB 330, relative to outdoor advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: This bill sought to affirmatively allow advertising or "banners" erected by municipalities. Several municipalities currently erect historical or informational banners on either municipal-owned or, with permission, on utility-owned poles. These banners sometimes contain the names of businesses, individuals or organizations that have paid for the banner. There are currently no penalties in the law and the committee felt the legislation is not necessary. **Vote 14-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability. **OUGHT TO PASS**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill provides for enhanced penalties for offenses against senior citizens and individuals with disabilities when the perpetrator intended to take advantage of the victim's ability to manage his or her property or interests. This legislation sends a clear message that New Hampshire will deal harshly with those who attempt to prey on our vulnerable neighbors. **Vote 19-0.**

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill addresses concerns raised by the New Hampshire Supreme Court in the Kidder decision. That decision placed severe restrictions on the ability of attorneys to contact prose

opposing parties in cases involving domestic violence protective orders. This bill establishes clear ground rules for contact in these situations, which will encourage communication and resolution of such cases. By addressing the concerns of domestic violence advocates, the law enforcement community and the defense bar, this bill provides a sensible solution to a pressing problem. **Vote 16-3.**

SB 333, relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: It was the unanimous position of this committee that this bill places the judge in a difficult position of requiring testimony from a defendant that has no bearing on the sentencing portion of the proceeding. Further, police departments usually obtain this information as part of their normal arrest process. Further, requiring the judge to obtain information gives an appearance of impropriety, because it is done before sentencing. **Vote 17-0.**

SB 407-FN-A, relative to enforcement of labor statutes under current federal immigration laws. **REFER FOR INTERIM STUDY**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee recognizes that the current system of immigration regulations is confusing and outmoded, and is in dire need of reform. The bill, as written, is poorly crafted and potentially counterproductive. However, the committee recommends that the bill be sent to interim study. With major changes in Federal Immigration Law currently pending before Congress, this study committee will provide a proper forum for addressing possible changes in state law that may be necessitated by congressional action. **Vote 13-6.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 200-FN, establishing the uniform athlete agents act. **OUGHT TO PASS**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill was brought forward at the request of the university system and will benefit the student-athletes as well as the colleges and universities of our state. The “uniform Athlete Agents Act” was developed by the National Conference of Commissioners in 2000 at the request of the National Collegiate Athletic Association (NCAA) to establish a model state law governing the relationships between athlete agents, student-athletes and academic institutions that provides for uniform registration, certification and background checks on sports agents. Since that time, over 35 states have adopted the uniform policies and a number of others are in the process of doing so. The purpose of this legislation is to establish uniform standards from state to state that protect student athletes and academic institutions from unprincipled sports agents. The majority of athlete agents are hard-working and honest people who provide a valuable service to their clients; however, there are some who are unprincipled and predatory. These unscrupulous agents often will manipulate and take advantage of their young clients and the institutions for which they play. The consequences of such behavior can be extremely damaging to the student-athlete, the academic institution and to amateur athletics in general. **Vote 12-2.**

SB 264, relative to the chief financial officer of the department of environmental services. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have changed the title of the chief operating officer in the Department of Environmental Services to chief financial officer and left it in pay grade GG. The committee feels that because of the change in duties assigned to the position that the position should be submitted to the Hay Commission, so that the appropriate pay grade can be established. The Hay Commission was established to come up with a salary classification for all state employees based upon their job description and responsibility. After receiving the pay grade, we will be happy to enact this change. **Vote 14-0.**

SB 339, changing certain job titles and responsibilities in the department of transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have changed the titles and job descriptions for positions in the Department of Transportation and the Department of Revenue Administration. The committee feels that because of the change in duties assigned to the positions that the positions should be submitted to the Hay Group so that the appropriate pay grade can be established. The Hay Group study was established to come up with a salary classification for all unclassified state employees, based upon their job description and responsibility. After receiving the pay grade, we will be happy to enact these changes. We left in the bill the ability to hire three financial consultants in the Department of Transportation. **Vote 14-0.**

FISH AND GAME

SB 328, relative to the regulation of snowmobiles and off highway recreational vehicles. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Fish and Game: This bill was filed at the request of the New Hampshire Fish and Game Department and the New Hampshire Snowmobile Association to make technical changes to clarify SB 226, Chapter 210, Laws of 2005. Furthermore, it adds new language to RSA 215-C, which requires all snowmobiles and OHRVs to stop at all trail stop signs, not only those placed at the intersection of trails and public ways. **Vote 9-0.**

JUDICIARY

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen J. Shurtleff for Judiciary: This bill simply adds “District Court, and the Judicial Branch Family Division,” which provides for more uniformity among the courts in establishing rules and regulations and prescribed forms. Furthermore, the bill deletes references in NH RSAs to Municipal Courts, which were replaced by the District Courts several decades ago. **Vote 13-0.**

SB 332, making technical corrections to the uniform trust code and related statutes. **OUGHT TO PASS**

Rep. John B. Hunt for Judiciary: The Uniform Trust Code which passed several years ago, was a very complex bill. This bill is this year’s technical correction to the trust code. The majority of the changes clarify the role of the probate court. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

SB 178, designating a certain highway the Gold Star Mothers Highway. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: The committee voted unanimously to honor Gold Star Mothers by naming the Hillsborough by-pass, from the junction of New Hampshire Route 9 and Henniker Street in Hillsborough to the Antrim town line, the Gold Star Mothers Highway. Gold Star mothers have sons and daughters who served and died in the line of duty in the armed forces of the United States of America and its allies. The amendment added the standard language for cost of design, construction, maintenance and installation of the sign not be a charge to the state. **Vote 13-0.**

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Cloutier for Public Works and Highways: The bill, as amended, simply changes Section 2 of the bill to read that the Main Street bridge crossing the Mascoma River in Enfield shall be named the Enfield Women’s Memorial Bridge. The committee received a letter from the Enfield Selectboard stating that they had no objection to the change, provided that the bridge name honors the women of Enfield. **Vote 13-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 344, establishing a committee to study state benefit programs for national guard members. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: This bill would establish a committee to study state benefit programs for National Guard members. As no time in the history of the National Guard have the members of the Guard been utilized like they are being utilized today, especially in the War on Terror. When a guardsman is called to serve, the pay, compensation and benefits afforded to the guardsman depends upon who is activating the member. If the individual is activated under Federal Statute, they are afforded one benefit, if they are activated by the Governor, they would get another. This committee will take a look at how NH Guardsmen are treated in comparison with Guardsmen from other states **Vote 11-0.**

SJR 4, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel. **OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The committee believes the status Missing/Captured fails to provide this nation’s service members the moral dignity and international recognition provided by the Prisoner of War status. The committee realizes that our enemies violate the rules of international law and the Geneva Conventions regarding the care and treatment of captured American Service Personnel. Reinstating the designation of Prisoner of War, strengthens that claim as shown by the repatriation of prisoners throughout our nation’s history. **Vote 11-0.**

WEDNESDAY, APRIL 12
REGULAR CALENDAR

EDUCATION

SB 131-FN, establishing a school choice certificate program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the **Majority** of Education: This bill establishes a non-profit corporation to facilitate private donations for the purpose of providing low-income children with the opportunity to go to school outside of an assigned school district. The bill provides \$500,000 dollars in available tax credits to businesses and individuals that donate to the corporation. The corporation is established similarly to the Healthy Kids Corporation. The House was concerned with the \$2 million dollar Senate appropriation; therefore, the committee lowered that appropriation to \$1.00 of state money, keeping the bill viable by avoiding conflicts with education dollars being spent outside the public education model. **Vote 13-8.**

Rep. J. Timothy Dunn for the **Minority** of Education: This bill, as amended by the House Education Committee, is a voucher bill with another name. The minority thinks that there will be a fiscal impact on state funds. Additionally, the minority thinks that this version is unconstitutional. This bill has a negative impact on our efforts to offer equal opportunities to all children.

SB 268, raising the age of required attendance of children in school and establishing a 2-year pilot program for increasing vocational education opportunities in the Manchester and Nashua school districts and making an appropriation therefor.

MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.

Rep. Emma L. Rous for the **Majority** of Education: This bill raises the age of required school attendance to 18 and creates alternative pathways to graduation, including independent study, internship, community service, work-study, or GED prep. In addition to ongoing programs, which are already lowering the dropout rate, the bill appropriates \$600,000 for pilot programs in Nashua and Manchester, expanding them to multiple other communities. The bill exempts home-schoolers. This bill is in the best interest of our students; it raises expectations and sends an important message that education is crucial to future success. Higher completion rates lower social costs, because students who drop out earn less money and are more likely to end up on Medicaid or in prison. The bill was supported by the BIA, NH Retail Merchants, the Auto Dealers Association, law enforcement, NEA/AFT, and various school administrators and school boards. **Vote 11-10.**

Rep. Michael B. Asselin for the **Minority** of Education: The committee minority believes this bill, as proposed, is a flawed bill. The proponents of the bill stated that by raising the age of compulsory school attendance from 16 to 18 it will increase expectations of students and fewer students will drop out. Currently a student can drop out at age 16 only if the parents agree (and there also has to be a meeting with the school principal). This bill takes away the parental rights and replaces the parents with the school superintendent. The minority believes the parental rights in making this decision about their children should be protected. The committee minority also presented evidence from the 2002 Cornell University Policy Analysis on the Effectiveness of Raising the Compulsory School Attendance (CSA) Age to Eighteen on Increasing High School Graduation Rates in New York State. The study concluded, "The completion rates and dropout rates of CSA-18 States do not conclusively suggest that raising the CSA to 18 would be effective in lowering dropout rates and increasing completion rates. Although some CSA-18 States have impressive completion rates, others do not. However, the benefits of raising the CSA to 18 could outweigh the costs if the State included additional funding for supplemental programs. Without such additional measures, it is risky to assume that a change in legislation will result in the desired effects." An additional evaluation of the New York legislation concluded "This policy (increasing the CSA age to 18) has been shown to be completely unsuccessful in increasing completion rates and only slightly successful in decreasing dropout rates." This bill makes the same flaw as the New York legislation. It increases the CSA age to 18 without providing statewide additional funding for supplemental programs to address dropout prevention and recovery. Proponents say the money will be added in separate legislation, if this bill passes. The committee minority offered to interim study this bill and develop a bi-partisan bill to fund the needed programs statewide. The committee majority refused, preferring to identify costs later after passing this bill. The committee minority believes this is not how State mandates should be passed (without knowing the costs). Experience in other states, which have increased the CSA age to 18 without additional statewide funding, shows us that significant problems will be created. In California, a number of school districts had to build new schools for the students who were not allowed to leave and were disruptive to the students who wanted to learn. In Texas, the truancy rates significantly increased and additional costs were incurred to form Absentee Review Boards and to prosecute parents who were allowing their kids to drop out of school. Who will pay these potential costs in New Hampshire?

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deanna P. Rush for the **Majority** of Education: This bill recognizes the importance of quality early learning opportunities. It allows the most vulnerable children to move into licensed child care. Currently, the child care subsidies cut off at the 190% poverty level. This bill would allow families that fall between 190% and 250% of poverty to choose licensed child care centers over poor quality unlicensed care. The committee heard testimony that a 15 cent an hour raise could mean a low-income family would lose their child care subsidy and be forced to choose cost over quality child care. The bill is an incentive to low-income families to choose better child care facilities with trained caregivers and it encourages child care centers to become licensed. It also appropriates \$500,000 from the general fund. **Vote 15-6.**

Rep. Clifford A. Newton for the **Minority** of Education: This bill is the dangling carrot to encourage parents to send their children to government approved-government licensed child care. While this may sound good to some, others on the committee felt it was another incremental move towards government control over child rearing. Additionally, when asked about this bill, Health and Human Services had concerns about spending \$200,000 of the \$500,000 on administration and overhead cost for this one-year program and felt it better to use the money, if available, for already existing programs.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 373-FN-A, relative to a public health response to arbovirus. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes a protocol relative to the removal of standing water hazards in the event of arbovirus, a public health threat. It also establishes a mosquito control fund in the Department of Health and Human Services, and affords the commissioner rulemaking authority for the purposes of this bill. This bill compliments a recently passed House Bill (HB 1464) which also is relative to mosquito control protocols throughout the state. It also creates a task force to facilitate a coordinated local, regional and state response to arbovirus (disease spread by mosquitoes such as Triple E) in New Hampshire. **Vote 15-0.**

SB 399-FN, relative to the powers of state government in the event of a pandemic. **OUGHT TO PASS WITH AMENDMENT**
Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The title of this bill is a bit misleading, causing the reader to misinterpret the bill content and intent. Although the word pandemic appears in the title, the bill does not address a pandemic. The amendment recommends that the bill title be changed to reflect this. What this bill does is to amend the communicable disease statute of the Department of Health and Human Services. It has three specific sections that provide for the DHHS commissioner, with the written approval of the Governor, to take the following actions: the closing, evacuation and decontamination of any building that “may present an imminent danger to the public health due to an incident or outbreak of communicable diseases;” “cancellation of public gatherings and events within the state to prevent the spread of disease;” DHHS may “control, restrict and ration the use, sale, dispensing, distribution of a variety of medications and mechanical equipment necessary to protect the health of the people of New Hampshire.” Due process provisions have been provided, allowing an appeal to the Superior Court. This bill also formalizes an ethics committee that advises the commissioner regarding ethical issues that are confronted in reacting to outbreaks of communicable diseases. The committee is advisory. Finally, the bill contains no conflict with emergency management powers. The basic intent of this legislation is to take preventive actions, as outlined above, to avoid or minimize public health epidemics. The committee voted unanimously to support this significant public health initiative. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 2006, relative to the state 10-year transportation improvement plan. **OUGHT TO PASS WITH AMENDMENT**
Rep. Gene G. Chandler for Public Works and Highways: This bill represents the Ten-Year Highway Plan, which is a culmination of many hours of work by regional planning agencies, the Department of Transportation, the Executive Council, the Governor and the Public Works and Highways Committee. Funding is certainly a major issue and being cognizant of that, the committee did not fund any additional projects. Changes to the plan as presented to the committee are as follows: Added Exit 6 to an existing study of Exit 7 in Manchester. Both exits need to be looked at together as changes to one, or the other, will, or could have major effects on the other. A technical change corrects a prior oversight regarding authorization to bond for the bridge and road project over the Merrimack River in Litchfield and Merrimack. The committee also removed reference to a portion of the circumferential highway, which has been carried in the plan for years, but due to environmental concerns will not be constructed. In 2001, utilizing a federal grant, the Town of Bedford produced a corridor study for Route 101 through the town. One recommendation of this study was the building of a road connecting Wallace and Nashua roads in the town. This street would, according to the study, alleviate some traffic congestion on Route 101. The town is preparing to go forward with this connector road, not waiting for the proposed widening on Route 101 as outlined in the plan. The amendment states that the Town of Bedford will be reimbursed 80% of the costs associated with constructing this road, to be paid in the year that the project is presently situated in the Ten-Year Plan. Additionally, the reimbursement is contingent upon a study being done that clearly demonstrates that the connector road benefits the capacity and safety of Route 101 and that all design, environment evaluation, and construction is done in accordance with appropriate state and federal guidelines. If these requirements are met, and the town reimbursed, the state will save money for the project by paying for it in current year dollars, rather than the cost of the project at some point in the future. As the transportation plan becomes increasingly complex, the committee felt that additional legislative oversight and input was necessary. An added section requires the Department of Transportation to provide quarterly updates to the Capital Budget Overview Committee. These reports would cover such things as changes in start dates, additions to the plan (such as red-listed bridges), or changes in funding source for projects. This is a reporting requirement, not an approval process. From time to time the General Court approves the bonding of certain projects, or programs with the intention that these bonds will be paid for, either in total or in part, through the state’s highway fund (for example HB 1767 of the current session). This section requires that the Capital Budget Overview Committee approve the expenditure of highway funds for repayment of such bonds. This will provide additional legislative oversight and control of our highway funds consistent with both our constitution and the intent of the General Court. Language was added to protect projects already under way from possible conflicts with any eminent domain laws which might pass this session, or in the future. A lot of discussion was held regarding the Memorial Bridge in Portsmouth. This is a red-listed bridge and used not only by the traveling public, but provides a vital link for emergency vehicles. This project is a 50-50 match with the State of Maine and, unless things change in that state in the very near future, the project cannot begin before its present place in the plan which is 2010. This bridge is a red-listed bridge and a priority with the NH Department of Transportation, and if the funding issue in Maine is resolved, the New Hampshire Commissioner has the authority to move the project forward. The committee was, and remains, concerned about the Memorial Bridge project, but believes that due to the situation in Maine, advancing the project in the Ten-Year Plan would displace other projects that have a chance to be completed on schedule. Additionally, the Department is constrained by Federal Highway regulations to provide a financially constrained highway plan for the years FY 07, FY 08 and FY 09, which means that any projects planned in those years must have a virtual certainty of being constructed. Since the Maine portion of the funding is dubious for those years, New Hampshire would run the risk of Federal Highway disapproval of our proposed plan. Despite the lure of adding projects to this plan, the committee has resisted due to the funding issues and the goal to keep trying to inch closer to a getting back to a true Ten-Year Highway Plan. **Vote 16-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SCR 6, urging Congress to support stem cell research. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E. Twombly for the **Majority** of State-Federal Relations and Veterans Affairs: This resolution arrived in committee after having been amended in the Senate. The amended version removed the word embryonic. The majority of the committee felt that the field of stem cell research was all encompassing and included both embryonic and adult stem cells. The House has already passed HJR 20 supporting the position on stem cells and a majority of the committee felt that this SCR was not needed. The sponsors also recommended that if embryonic was not reinserted into the SCR that the resolution be made ITL. **Vote 7-4.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: No matter what side one may take on this issue concerning this highly sensitive matter, each of us has been faced with highly moral and ethical decisions. For some of us, we have been confronted with serious religious moments of crisis. Without belittling the importance of life, no matter when one may believe life begins, this bill is not about destroying life, this bill is about providing hope. This bill is about taking what is almost in all cases fertilized eggs which are allowed to die or disposed of as medical waste. Each year at least 100,000 embryonic stem cells from this potential medical waste have the possibility to provide hope to countless citizens with deadly or disabling diseases. Embryonic stem cells have the possibility of finding a cure for juvenile diabetes, or allowing someone confined to a wheel chair the ability to walk. This is not about destroying life, this is about improving the quality of life.

