State of New Hampshire
HOUSE RECORD

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

Vol. 28 Concord N.H. Friday, April 28, 2006 No. 36

Contains: Reports and Amendments for May 4, Meetings, List of House Bills Amended by the Senate and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Thursday, May 4th** at **10:00 a.m.**

Chairmen and Vice Chairmen will meet on **Wednesday, May 3** at **9:00 a.m**. in Room 203, LOB.

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Thursday, **May 4** at **9:00 a.m.** in Representatives Hall.

Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, **May 4** at **9:00 a.m.** in Rooms 305-307 of the Legislative Office Building.

Rep. James W. Craig, Democratic Leader

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 4th, Wednesday	Last day to introduce 2006 House Bills
February 9th, Thursday	Last day to REPORT HBs going to 2nd committee (noon)
February 15th, Wednesday	Last day to ACT on HBs going to 2nd committee
February 23, Thursday	Last day to REPORT all other HBs (noon)
March 16th, Thursday	Last day to REPORT HBs from 2nd committee (noon)
March 22nd, Wednesday	CROSSOVER Last day to ACT on HBs
th	nd

April 6 , Thursday	Last day to REPORT SBs going to 2 committee (noon)
April 12th, Wednesday	Last day to ACT on SBs going to 2nd committee
April 20th, Thursday	Last day to REPORT all other SBs (noon)
April 27th, Thursday	Last day to REPORT SBs from 2nd committee (noon)
May 3rd, Wednesday	Last day to ACT on SBs
May 11th, Thursday	Last day to FORM Committees of Conference
May 18th, Thursday	Last day to SIGN Comm. of Conference Reports (3:00 pm)
May 24th, Wednesday	Last day to ACT on Comm. of Conference Reports

THURSDAY, MAY 4
CONSENT CALENDAR

FINANCE

SB 304, relative to provider payments negotiated by the commissioner of the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Jane Wallner for Finance: The committee did not feel the bill was needed at this time. The Department of Health and Human Services has not paid provider rates higher than negotiated and has not created a waiting list in order to lapse funds. **Vote 15-0**.

SB 374-FN, relative to the state children's health insurance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill, as passed by the House, requires the Department of Health and Human Services to expend the funds appropriated for the state children's health insurance program for that purpose and not to transfer or expend the funds on any other program. The committee amendment clarifies that commitment, adding that (1) for fiscal year 2007, savings from elsewhere in the department and non-lapsing funds previously dedicated to S-CHIP must be used to provide coverage in the event that the number of children in the Silver Program and the cost of their coverage exceeds budget estimates, and (2) for fiscal year 2006, up to $100,000 of excess premiums that would normally be returned to the department may be retained by Healthy Kids Corporation, which administers the S-CHIP program, to offset a portion of the cost of higher-than-budgeted numbers of children who were insured for that year. The amendment also makes Healthy Kids the sole source provider of children's insurance for the rest of the biennium. **Vote 19-0**.

WAYS AND MEANS

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

Rep. Susan W. Almy for Ways and Means: This bill registers and regulates agents for student athletes. The committee amendment reduces the registration fees to a level amount, approximating the cost of the activity to the state, in order not to deter agents from coming in to New Hampshire. The $25,000 maximum fine for misbehavior stays in place. The effective date is updated to January 1, 2007. **Vote 15-0**.

SB 225-FN-A, relative to horse and dog racing. **OUGHT TO PASS**

Rep. John M. Pratt for Ways and Means: Under current law, dog and horse tracks are required to operate live races at their tracks for 100 racing days in a calendar year in order to be able to sell pari-mutuel pools on races held at other tracks (i.e. simulcast racing). This bill reduces that number of live racing days to a minimum of 50 calendar days in a calendar year, in order to allow the tracks to continue simulcasting. **Vote 16-0**.

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

Rep. Priscilla P. Lockwood for Ways and Means: This is a second committee bill, originally in the Commerce Committee, that makes a variety of changes to laws relating to the registration and dissolution of certain business entities and raises certain fees making them consistent with other fees. This bill was at the request of the Secretary of State. **Vote 18-0**.

SB 363-FN-A-LOCAL, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Congress is working on how much of our state communication services tax it will forbid, because the communication it taxes is done over the Internet. A major piece of our revenues depend on this tax. Although the federal situation changes frequently, there is a federal deadline in the fall of 2007, so we will need to submit and pass legislation to recognize and mitigate the loss next year. It is likely to require further monitoring after 2007. The committee amendment turns the Senate study committee into an on-going commission with Public Utilities Commission,

Revenue Administration, and gubernatorial representation, sunsets this in 5 years, and strips out a remnant of the original bill, which the Commissioner of Revenue Administration and the original sponsor agreed is no longer necessary. **Vote 18-0**.

SB 371-FN, relative to the continuation of certain wetlands fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kevin L. Camm for Ways and Means: Wetland application fees are due to rollback from $0.10 per square foot to $0.06 per square foot effective July 1, 2006. This bill would maintain the current wetland application fees for four more years at the current level. The committee amendment proposes to maintain the current fees for two more years. The amendment would also require the department to report to the legislature on the status of a variety of permits that they issue. This will provide the next legislature with the information necessary to determine if the fee is too high or too low. **Vote 18-0**.

SB 384-FN-A-LOCAL, establishing a temporary one-time exemption from the real estate transfer tax for certain transfer of family farm or open space land. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would establish a one time transfer of "current use" real estate into an LLC or other entity without paying the real estate transfer tax. Large landowners testified in favor of this proposal so that they may protect their personal assets in the event of a lawsuit that results from an injury sustained upon their property. While the committee acknowledges that the state benefits tremendously from public use of private lands as well as the current use program, we felt this measure would not afford the protection envisioned by the sponsors and landowners. The Attorney General's office testified that immunity already exists to landowners that open their property to the public. There is also additional state coverage for designated snowmobile trails on private property. No testimony was received that described any evidence of a bona-fide problem with the current system. The majority of the committee felt that any landowner who wants to transfer their "current use" property to an LLC or other entity to protect other family assets, should do so at the same expense as anyone else. Hopefully, a policy change will be developed to expand our system of immunity for all landowners and make a proposal such as this unnecessary. **Vote 20-1**.

SB 397-FN-A, establishing a temporary energy tax credit against the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would establish an energy tax credit against the business profits tax. This credit would be up to $500 per business and would cost the state approximately $18,000,000. The sponsor testified that the purpose of the bill was to return some of the surplus back to the entities that paid it. While we commend the initiative, we now know the surplus is minimal and shrinking daily. The sponsor agreed and suggested that we use this bill to evaluate a possible reduction in the business taxes. We rejected that for the same reasons. The committee determined that the best avenue for that endeavor would be a new bill in the next session. **Vote 19-0**.

THURSDAY, MAY 4
REGULAR CALENDAR

EDUCATION

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

Rep. Timothy E. Easson for the **Majority** of Education: The sponsor asked that this bill be defeated. There were some proposed non-germane amendments that were given hearings, but they were all defeated by the committee. Thus, we are left with the original bill the sponsor wished to be defeated. **Vote 11-2**.

Rep. Emma L. Rous for the **Minority** of Education: By supporting the minority amendment the New Hampshire House sends a message to Washington that No Child Left Behind is an unfunded mandate that violates the Tenth Amendment of the U.S. Constitution by assuming powers that belong to the states. While NCLB's goal of raising achievement is admirable and New Hampshire has done an excellent job of implementing the program, it is the duty of state legislatures to press for reforms in an educationally and constitutionally flawed program before it comes up for reauthorization in 2007.

FINANCE

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. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee recognized the value of the policy to establish the position of an administrator of women offenders and family services. Since this policy had received favor from both the Senate and the House and since the appropriation will be covered by departmental transfer, and no additional dollars will be required, the committee supports the bill wholeheartedly. **Vote 19-0**.

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor. **OUGHT TO**

PASS WITH AMENDMENT

Rep. Kenneth H. Gould for Finance: With the amendment, this bill appropriates just $1. We are endorsing and keeping alive efforts to support low-income parents with their childcare and early learning expenses. It is hoped that a better appropriation will come later. The House and Senate both recognize the importance of quality early learning initiatives. **Vote 16-3**.

SB 308-FN-A, making an appropriation for school building aid. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: Unfortunately, the consequences of SB 38 that changed the eligibility requirements for certain school districts and increased school budget aid by approximately $1,000,000, were not included in the current budget. The committee believes that the state should honor its commitment and not shift the cash flow burden. **Vote 17-3**.