LAID ON TABLE

HB 646-FN-LOCAL, relative to teachers who are not deemed highly qualified pursuant to the No Child Left Behind Act. (Pending question adoption of committee report of Ought to Pass with Amendment.)

HB 1229-FN, prohibiting the use of false documentation for employment, government services, or permits. (Pending question is Ought to Pass.)

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.)

HB 1726-FN, requiring the state to pay legal fees for certain supreme court justices. (Pending question is the adoption of the committee report of Ought to Pass With Amendment)

HOUSE BILLS AMENDED BY THE SENATE

HB 153-FN, relative to the collection of debts owed to the state. (SJ 2/2/06)

HB 334, relative to the type of notice provided in court proceedings. (House Concurred 4/5/06)

HB 413, relative to the appointment of the chief justice of the superior court and the number of superior court associate justices. (House Concurred 4/5/06)

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. (House Concurred 4/5/06)

HB 544, relative to the land and community heritage program. (House Concurred 4/5/06)

HB 582, relative to the policy for records management. (House Nonconcurrent, C of C 4/5/06)

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. (SJ 2/16/06)

HB 649-FN-A-L, establishing a commission to study the costs and funding of medicolegal investigations and autopsies. (House Concurred 4/5/06)

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code. (SJ 3/16/06)

HB 1147, relative to the conduct of recounts. (House Concurred 4/5/06)

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)

HB 1657, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs. (House Concurred 4/5/06)

COMMITTEE OF CONFERENCE

HB 582, relative to the policy for records management. (Reps. Pilotte, Fitzgerald, Millham and Irwin)

COMMITTEE MEETINGS

MONDAY, APRIL 10

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on **SB 262**, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor.

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.

JOINT COMMITTEE ON ADDRESS, Rooms 206-208, LOB

9:30 a.m. Regular meeting on **HA 1**, for the removal of Kenneth R. McHugh, superior court justice, from office.

1:30 p.m. Public hearing on **HA 1**, for the removal of Kenneth R. McHugh, superior court justice, from office.

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

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Senate Conference Room, Room 306, State House

10:00 a.m. Planning meeting.

WINNIPESAUKEE WATERSHED ADVISORY COMMITTEE, (RSA 483-D), Room 103, State House

10:00 a.m. Review of current status of flooding.

TUESDAY, APRIL 11

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Ad hoc committee on divorce and related issues.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **SB 374-FN**, relative to the state children's health insurance program.

10:00 a.m. Subcommittee work session on **SB 391-FN**, relative to insurance third party administrators.

11:00 a.m. Subcommittee work session on **SB 394**, establishing the Trust Modernization and Competitiveness Act.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. **SB 354-FN**, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system.

10:00 a.m. **SB 317-FN**, establishing a screening panel to review complaints to occupational and professional regulatory boards and establishing an appeals board to review decisions by occupational and professional regulatory boards.

11:00 a.m. Public hearing on proposed amendment to **SB 405**, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system. The proposed amendment is relative to a retirement system calculation exemption for certain retired teachers of the Concord school district. Copies of the proposed amendment are available from the Sergeant-at-Arms office.

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

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

1:00 p.m. Ad hoc committee on stroke caucus.

JUDICIARY, Room 208, LOB

9:30 a.m. Subcommittee work session on **SB 24**, relative to disposition upon death of patient accounts in nursing homes.

10:30 a.m. Subcommittee work session on **SB 242**, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:00 a.m. **SB 265**, relative to workers' compensation requirements for out-of-state employers and employees.

10:30 a.m. **SB 273**, relative to reasonable accommodations for employees with disabilities.

11:00 a.m. **SB 267**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

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

OBD 11 TESTING ADVISORY COMMITTEE (RSA 266:59-b, VII (a)), Room 203, LOB

10:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. **SB 232-FN-A**, making a capital appropriation to the department of health and human services for a dental facility in the town of Tamworth.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **SB 386**, relative to large groundwater withdrawals.

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

10:30 a.m. Full committee work session on **SB 386**, relative to large groundwater withdrawals.

TRANSPORTATION, Room 203, LOB

1:00 p.m. **SB 341**, extending by one year the advisory-only period for OBD II testing.

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

1:45 p.m. Full committee work session on **SB 221**, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll.

WAYS AND MEANS, Room 202, LOB

10:30 a.m. Full committee work and executive session on pending legislation and revenues.

1:00 p.m. Subcommittee work session on **SB 371-FN**, relative to the continuation of certain wetlands fees.

1:30 p.m. Subcommittee work session on **SB 384-FN-A-L**, establishing a temporary one-time exemption from the real estate transfer tax for certain transfer of family farm or open space land.

2:00 p.m. Subcommittee work session on **SB 107-FN**, relative to the tax on tobacco products other than cigarettes.

WEDNESDAY, APRIL 12

COMMERCE, Room 302, LOB

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

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

JUDICIARY, Room 208, LOB

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

WAYS AND MEANS, Room 202, LOB

Immediately following the House session, full committee work and executive session on pending legislation and revenues.

THURSDAY, APRIL 13

CHILDREN AND FAMILY LAW, Room 206, LOB

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

COMMERCE, Room 302, LOB

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

EDUCATION, Room 207, LOB

10:00 a.m. Subcommittee work session on **SB 22**, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

11:00 a.m. Tour of Hebron/Bridgewater Incinerator Facility.

2:00 p.m. Executive session on pending legislation.
2:30 p.m. **SB 250**, relative to lead paint poisoning prevention.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. **Rescheduled** executive session on pending legislation.

FINANCE, Rooms 210-211, LOB

9:30 a.m. **SB 367-FN**, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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 pending legislation.

FINANCE – (DIVISION III), Room 209, LOB

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. **SB 244**, relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services.
11:00 a.m. **Continued** public hearing on **SB 314-FN-L**, establishing minimum renewable standards for energy portfolios
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WAYS AND MEANS, Room 202, LOB

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

FRIDAY, APRIL 14

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), DRA, Training Room, 57 Regional Drive, Concord

9:30 a.m. Regular meeting.

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

10:30 a.m. Subcommittee work session.

MONDAY, APRIL 17

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

10:30 a.m. Regular meeting.

ISSUES RELATIVE TO CONSTRUCTION AND DEMOLITION WASTE STUDY (HB 517, Chapter 205:1, Laws of 2005), Room 304, LOB

3:00 p.m. Regular meeting.

TUESDAY, APRIL 18

CHILDREN AND FAMILY LAW, Room 206, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

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

THURSDAY, APRIL 20

COMMERCE, Room 302, LOB

11:00 a.m. Subcommittee work session on **SB 394**, establishing the Trust Modernization and Competitiveness Act.

EDUCATION, Room 207, 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.

FRIDAY, APRIL 21

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

MONDAY, APRIL 24

LOW-INCOME ELECTRIC ASSISTANCE PROGRAM REVIEW COMMITTEE (SB 228, Chapter 298:4, laws of 2005), Room 209, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, APRIL 25

PROCUREMENT METHODS FOR PUBLIC WATER PROJECTS BY STATE AND LOCAL GOVERNMENT AGENCIES (HB 157, Chapter 132:1, Laws of 2005), Room 307, LOB

10:00 a.m. Regular meeting.

FRIDAY, APRIL 28

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), DRA, Training Room, 57 Regional 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. Audits: State of New Hampshire Highway Fund financial statements for the fiscal year ended June 30, 2005.
State of New Hampshire comprehensive annual financial report for the year ended June 30, 2005.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **April 28th** at 9:00 a.m. at the County Complex, Bouchard Building, Goffstown. Please call Marcia at 627-5631 if you cannot attend.

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

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet to review the first quarter budget on Friday, **April 21** at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood.

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

NOTICE

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

W. Douglas Scamman, Speaker

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 76, 100, 234, 317, 325, 345, 347, 349, 380, 489, 515, 634, 638, 642, 645, 646, 649, 653, 657, 669, 688, 690, 716, 718, 1128, 1167, 1182, 1215, 1221, 1222, 1223, 1227, 1231, 1241, 1274, 1331, 1337, 1419, 1426, 1427, 1436, 1455, 1459, 1463, 1465, 1468, 1470, 1474, 1489, 1595, 1514, 1515, 1578, 1593,1597, 1601,1609, 1611, 1612, 1624, 1626, 1631, 1645,1648, 1656, 1657, 1661, 1670, 1671, 1676, 1677, 1679, 1681, 1683, 1691, 1692, 1693, 1694, 1695, 1697, 1698, 1699, 1701, 1702, 1704, 1707, 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, 1744, 1747, 1765, 1766, 1767, 1768. SBs 22, 103, 107, 110, 131, 175, 232, 249, 262, 268, 281, 282, 288, 300, 310, 314, 325, 358, 363, 371, 374, 380, 386, 403.

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.

Robert F. Chabot, 73 Joseph Street, Manchester, NH 03102-2312

Bruce F. Hunter, 23 Channel Lane, Goffstown, NH 03045-5265

Rudolph J. Kobel, 73 Old Candia Road, Candia, NH 03034-2414

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

Clair A. Snyder, 46 Colonial Village, Somersworth, NH 03878-1558

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 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 Wednesday at 8:00 a.m. at the Upham Walker House. All Republicans are welcome.

Rep. Kenneth H. Gould

We will be collecting used cell phones for soldiers in the anteroom at the back of Representatives Hall on session days in April. If you have a cell phone that you no longer use please bring it with you and donate it.

Rep. Ken Hawkins

NH GENERAL COURT MAIL RECEIPT POLICY

No legislative employee shall accept hand delivered mail that does not include a complete return address clearly displayed on the envelope. Any legislative employee responsible for opening hand delivered mail shall secure the envelope to the contents. Legislative employees that accept and distribute mail for their department, shall not accept mail hand delivered from any person not employed by the General Court to be distributed to numerous members or staff, unless authorized by the Chief of Staff(s).

W. Douglas Scamman, Speaker

Former Speaker Harold Burns invites members to a Sugar on Snow (shaved ice!) get together at his Sugar House on Route 116 in Whitefield on **April 8** at 2:00 p.m.

Rep. John E. Tholl, Jr.

The Legislative Caucus for Young Children will meet on Tuesday, **April 11** at 1:30 p.m. in Room 206, LOB. The agenda will include an overview of SB 268, an update on 2006 legislation and planning for a TANF seminar.

Rep. Mary Stuart Gile

The Webster Farm Preservation Association, the Trust for Public Land, New Hampshire Preservation Alliance and New Hampshire Historical Society cordially invite all members of the General Court to a reception on Tuesday, **April 11** to learn more about the work to conserve, preserve and revive Daniel Webster's Farm in Franklin, NH. Guest Speaker will be Jim Garvin, NH State Architectural Historian. The event will be held from 4:00 to 6:00 p.m. at The Tuck Library, 30 Park Street, Concord. Wine and hors d'oeuvres will be served.

Reps. Jim Ryan, Dennis Reed and Herb Whiting

The American Lung Association of New Hampshire invites all legislators to be their guest at a Hearty Breakfast Reception on Wednesday, **April 12** from 7:30 -9:00 a.m. at the State House Cafeteria. Start your day the healthy way with good food, friendly conversation, and door prizes. Please RSVP by April 7 at 669-2411.

Rep. Sandra Reeves

The New Hampshire Order of Women Legislators will host a morning reception in the Executive Council chamber to recognize the 2006 OWLs Scholarship recipient from 8:00– 9:00 a.m. on Wednesday, **April 12th** prior to the House Session. Please stop in for coffee and extend your congratulations to Michele Escobar from Rumney.

Rep. Nancy F. Stiles

The New Hampshire Boys and Girls Club Alliance invites all legislators to come to the Senate Chamber on Wednesday, **April 12** at 9:00 a.m. to meet the six Boys and Girls Club Youths of the Year. The winners will be in Concord to meet with the Governor, Senators, and Representatives before traveling to Manchester for the New Hampshire Youth of the Year competition.

W. Douglas Scamman, Speaker

TARTAN DAY

On Wednesday, **April 12th**, the House will celebrate TARTAN DAY. All members and staff are encouraged to wear their tartans or the New Hampshire Tartan, available in the Visitors' Center. Visitors are also invited to share in this tribute by wearing a kilt or a bit o the tartan. Scot or not, the tartan is for everyone.

Reps. John B. Hunt and Duncan D. Chaplin

The Milford Republican Committee is sponsoring an evening event with Newt Gingrich on **April 12**, from 6:30 to 9:30 p.m. at the Souhegan Valley Boys and Girls Club in Milford. Tickets are \$25 each and can be purchased from. Reps. Hansen, Mead, O'Brien, Rowe or Slocum. Wine and hors d'oeuvres are included. After speaking on current events, the former Speaker will take questions from those assembled.

Rep. Lee G. Slocum

The members of the NH Chapter of the National Association of Insurance and Financial Advisors (NAIFA-NH) cordially invite all House members and staff to a reception at the Barley House on Wednesday, **April 12th** following the close of session (or 3:00 p.m. should the session end early). Look forward to seeing you there.

Rep. Sheila T. Francoeur

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court and staff to the annual UNH Legislative Breakfast on Wednesday, **April 19** from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Learn how undergraduate student researchers at UNH are rising to meet today's most compelling challenges in New Hampshire and the world.