SB 322, establishing the business loan enhancement program and relative to the capital asset backed guarantee program. **OUGHT TO PASS**

Rep. Russell F. Ingram for Finance: The Business Finance Authority (BFA) has played a very essential role in the economy of the State of New Hampshire and has an exceptional record on past performance. This bill will enable the BFA to establish another program to be of further assistance to the business community of New Hampshire. **Vote 11-6**.

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

Rep. Kenneth L. Weyler for Finance: The original bill involved adding new positions to the Department of Transportation (DOT) and the Department of Revenue Administration (DRA). Those sections were removed so that the established classification system could be employed first. The remaining section dealt with the hiring of financial consultants by DOT. The committee was convinced that with the oldest automation system in the state, the DOT financial system needed an overhaul. If we create new positions they will not be in place to help us with the next budget. Consultants can be put to work more expeditiously. The committee amendment removed restricting the consultants to three, and also capped the expenditure at the end of this biennium. **Vote 17-0**.

SB 364-FN-A, relative to funding of the fish and game search and rescue fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick W. King for Finance: The committee supports general funds for the search and rescue activities of the Fish and Game Department. The committee is concerned about the availability of funding in Fiscal Year 2006. **Vote 16-2**.

SB 367-FN, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds. **INEXPEDIENT TO LEGISLATE**

Rep. Sharon L. Nordgren for Finance: This bill was first considered by the Senate Health and Human Services Committee and they recommended an ITL motion. It was overturned on the Senate floor, then sent to Senate Finance where it was amended. The bill was amended again on the floor of the Senate and passed. The bill was then sent to House Ways and Means and vacated to the Finance Committee. The Department of Health and Human Services was unaware of the final amendment in the Senate and in fact would have preferred their own amendment. It was decided by the Finance Committee that the issue should be further refined and addressed in the next session. **Vote 14-1**.

SB 373-FN-A, relative to a public health response to arbovirus. **INEXPEDIENT TO LEGISLATE**

Rep. Neal M. Kurk for Finance: This bill largely duplicates the mosquito control program contained in HB 1464, which the House already passed and is, therefore, unnecessary. Should the Senate feel that specific elements of this bill are essential, they can be raised in a committee of conference on HB 1464. **Vote 13-2**.

SB 387, relative to energy efficiency loans and guarantees by the business finance authority. **OUGHT TO PASS**

Rep. Bernard L. Benn for Finance: This bill authorizes the Business Finance Authority (BFA) to guarantee loans to business and agricultural entities for projects that improve energy efficiency. The agency currently has this authority, but this bill makes the legislative intent to foster energy savings explicit. **Vote 17-0**.

SB 399-FN, relative to the powers of state government in the event of an incident or outbreak of communicable disease. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill authorizes the Commissioner of Health and Human Services, with the approval of the governor, to ration certain drugs and medical equipment, and to close public places during an incident or outbreak of a communicable disease. The Finance Committee amendment restricts the use of such power to an epidemic or pandemic, rather than the less definite and broader communicable disease, and makes clear that any order issued would go into effect before, rather than after, a court challenge. The cost of the bill is indeterminable. **Vote 17-2**.

SB 400-FN, relative to highway welcome signs. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Finance: The state motto of "Live Free or Die" has important historical roots. It is easily understood and popularly accepted. This bill would add it to our welcome signs. This bill came to the Finance Committee due to an expenditure to add the state motto to the highway signs at our state-line points of entry. There are 11 large signs and 36 small ones where a new piece will be added. The Department of Transportation (DOT) sign crew has stated that fabrication and installation will take two years when incorporated into the present work schedule. Recently a donor came forward to offer to pay for the approximately $5,800 per year for this project. This would mean no additional cost to the state. **Vote 11-6**.

LEGISLATIVE ADMINISTRATION

SB 238, relative to assistance to members of the general court provided by the legislative budget assistant. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Legislative Administration: The majority of the committee felt this bill is unnecessary. There has been no problem in the past for members and seems to stem from a one-time problem in the Senate. The majority of the members felt the Senate problem would not reoccur and the potential of abuse by some members of the House or Senate overrides the need to insure that the Legislative Budget Assistant "may" respond to a member's request. **Vote 5-4**.