Rep. Marjorie Smith

To All Legislators: The New Hampshire Legislators and legislators across the country are rightfully asking, "Are we spending wisely on substance abuse programs," well let's try to answer that question. You are invited to a conference on **April 21** in Rooms 205-207, LOB from 1:00 to 4:00 p.m. We have invited (through NCSL) Dr. Thomas McLellan, noted expert on substance abuse treatment who will describe what we can and cannot expect by way of treatment and how to ask the right questions of our substance abuse managers. Are tax dollars used effectively? Is treatment working? Also joining in the conference will be Health and Human Services Director, Joe Harding, NCSL representative Allison Colker and Bonnie Catone from the Treatment Research Institute. I encourage your attendance so you can brief the folks back in your voting district. See you there!

Rep. Peter L. Batula

All General Court members are cordially invited to attend a presentation on **April 25th** from noon to 1:00 p.m. in Conference Rooms 1 and 2, H. Taylor Caswell, Jr. Physicians Office Building, Littleton Hospital, Littleton. The presenter is Jason Stull, DVM, State Public Health Veterinarian, NH Department of Health and Human Services and Assistant Clinical Professor, University of New Hampshire. This lecture will: 1) Provide a background on Eastern Equine Encephalitis (EEE), West Nile Virus (WNV), and Lyme disease., 2) discuss the historic human and animal impacts of these diseases in New Hampshire, 3) identify key measures for control and prevention, and 4) discuss effective ways to best communicate risk and prevention methods to the public. This presentation is part of the 2005-2006 Public Health Grand Round series and is cosponsored by the University of New Hampshire's Masters in Public Health Program, the NH Public Health Association and Littleton Hospital. To register for this event, please call or e-mail Chris Hamann by April 18th at 862-2733 or chris.hamann@unh.edu. Lunch vouchers will be provide to the first 40 registrants.

Rep. James P. Pilliod

Save the date! The NH Federation of Republican Women's Annual Lilac Luncheon will be held on Monday, **May 1** at CR Sparks in Bedford, beginning at 11:00 a.m. Lunch will be served at noon. Special guest speaker will be Chef Roland Mesnier, White House Pastry Chef for 25 years and 5 presidents and author of "Dessert University". Look for your invitations and hope you can join us.

Rep. Stella Scamman

The Executive Departments and Administration Committee will host its eighth reunion luncheon at noon on Thursday, **May 4** at the Red Blazer Restaurant. Invitations have been sent out and should have been received by all past members of the committee. We want to make sure that we do not forget anyone. If you have not received an invitation, or are aware of any alumni who wish to attend and have not been contacted, please call Rep. Francis B. Sullivan at 622-1933, or e-mail frankatpausul@comcast.net or contact the Executive Departments and Administration Committee office at 271-3065.

Rep. Francis B. Sullivan

The Belknap County Republican Committee will host a Lincoln Day Dinner Cruise on M/S Mount Washington on Friday, **May 5** from 5:30 to 9:00 p.m. All members and guests are invited to join us in kicking off summer and the 2006 election season with an evening on Lake Winnepesaukee. Tickets are \$35 per person and can be obtained from Reps. Mike Whalley, Ralph Rosen or Frank Tilton. Carroll County or Grafton County individuals can obtain tickets from Rep. Betsey Patten or Bill Gabler respectively.

Rep. Franklin T. Tilton

The Seacoast Republican Women invite you and your friends to a Spring Fashion Show and Luncheon (of men, women, and children's fashions) on Tuesday, **May 16th** starting at 11:00 a.m. at the Granite Rose, 22 Garland Drive, Hampstead. Some of our esteemed legislators will serve as models. Tickets are \$45.00. Reservations can be made PRIOR to May 5th by making checks payable to SRW and mailed to Jeannie Sangenario, 39 Hampton Meadows, Hampton, NH 03842

Rep. Nancy F. Stiles

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>
April 10	9:00/10:30 SH/SC	Conant School – Concord	4/60
April 10	12:30	Newmarket Elementary School	4/40
April 11	8:30	Alvirne High School French Exchange Students	HS/21
April 11	10:00/11:30 SH/HM	Crescent Lake School – Wolfeboro	4/80
April 12	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	4/75
April 12	12:00/1:30 SH/HM	Hinsdale Elementary School	4/55
April 13	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	4/75
April 14	9:30/11:00 SH/HM	Epsom Central School	4/60
April 14	1:00	Lafayette Regional School – Franconia	4/21
April 17	9:30/11:00 SH/SC	Lincoln St. School – Exeter	4/60
April 17	12:30	Newmarket Elementary School	4/40
April 18	8:45	Henniker Community School	4/45
April 18	10:00/11:30 SH/HM	Garrison School – Dover	4/95
April 18	1:00	Red Hatters	15-20
April 18	1:00	Souhegan Valley Red Hatters	Adults/15-20
April 19	9:30/11:00 SH/HM	Bartlett Elementary School – Goffstown	4/60
April 20	9:30/11:00 SH/HM	Henry Wilson School – Farmington	4/100
April 21	9:30/11:00 SH/SC	Deerfield Elementary	4/75
April 21	12:30	Tuftonboro School	4/27
April 21	2:30	Sugar Hill Retirement Community-Wolfboro	Adults /15
April 24	10:30	Ray School – Hanover	4/45
April 25	9:30	John Fuller School – North Conway	4/40
April 25	11:00	Canaan Elementary School	4/40
April 26	9:30/11:00 SH/HM	Towle Elementary School- Newport	4/80
April 27	10:30	Ray School – Hanover	4/45
April 28	10:00/11:30 SH/HM	Seminary Hill School – West Lebanon	4/75

NOTICE

The 33rd Annual Bill White Memorial Legislative Golf Tournament is scheduled for Friday, **June 2, 2006** at the Waukewan Golf Course, Meredith, NH. The entry fee for this annual tournament is \$85.00 per person which includes greens fee, cart, barbecue dinner and prizes.

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

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

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

Return your entry and payment no later than **May 15th** to Sandra Anderson at the LOB Lobby Desk. Checks should be made payable to Sandra Anderson.

W. Douglas Scamman, Speaker of the House

!

33rd Annual Bill White Memorial Golf Tournament
Waukegan Golf Course
Meredith, NH

Name: 1. _____
2. _____
3. _____
4. _____

Telephone: _____ Amount Enclosed: _____

WEDNESDAY, APRIL 12
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2006-1635h

Amendment to HB 2006
Proposed by the Committee on Public Works and Highways - R

- Amend the title of the bill by replacing it with the following:
AN ACT relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of N.H. 101, and a bridge crossing the Merrimack.
- Amend the bill by replacing all after section 2 with the following:
- 3 Exempting Highway Projects Relative to Eminent Domain and Public Purpose. Transportation projects listed in the state 10-year transportation improvement plan 2007-2016 shall be exempt from all statutes enacted after January 1, 2006 limiting the purposes for which the power of eminent domain may be used. The intent of this section is to allow the use of eminent domain for acquiring property to improve transportation infrastructure which in turn, whether intended or not, may benefit subsequent economic development in the area served by the transportation infrastructure.
 - 4 State 10-Year Transportation Improvement Plan; FE Everett Turnpike/I-293. The project named Manchester, project number 2745, of the state 10-year transportation improvement plan 2007-2016, to reconstruct the interchange at Exit 7 to become a full interchange, shall include engineering studies of Exit 6 to consider safety and traffic issues, and dependent on the engineering studies of Exit 7 and Exit 6, the department of transportation shall phase the construction in accordance with what best serves the public needs.
 - 5 State 10-Year Transportation Improvement Plan; New Hampshire Route 101; Widening Road. A phase of the project named Bedford, project number 13953, of the state 10-year transportation improvement plan 2007-2016 to widen N.H. 101 to 5 lanes for approximately 2 miles, from N.H. 114 to Wallace Road, may be initially funded by the town of Bedford. Specifically, the town of Bedford may fund the construction of a connector road between Wallace Road and Nashua Road roughly parallel to N.H. 101.
 - 6 State 10-Year Transportation Improvement Plan; Bedford Project; Reimbursement.

I. In the year in which the project is funded in the state 10-year transportation improvement plan 2007-2016, the town of Bedford shall receive 80 percent reimbursement of its cost of construction of the connector road from federal funds, provided the following conditions have been met:

(a) The town of Bedford shall demonstrate through an engineering study that the connector road benefits the safety and capacity of N.H. 101.