PUBLIC WORKS AND HIGHWAYS

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. **REFER FOR INTERIM STUDY**

Rep. Thomas L. Buco for Public Works and Highways: This bill attempts to address a dire need for oral health care for low to moderate income people in the northern three counties of the state. The bill authorizes a capital appropriation and authorizes the state to issue bonds in the amount of $400,000 to equip a dental clinic in the Town of Tamworth under the umbrella of the Tri-County Community Action Program. An amendment was proposed that attempted to address some of the questions as to who would operate the clinic, who would be treated and in what priority. The committee still had many questions and the amendment was defeated. The committee believes that a better course of action is to refer the bill to interim study to give us time to resolve the many unanswered questions. **Vote 14-0**.

WAYS AND MEANS

SB 107-FN, relative to the tax on tobacco products other than cigarettes. **INEXPEDIENT TO LEGISLATE**

Rep. Peyton B. Hinkle for Ways and Means: This bill would tax loose tobacco products (smokeless tobacco) at the rate of 48 cents per ounce rather than the present tax of 19 percent of the wholesale price. There were a number of reservations shared by the majority of the committee. While the change in tax method might result in an increase in revenue for now, this might not last since these products have shown a ten year history of price increases keeping pace with inflation. Thus, a percentage tax on the price would generate increased revenues in the future. Seventy percent of the market consists of premium products that sell for a higher price and generate more revenue under a percentage tax method. Going to a weight-based tax would increase the tax on the low-end products, resulting in more of a tax burden for people of modest means. Going to a weight-based tax would also create more work for the wholesaler, who would have to calculate the tax due for each of the many different weight based products, rather than a simple tax on sales dollars. It would be especially burdensome for wholesalers who also serve surrounding states, which are all on a percentage basis. They would have to have two separate accounting methods. Forty two other states tax these products the way we presently do. The Department of Revenue Administration (DRA) indicated the bill would have an indeterminable impact on revenues. Some members concluded, if it ain't broke, don't fix it. **Vote 11-7**.

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

Rep. Christine C. Hamm for the **Majority** of Ways and Means: Calling it "a recipe for chaos," the commissioner of the Department of Revenue Administration testified that this bill, with tax credits granted within different fiscal periods on a first-come, first-served basis, would be impossible to administer. In questioning, the committee learned that the bill would cost the state even more than the proposed $1 million/biennium in business tax credits and that the bill guaranteed that once students get vouchers, they can continue to receive them annually until they graduate or reach age 21. A further inconsistency is that while the bill would make the state financially responsible for the staff required to administer the program, it does not fund that expense. Given these shortcomings, an amendment was offered which attempted to strip the bill of its fiscal responsibilities. This was defeated by a bipartisan majority for any one of a number of reasons: 1) that the amendment, in fact, failed to relieve the state of responsibility for funding the administrative staff, 2) that it continued the state's responsibility to reimburse expenses for the legislative members of the board, 3) that the state could be liable for legal challenges to Article 28A and other constitutional issues, 4) that the Senate could reinstate the funding in a committee of conference, 5) that it expanded government by broadening its reach into an area which even the prime sponsor agreed could be achieved through private endowment or contributions, and 6) that by stripping the tax credits from this bill, the remaining shell is a state-sponsored structure open to state funding for school voucher programs, including non-public programs, a practice which the House has consistently rejected, most recently on March 9. **Vote 11-10**.

Rep. Shawn N. Jasper for the **Minority** of Ways and Means: The policy contained in the bill was passed by the House. The bill was sent to Ways and Means to deal with the issue of the tax credits. The bill also contained a two dollar appropriation for the biennium, which at the request of the Finance Committee, the amendment would remove. The tax credit contained within the original bill would have been impossible to administer by the Department of Revenue and is also removed in the amendment. The minority believes that the majority overstepped its authority by recommending the killing of the policy contained within the bill. With the amendment, the bill contains no state financial support, but does provide a vehicle to accept funding for school choice. While it is true that any group of people could come together to form a non-profit corporation such as the one we

propose, this amendment assures that it will become a reality and we believe by having its members appointed by the Speaker of the House, the Senate President and the Governor, it will have far more credibility than a corporation formed by a self-appointed group of individuals.