(b) The engineering design, environmental evaluation, purchase of right-of-way, and construction of the connector road is done in accordance with state and federal requirements that apply to federal aid projects.

II. Reimbursement under paragraph I is contingent on the availability of federal funding specific to the federal program which the project named Bedford, project number 13953, falls within.

III. Nothing in this section shall be construed as a guarantee of reimbursement by state or federal funds. This section allows for reimbursement for a phase of this project in the year the project appears in the state 10-year transportation improvement plan 2007-2016 based on the costs when the connector road is constructed.

7 New Subparagraph; Authority for Improvements to Central New Hampshire Turnpike. Amend RSA 237:2, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Construction of a bridge crossing the Merrimack River connecting US 3 in Merrimack and N.H. 102 in Litchfield with future design consideration for a segment of highway connecting N.H. 102 in Litchfield and N.H. 111 in Hudson.

8 New Subparagraph; Turnpike System Funds Provided. Amend RSA 237:7, I by inserting after subparagraph (n) the following new subparagraph:

(o) Construction of a bridge crossing the Merrimack River connecting U.S. 3 in Merrimack and N.H. 102 in Litchfield with future design consideration for a segment of highway connecting N.H. 102 in Litchfield and N.H. 111 in Hudson. RSA 237:2, IV(g). 75,000,000

9 Oversight and Reporting Required. The department of transportation shall provide a report every 90 days to the governor and the capital budget overview committee on the changes to any projects approved under this plan. The reports shall include current construction dates relative to bidding and completing projects, project additions or deletions to the 10-year plan, and changes in funding programs for any project. The reports shall be developed in a format adopted by the department of transportation.

10 Committee Approval Required. Any funds from the highway fund of the state to be used for the repayment of bonds shall not be expended without the approval of the capital budget overview committee.

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

AMENDED ANALYSIS

This bill:

I. Updates the 10-year transportation improvement plan to maintain highways and bridges in the state.

II. Exempts certain highway projects from eminent domain.

III. Includes improvements to a segment of the FE Everett Turnpike/I-93 and the widening of a segment of N.H. 101.

IV. Requires the department of transportation to make periodic reports.

V. Requires expenditures for the repayment of bonds to be approved by the capital budget overview committee.

2006-1630h

Amendment to SB 131-FN

Proposed by the Majority of the Committee on Education - R

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

1 New Chapter; 21st Century Scholars Program. Amend RSA by inserting after chapter 193-H the following new chapter:

CHAPTER 193-I

21st CENTURY SCHOLARS PROGRAM

193-I:1 Definitions. In this chapter:

I. "Board" means the 21st century scholars fund board.

II. "Department" means the department of revenue administration.

III. "Educational scholarships" means grants to pupils to cover all or part of the tuition and fees at a private qualified school or all or part of the tuition and fees at a public school outside the school district in which a pupil resides.

IV. "Eligible pupil" means any pupil who is legally allowed to attend a public school in kindergarten through grade 12 and whose family income does not exceed 250 percent of the federal poverty income level.

V. "Parent" includes a guardian, custodian, or other person with authority to act on behalf of the child.

VI. "Program" means the 21st century scholars program.

VII. "Qualified school" means a public or nonpublic school in our state that complies with all of the requirements of the program.

VIII. "21st century scholars fund" or "fund" means an entity that is determined by the Internal Revenue Service to be a

tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended, established by the state to collect and administer funds that are to be used for the purpose of providing and managing the delivery of scholarships to eligible pupils.

193-I:2 Corporation Established. There is hereby established a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the 21st century scholars fund corporation to carry out the provisions of this chapter. The corporation shall be a public instrumentality which shall perform public and essential governmental functions of the state as provided in this chapter. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

193-I:3 21st Century Scholars Fund Corporation; Board; Powers; Duties.

I. The powers of the corporation shall be vested in 12 members for 3-year terms of office as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Two public members, appointed by the president of the senate.
- (d) Two public members, appointed by the speaker of the house of representatives.
- (e) Five public members, appointed by the governor, of which:
 - (1) Two shall represent the business community.
 - (2) Two shall represent the private school community.
 - (3) One shall be an at-large member.
- (f) The commissioner of the department of education, or designee.

II. The initial terms of office shall be as follows: the member in subparagraph I(e)(3) shall serve for one year; the member in subparagraph I(e)(1) shall serve for 2 years; and the members in subparagraphs I(c), I(d) and I(e)(2) shall serve for 3 years. The members in subparagraphs I(a)-(b) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 6 members of the board of directors before reimbursement. Legislative members shall receive mileage at the legislative rate when attending to the duties of the board. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action taken in the performance of their powers and duties under this chapter.

V. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

VI. Board meetings shall be held at the call of the chairperson or when 3 members so request. Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

VII. The 21st century scholars fund corporation board shall:

- (a) Notify the department of education of the board's intent to provide educational scholarships to pupils attending qualified schools, and which public school districts those pupils reside in.
- (b) Provide a receipt for contributions to the organization by an individual taxpayer or corporate taxpayer for support of educational scholarships to the department of revenue administration and the taxpayer.
- (c) Create and provide to the public a procedure for applying to the program.
- (d) Consult appropriate professional organizations and establish standards providing educational scholarships.
- (e) Develop and implement a plan to publicize the program and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.
- (f) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state funds appropriated by the legislature and such other private or public funds as become available. The board shall determine the number of staff members necessary to administer the corporation.
- (g) Ensure that at least 90 percent of its expenditures are for educational scholarships.
- (h) Require applicants to provide a tax return, proof of current residence in New Hampshire, and proof that the pupil was continuously enrolled in a public school during the prior school year.
- (i) Make every effort to make the program easily accessible and usable by the public.
- (j) Inform parents of educational scholarship recipients of their acceptance into the program no later than 30 days

after receiving the application.

(k) Ensure that first-time recipients of educational scholarships were continuously enrolled in a public school during the previous year.

(l) In the case of oversubscription to the program, conduct a random selection from scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils in the following manner:

(1) \$3,500 for families that have a family income of 200 percent or less of the federal poverty income level upon the initial application to the program.

(2) \$2,500 for families that have a family income between 201 percent and 250 percent of the federal poverty income level upon initial application to the program.

(n) Ensure that once a pupil receives a scholarship, the pupil is offered a scholarship in any future years, until he or she reaches the age of 21 and provided that he or she meets other necessary requirements for eligible pupils.

(o) Ensure that educational scholarship payments are made out to the parents of the pupil and sent to the qualifying school of choice for endorsement by the parent to the school.

(p) Conduct criminal background checks on all employees of the corporation, and shall exclude from employment any people that might reasonably pose a threat to the safety of children or a risk to the appropriate use of contributed funds.

(q) Ensure that pupils receiving an educational scholarship take either the state tests or nationally recognized norm-referenced tests in math and language arts, or both, and ensure that the pupils' scores are provided to their parents.

VIII. The program shall not provide educational scholarships for pupils to attend any school with paid staff or board members, or relatives thereof, in common with the staff members of the fund.

IX. Provide an annual report, the first on or before January 1, 2007, to the governor, senate president, speaker of the house of representatives, and commissioner of the department of education on the development of the program. This report shall include information prepared by a certified public accountant regarding grants made in the previous calendar year and shall include:

(a) The total number and total dollar amount of contributions received during the previous calendar year; and

(b) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to pupils who are in families that are in each subgroup of qualifying income for the federal poverty income level; and

(c) A detailed listing of administrative and marketing expenses.

193-I:4 Responsibilities of the Parents.

I. In the first year of the program, parents shall apply for scholarships for their eligible pupils by August 31, 2006. In subsequent years, parents shall apply for scholarships for their eligible pupils by July 31.

II. Parents shall provide a copy of their income tax return, along with any application materials required by the program.

193-I:5 Responsibilities of the Department of Revenue Administration.

I. The department shall provide a standardized format for a receipt to be issued by the fund to a taxpayer to indicate the value of a contribution received. The department shall require a taxpayer to provide a copy of this receipt when claiming the tax credit for contributions to the fund.