SB 376-FN-A, relative to revenues dedicated to the education trust fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Shawn N. Jasper for Ways and Means: The bill, as introduced, would have essentially taken all of the monies which are now earmarked to go into the Education Trust Fund and directed them into the General Fund. Then only the lottery revenue (about $75 million per year) would have gone into the trust fund. In this biennium the monies which went into the trust fully funded our commitment to education funding. There was a real problem with estimating how much money actually goes into the trust from the Business Enterprise Tax (BET) and the Business Profit Tax (BPT) each month. The exact amount deposited each month into the trust from the other revenue sources are predictable. The total amount of the trust is not known until the final business taxes are filed in October, after the fiscal year is closed. The amendment fixes this accounting problem by using historical average percentage of the combined business taxes. The percentage is calculated by using the combined audited amount in prior years that is sent to the trust fund. This fixes a major problem of predicting the current amount that is actually deposited into the trust fund in real time without removing any of the various revenues that presently go into the fund. The committee feels that it is appropriate to continue to fund the trust at the same level as in the past. **Vote 15-3**.

SB 380-FN-A, establishing a research and development credit against business taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Benjamin E. Parker for the **Majority** of Ways and Means: This bill provides for up to $1,000,000 in annual tax credits against the business profits or enterprise tax for qualified manufacturing research and development expenditures. The majority of the committee recommends inexpedient to legislate because: (1) the business tax climate in New Hampshire is already among the best in the country, (2) New Hampshire's unemployment rate is below 3.6 percent and is among the lowest in the country, (3) the economic drivers behind the type of manufacturing jobs New Hampshire is losing are well beyond the remedies proposed by this bill and (4) while states have used R&D tax credits to draw a specific company, these tax credits have not been shown generally to create significantly more jobs or business activity in the states that have adopted them. The committee majority believes that New Hampshire tax policy should be forward-looking and focus on promoting innovation and not on competing for contract manufacturing jobs of commoditized products. To this end, the General Court in 2003 approved increasing the net operating loss carry forward from $250,000 to $1,000,000 and extending the carry forward period from five years to ten years. Rather than credits, this NOL provision better serves start-up research and development companies who typically do not earn a profit for several years. Further, states that have R&D credits typically have either or both a sales tax and income tax. Eight of the nine states without an income tax do not offer R&D credits. While businesses have never met a tax credit they didn't like, New Hampshire has adopted a policy of a simple business tax structure where taxes are the same for all businesses. Our prior experience with the R&D credit proved unsuccessful and was terminated. Proponents of this bill could not show that lost manufacturing jobs could have been saved as a result of an R&D tax credit. Most of the lost manufacturing jobs were for the assembly of high-tech products that today are treated like any other commodity and go to the area with the lowest wage cost. It's unlikely that any tax credit will be able to cover this wage cost differential. The committee majority believes that the foundations of New Hampshire's economy are changing and that the state's increasing business prosperity, job growth and low unemployment confirm that current tax policy is favorable to business and the development of new products and ideas. In contrast to statements about high-tech job loss, it is reported by AeA that for 2004 the most recent year data is available, New Hampshire added 2,400 high tech jobs. The state's 6.8 percent increase in high-tech jobs was the highest percentage increase in the nation. Indeed, testimony received this past summer by the Ad-Hoc Committee on Business Tax Credits from executives of start-up companies confirmed that research and development companies chose New Hampshire because of its favorable business climate and tax policies. The committee majority believes the R&D tax credit would be an unwarranted loss of revenue. **Vote 15-4.**

Rep. Peyton B. Hinkle for the **Minority** of Ways and Means: This bill is for pro-economic development, job growth and family income. New Hampshire has lost about 30,000 good-paying manufacturing jobs so far in this decade. The state once led the nation in the concentration of high-tech jobs, but has now slipped to tenth place. R&D and manufacturing are inextricably linked together – one supports the other. The purpose of this bill is to preserve whatever R&D is left in the state and protect against further outsourcing to countries like India and China, as well as attract new start-up and other high-tech companies. It provides DRED, which supports the bill, with another tool for promoting New Hampshire as a desirable place to locate businesses. It allows a tax credit equal to 15 percent of qualified R&D expenditures as defined in the U.S. Internal Revenue code. It protects overall business tax revenues by further limiting the credit to 5 percent of a company's total business tax. It is further capped at $1,000,000 per year for all taxpayers. An amendment, which was available but not considered by the committee, would have phased in the credit over a three year period, thus providing the ability to control the exposure of business tax revenues while monitoring the ability of the legislation to hold and/or attract R&D business. The bill was given high priority support by the Business & Industry Association and the N. H. High Tech Council. Forty other states offer some form of R&D credit. This bill provides the germ of a new vision for New Hampshire as a state with an emerging broad-based high-tech sector.

JOINT COMMITTEE ON ADDRESS

HA 1, an address for the removal of Kenneth R. McHugh, superior court justice, from office. **OUGHT NOT TO PASS**
Rep. Cynthia J. Dokmo for the Joint Committee on Address: This address sought the removal of Superior Court Justice Kenneth McHugh for a 1999 decision he issued dismissing a petition seeking to invalidate a 1989 divorce decree. The causes for removal alleged that Justice McHugh violated his oath of office, as well as the United States and New Hampshire constitutions, by refusing to honor a 1998 order issued by a Connecticut court invalidating the 1966 divorce of the private proponent of this address, James MacFarlane. Mr. MacFarlane argued to Justice McHugh that his New Hampshire divorce from his second wife was therefore invalid because he was not legally divorced from his first wife when he married and subsequently divorced his second wife. After hearing from the sponsor, Mr. MacFarlane, members of the public, and Justice McHugh, the committee learned that Mr. MacFarlane had unsuccessfully appealed the issues presented in the address to the New Hampshire Supreme Court, Connecticut courts, and federal courts, as well as to the New Hampshire Judicial Conduct Committee. The committee also learned that Mr. MacFarlane had not informed the Connecticut courts of either his subsequent marriage or divorce or of the New Hampshire litigation that had occurred nearly ten years earlier regarding his second marriage. Despite the confusing factual background involved in the underlying matter, the committee came to the inescapable conclusion that Mr. MacFarlane had obtained the Connecticut order, without disclosing important facts to that court, solely to recover the monetary judgment awarded to his second wife by New Hampshire courts nearly ten years earlier. The committee strongly believed that these circumstances did not warrant a bill of address and concluded that the address failed to state a reasonable basis for removal, even if the factual bases stated in the address were accurate. While the committee understands the sponsor's concern for judicial accountability, it firmly believed that the serious nature of an address should not be used as a means by which aggrieved litigants can express their disagreement or dissatisfaction with a single ruling in an isolated case, particularly where significant legal and factual questions exist as to the validity of the litigant's claims. The committee also believed that legislative sponsors should attempt to verify and corroborate the claims of a private proponent of an address to ensure that this serious procedure is not subject to abuse by litigious and recalcitrant individuals. Based on its review of the factual and legal history of the matter before Justice McHugh, the committee found no basis for his removal and unanimously voted not to recommend the bill of address. **Vote 12-0.**

REPORT OF THE JOINT COMMITTEE ON ADDRESS FOR THE REMOVAL OF KENNETH R. MCHUGH, SUPERIOR COURT JUSTICE

HA 1

The committee has voted unanimously not to recommend the address for the removal of Superior Court Justice Kenneth R. McHugh. Part II, Article 73 of the New Hampshire Constitution provides:

The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a different provision is made in this constitution. The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the legislature.

The committee does not believe that HA 1 meets the criteria established in the constitution. The conduct described by the 4 items listed in HA 1 does not rise to the level of conduct that requires removal and, therefore, the members do not believe that HA 1 states a reasonable cause for removal.

The committee began by examining Part II, Article 73 with the understanding that the provision was included in our original constitution and amended in 1966 to provide specific due process requirements for the respondent. The committee held an organizational meeting to review and slightly revise the special rules of procedure that had been previously adopted for the purposes of the last bill of address considered by the General Court in 1999. The committee believes that the bill of address is a serious legislative procedure to be used with great care and only in circumstances where there exists a reasonable cause for removal. The committee discussed and formally adopted the Special Rules of Procedure, which include the specific constitutional requirements that the bill of address:

a) state a reasonable cause for removal;

b) be fully and substantially stated; and

c) not be a cause which is sufficient ground for impeachment.

Pursuant to these rules, the committee anticipated holding two hearings to provide the sponsors of the bill, the public, and Justice McHugh with opportunities to testify and present evidence concerning the causes for removal stated in HA 1. Justice McHugh attended the initial hearing held on April 10, 2006. After listening to the testimony of the sponsor, the individual advocating the address, and the public, Justice McHugh asked the committee for an immediate opportunity to respond. He waived his right, under the rules, to present his defense only after receipt of the transcripts of the testimony and further waived his right to allow his designees to present a defense on his behalf. The committee assented to the respondent's request and Justice McHugh presented his response. At the conclusion of the testimony, the committee carefully considered all of the testimony and documents presented to them during the one-day hearing.