II. The department shall have the authority to conduct either a financial review or audit of the fund if possessing evidence of fraud.

III. The department shall develop a process to make tax credits available for contributions on a first come, first serve basis.

IV. The department shall report to the state treasurer's office by June 30 of each year the amount of dollars raised from private sources and request that treasurer issue a check to the fund in the amount mandated by this chapter by August 1 of each year.

193-I:6 Responsibilities of Qualified Schools.

I. All qualified schools shall:

(a) Operate in New Hampshire;

(b) Comply with 42 U.S.C. section 2000d et seq.; and

(c) Be approved by the state of New Hampshire.

II. All nonpublic schools shall have nonprofit status under the Internal Revenue Code in order to be qualified under this chapter.

III. Schools shall not refund or rebate any portion of the scholarship to the parent. Any refund for rebate for any portion of the scholarship shall be made to the fund.

IV. Pupils receiving an educational scholarship from the fund shall take either the statewide education improvement and assessment tests pursuant to RSA 193-C, or a nationally recognized norm-referenced test in math and language arts, or both. Pupils' scores in such tests shall be provided to their parents.

V. No nonpublic school shall apply any funds received under this chapter to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil's resident school district.

193-I:7 Special Education Services. No pupil shall be considered an out-of-district placement for the purposes of receiving special education services while participating in the program. Participation in the program shall not affect a pupil's eligibility to receive special education services upon such pupil's return to the school district in which he or she resides.

193-I:8 Tax Credits.

I. A credit applied against the interest and dividend tax due under RSA 77 shall be available on a first-come, first-served basis to qualified individuals in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified individuals in a taxable period shall not exceed \$100,000.

II. A credit applied against the business enterprise tax due under RSA 77-E shall be available on a first-come, first-served basis to qualified businesses in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified businesses in a taxable period shall not exceed \$400,000.

2 Appropriation.

I. The sum of \$1 for the fiscal year ending June 30, 2006 is hereby appropriated to the 21st century scholars fund established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$1 shall be appropriated to the 21st century scholars fund upon the request of the 21st century scholars fund corporation board, and certification received by the board from the treasurer of the state of New Hampshire, that private contributions to the 21st century scholars fund from individuals or businesses equals or exceeds \$500,000. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 New Section; Taxation of Income; Credit for Contributions to 21st Century Scholars Fund. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Adjustments for Contributions to the 21st Century Scholars Fund. A taxpayer who pays the interest and dividend tax pursuant to RSA 77 and is not a dependent of another taxpayer may claim a credit for a contribution made to the 21st century scholars fund established in RSA 193-I:8. An individual, corporation, or non-profit entity who does not file a New Hampshire state tax return may claim a charitable deduction for a contribution made to the fund as may be permitted by law. The credit may be claimed against the interest and dividend tax by an individual taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed. The credit may be claimed by an individual taxpayer or a married couple filing jointly in an amount equal to the total contributions made to the fund for educational scholarships during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's tax liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

4 New Section; Business Enterprise Tax; Adjustments. Amend RSA 77-E by inserting after section 3-a the following new section:

77-E:3-b 21st Century Scholars Fund Credit. Credit for contributions to the 21st century scholars fund as provided in RSA 193-I shall be allowed against tax due under this chapter. The credit may be claimed against the business enterprise tax by a taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's total liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

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

AMENDED ANALYSIS

This bill authorizes the state to establish and make appropriations to the 21st century scholars fund, a non-profit, public and private partnership that will provide educational scholarships to eligible New Hampshire school children in kindergarten through grade 12 to attend a qualified school.

2006-1559h

Amendment to SB 178

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing section 2 with the following:

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers resulting from this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

2006-1552h

Amendment to SB 239

Proposed by the Committee on Public Works and Highways - C

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

AN ACT renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

Amend the bill by replacing section 2 with the following:

2 Enfield Women's Memorial Bridge. Pursuant to RSA 4:43, the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River is hereby named the Enfield Women's Memorial Bridge.

AMENDED ANALYSIS

This bill renames the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge.

This bill also names the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

2006-1576h

Amendment to SB 245

Proposed by the Committee on Judiciary - C

Amend RSA 604-A:7 as inserted by section 2 of the bill by replacing it with the following:

604-A:7 Rules and Regulations. The supreme court ~~[and the]~~, superior court, ***district court, and the judicial branch family division*** shall each have the authority to establish such rules and regulations and prescribe such forms as may be deemed necessary or advisable for the performance of their respective duties hereunder~~[-, and the administrative committee of the district and municipal courts shall have like authority to establish rules and regulations and prescribe forms for the district and municipal courts]~~.

2006-1596h

Amendment to SB 246

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

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

1 New Section; Protection of Persons from Domestic Violence; Permissible Contact. Amend RSA 173 by inserting after section 5 the following new section:

173-B:5-a Permissible Contact.

I. A protective order issued pursuant to RSA 173-B:4 or RSA 173-B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

II. A no-contact provision in a protective order issued pursuant to RSA 173-B:4 or RSA 173-B:5 shall not be construed to:

- (a) Prevent contact between counsel for represented parties; or
- (b) Prevent a party from appearing at a scheduled court or administrative hearing; or
- (c) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any legal pleadings filed in court relating to the domestic violence petition or related civil or criminal matters.

III. A violation of this section may result in a finding of contempt of court.

2 New Paragraph; Stalking; Permissible Contact. Amend RSA 633:3-a by inserting after paragraph III-c the following new paragraph:

III-d.(a) A protective order issued pursuant to this section, RSA 173-B:4, or RSA 173-B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

(b) A no-contact provision in a protective order issued pursuant to this section shall not be construed to:

(1) Prevent contact between counsel for represented parties; or

(2) Prevent a party from appearing at a scheduled court or administrative hearing; or

(3) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any legal pleadings filed in court relating to the domestic violence petition or related civil or criminal matters.

(c) A violation of this paragraph may result in a finding of contempt of court.

3 New Paragraph; Bail and Recognizances. Amend RSA 597:2 by inserting after paragraph III-a the following new paragraph:

III-b. A no-contact provision contained in any bail order shall not be construed to:

(a) Prevent counsel for the defendant to have contact with counsel for any of the individuals protected by such provision; or

(b) Prevent the parties, if the defendant and one of the protected individuals are parties in a domestic violence or marital matter, from attending court hearings scheduled in such matters or exchanging copies of legal pleadings filed in court in such matters.

4 Protection from Domestic Violence; Relief. Amend RSA 173-B:5, VII to read as follows:

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint *or a petition for contempt* if there is a violation of any court order.

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

2006-1553h

Amendment to SB 283-FN
Proposed by the Committee on Commerce - C

Amend RSA 415-H:4 and 415-H:5 as inserted by section 1 of the bill by replacing them with the following:

415-H:4 Actuarial Certification. An insurer shall file with the commissioner annually on or before March 15, an actuarial certification certifying that the insurer is in compliance with this chapter. The certification shall be in a form and manner, and shall contain information, specified by the commissioner. A copy of the certification shall be retained by the insurer at its principal place of business.

415-H:5 Rulemaking. The commissioner may adopt rules in accordance with RSA 541-A that carry out the requirements of this chapter and prescribe additional standards for stop loss insurance policies.

2006-1682h

Amendment to SB 339
Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT permitting the department of transportation to hire consultants.

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

1 Department of Transportation; Consultants. The department of transportation may hire up to 3 financial consultants, each of whom shall be paid from highway funds not otherwise expended an amount not to exceed \$70,000 per year for a period of not more than 2 years. The consultant shall work with the department on such matters as may be recommended by the commissioner, or designee, of the department of transportation.

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

AMENDED ANALYSIS

This bill permits the department of transportation to hire up to 3 financial consultants for a 2-year period.

2006-1623h

Amendment to SB 370-FN
Proposed by the Committee on Children and Family Law - C

Amend RSA 169-C:34-a as inserted by section 1 of the bill by replacing it with the following:

169-C:34-a Multidisciplinary Child Protection Teams.

I. The department of health and human services may enter into formal cooperative agreements with appropriate agencies and organizations to create multidisciplinary child protection teams to assist with the investigation and evaluation of reports of abuse and neglect under this chapter.

II. Multidisciplinary child protection team members shall include at least one representative of the department of health and human services and may include licensed physical and mental health practitioners, educators, law enforcement officers, representatives from the local child advocacy center, social workers, and such other individuals as may be necessary to assist with the investigation and evaluation of reports of abuse or neglect.

III. The department may share information from its case records to the extent permitted by law with members of a

multidisciplinary child protection team to assist the team with its investigation and evaluation of a report of abuse or neglect. Multidisciplinary child protection team members shall be required to execute a confidentiality agreement and shall be bound by the confidentiality provisions of RSA 169-C:25 and RSA 170-G:8-a.

IV. The department, in consultation with the department of justice and the network of children’s advocacy centers, shall develop a written protocol for multidisciplinary child protection team investigations. The purpose of the protocol shall be to ensure the coordination and cooperation of the agencies involved in multidisciplinary child protection team investigations, to increase efficiency in the handling of these cases, and to minimize the impact of the legal and investigatory process on the child. The protocol shall be reviewed and, if necessary, revised not less than once every 3 years. The department shall forward a copy of the revised protocol to the house committee responsible for children and family law matters, the speaker of the house of representatives, the senate president, and the governor by November 15 of the year in which the protocol was revised.

V. Multidisciplinary child protection team members shall conduct an internal, annual review of the multidisciplinary team approach to investigation and evaluation of child abuse reports. The team shall review its practices and procedures and assess its effectiveness in agency coordination, efficiency in handling cases, and the degree to which the multidisciplinary team is able to minimize the impact of the legal and investigatory process on the child.

VI. On or before November 15 of each year, the department of health and human services shall file a report with the house committee responsible for children and family law matters regarding the use of multi-disciplinary child protection teams under this section. The report shall provide statistical and other non-identifying information collected by the multidisciplinary child protection teams, including performance data and outcome specific data, such as the disposition of the cases and the effect on the lives of the relevant parties, and any other data deemed relevant and necessary by the child protection team. Every 4 years, the department shall submit a comprehensive report that summarizes the costs and benefits of using multidisciplinary child protection teams and makes a specific recommendation regarding the continuation of such teams.

VII. Nothing in this section shall abrogate the department’s duty to investigate and pursue reports of child abuse and neglect under this chapter.

2006-1627h

Amendment to SB 373-FN-A

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

Amend the bill by deleting section 1 and renumbering the original sections 2-12 to read as 1-11, respectively.

Amend the bill by replacing section 11 with the following:

- III Effective Date.
 - I. Sections 6-11 of this act shall take effect upon its passage.
 - II. The remainder of this act shall take effect July 1, 2006.

AMENDED ANALYSIS

- I. Establishes a mosquito control fund in the department of health and human services to assist cities, towns, mosquito control districts, and non-profit organizations by providing funding to offset mosquito control activities. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill. The bill also makes an appropriation to the department for the purposes of funding the mosquito control fund.
- II. Allows local health or local law enforcement officers to order removal of standing water hazards.
- III. Establishes a 2-year task force for the purpose of facilitating a coordinated local, regional, and state response to arboviruses in New Hampshire.

2006-1618h

Amendment to SB 399-FN

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

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

AN ACT relative to the powers of state government in the event of an incident or outbreak of communicable disease.

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

- Communicable Disease; Closure and Decontamination. Amend RSA 141-C:16-a to read as follows:
141-C:16-a **Closure**; Decontamination.

I. The commissioner, *with the written approval of the governor*, may close, direct, and compel the evacuation [of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health] and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health due to an incident or outbreak of communicable disease. The commissioner may also cause any material located within or on the grounds of such building to be decontaminated

or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

II. The closure of any buildings pursuant to this section shall be by the least restrictive means possible and the commissioner shall close only those buildings that are reasonably believed to pose a threat to the health of the public.

III. The owner of any building or portion of a building that is ordered closed in accordance with this section may request a hearing in the superior court to contest that order. The superior court shall schedule and hold a hearing and issue a decision within 5 working days of the court's receipt of the request for a hearing. At the hearing, the burden of proof shall be on the commissioner to prove by a preponderance of the evidence that closure of the building is reasonably necessary to protect the health of the public.

2 New Section; Communicable Disease; Cancellation of Events. Amend RSA 141-C by inserting after section 16-a the following new section:

141-C:16-b Cancellation of Events. The commissioner, with the written approval of the governor, may order the cancellation of public gatherings and events within the state, or in specific geographic areas of the state, as is deemed necessary to prevent the spread of disease; provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation.

3 New Sections; Communicable Disease; Custody; Rationing; Cost of Items. Amend RSA 141-C by inserting after section 17-a the following new sections:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, the commissioner, with the written approval of the governor, may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner, with the written approval of the governor, shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, existing within the state to ensure that such agents are distributed and utilized appropriately. Any person who is aggrieved by a decision made by the commissioner and approved by the governor with respect to the restriction or rationing of the use, sale, dispensing, distribution, or transportation of such agents, and mechanical equipment such as ventilators may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Multiple requests for hearings under this section may be consolidated into one hearing if the underlying facts are similar, the court deems such consolidation to be appropriate, and the court determines that such consolidation will adequately satisfy the due process rights of the persons who requested a hearing.

141-C:17-c Certain Cost Required. In the event of an outbreak of communicable disease, the commissioner shall pay to the retailer the Medicaid rate of any items to be acquired by the department, the rate as it was the day prior to the outbreak of the communicable disease.

4 New Sections; Communicable Disease; Ethics Committee Established. Amend RSA 141-C by inserting after section 23 the following new sections:

141-C:24 Ethics Committee.

I. There is hereby established an ethics committee to offer advice to the commissioner relative to the ethical issues that may be identified in the course of planning for, and responding to, outbreaks of communicable disease.

II. The committee shall consider the ethical implications of any of the powers that may be exercised by the commissioner under the provisions of this chapter including, but not limited to, the confiscation, distribution, and rationing of anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, and mechanical equipment such as ventilators; the issuance and enforcement of orders of isolation, quarantine, medical examination, and medical treatment; and issues relative to information sharing and confidentiality.

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

- (a) The director of the division of public health services.
- (b) The state epidemiologist.
- (c) The attorney general, or designee.
- (d) A representative of a municipal department of public health, appointed by the commissioner.
- (e) A representative from a college or university public health program, appointed by the commissioner.
- (f) A chief of police or a police officer of a local police department, appointed by the New Hampshire Association of Chiefs of Police.
- (g) A chief of a local fire department, appointed by the New Hampshire Association of Fire Chiefs.
- (h) A physician, licensed under RSA 329, appointed by the New Hampshire Medical Society.

- (i) The commissioner of the department of safety, or designee.
- (j) A member of a fire department, appointed by The New Hampshire Professional Firefighters Association.
- (k) A representative of a hospital, appointed by the New Hampshire Hospital Association.
- (l) A county representative, appointed by the New Hampshire Association of Counties.

IV. The commissioner shall appoint a member of the committee to act as chairperson. The committee shall meet initially within 30 days of the effective date of this section and then as regularly as the chairperson shall direct.

V. The commissioner may at any time direct questions to the committee or request guidance on ethical issues. In addition, the committee shall develop proposed guidelines and protocols relative to any ethical issues that it identifies.

VI. The committee shall be solely advisory in nature and any guidance, guidelines, or protocols issued by the committee shall not be binding on the commissioner.

141:25 No Conflict With Emergency Management Powers. Nothing in this chapter shall be construed to limit or restrict the exercise of the governor’s emergency management powers under RSA 4:45 – RSA 4:47.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services, with the written approval of the governor, to ration and prioritize certain pharmaceutical agents in the event of a shortage during an incident or outbreak of communicable disease. Under this bill, the commissioner, with the written approval of the governor, has the power to close public places during an incident, etc. This bill also establishes a committee to advise the commissioner in addressing ethical issues under RSA 141-C.