The committee unanimously believes that the causes for removal stated in HA 1, as well as the evidence submitted in support of the address, simply do not state a reasonable cause for removal. Although the committee believes that the bill of address is an important legislative tool that ensures a certain level of judicial accountability, members expressed concern that this procedure could be abused, particularly where the stated causes for removal are not fully and substantially stated, are not sufficiently verified, or are not adequately investigated by a sponsor. For these reasons, the committee holds the opinion that an address should not be used as a vehicle to express dissatisfaction or disagreement with a legal ruling in a single, isolated matter. Based on the testimony submitted to the committee, it appeared that HA 1 was premised on this very motivation, without regard to the appellate rights afforded and fully exercised in this matter or the tenuous factual and legal claims articulated by a private proponent of the address. For these reasons, the committee unanimously voted not to recommend the address for the removal of Superior Court Justice Kenneth R. McHugh.

Vote 12-0 Ought Not to Pass — April 10, 2006

Rep. Cynthia J. Dokmo, Chair	Sen. Robert J. Letourneau, Vice-Chair
Rep. Maureen C. Mooney, Clerk	Sen. John S. Barnes Jr.
Rep. Sheila T. Francoeur	Sen. Lou D'Allesandro
Rep. Neal M. Kurk	Sen. Martha Fuller Clark
Rep. John M. Pratt	Sen. Iris W. Estabrook
Rep. Stephen J. Shurtleff	Sen. Robert K. Boyce

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)
HR 24, affirming revenue estimates for fiscal years 2006 and 2007. (Pending question is third reading.)
SB 324, requiring notification concerning certain offenders against children. (Pending question is the adoption of the committee report of Ought to Pass With Amendment)
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. (Pending question is Inexpedient to Legislate.)

HOUSE BILLS AMENDED BY THE SENATE

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. (House Nonconcurred; C of C 4/19/06))
HB 153-FN, relative to the collection of debts owed to the state. (SJ 2/2/06)
HB 203-FN, relative to the regulation of tracking devices and establishing a commission on the use of tracking devices. (SJ 4/13/06)

HB 221, relative to eligibility for absentee ballots. (SJ 4/13/06)
HB 334, relative to the type of notice provided in court proceedings. (House Concurred 4/5/06)
HB 349, relative to placement and removal of political advertising. (House Nonconcurred; C of C 4/19/06)
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 Nonconcurred, 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. (House Concurred 4/19/06)
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 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. (SJ 4/20/06)
HB 690-FN, relative to aid to the needy blind and relative to undue hardship for public assistance. (SJ 4/13/06)
HB 716-FN, relative to securities regulation. (SJ 4/20/06)
HB 718-FN-A, relative to a state active duty death benefit for activated members of the New Hampshire national guard and making an appropriation therefor. (SJ 4/6/06)
HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code. (House Concurred 4/12/06)
HB 1108, relative to the transfer of funds among PAUs within a department. (House Concurred 4/19/06)
HB 1147, relative to the conduct of recounts. (House Concurred 4/5/06)
HB 1182-FN, relative to the limited commercial lobster license fees. (SJ 4/20/06)
HB 1223-FN, relative to the use of real estate brokers by the department of transportation. (SJ 4/20/06)
HB 1228-FN, relative to the sale or lease of state-owned real estate. (House Concurred 4/19/06)
HB 1238-FN, relative to centralized voter registration database information. (House Nonconcurred; C of C 4/26/06)
HB 1243-FN, reducing certain fines for motor vehicle violations. (SJ 4/13/06)
HB 1265, establishing the council on the relationship between public health and the environment. (SJ 4/20/06)
HB 1294, relative to antique snowmobiles. (House Concurred 4/19/06)
HB 1335, relative to the authority of law enforcement officers during a state of emergency. (SJ 4/20/06)
HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. (House Concurred 4/19/06)
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 1410-FN-L, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. (SJ 4/20/06)
HB 1417-FN, establishing gold star number plates. (SJ 4/20/06)
HB 1419-FN, relative to mediation in divorce proceedings. (SJ 4/20/06)
HB 1420-FN, prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16. (House Concurred 4/19/06)
HB 1426, granting a right-of-way over state-owned land. (SJ 4/20/06)
HB 1433, establishing a committee to study secured landfills and establishing a moratorium on the incineration of construction and demolition waste. (SJ 4/13/06)
HB 1463-FN, relative to boating and water safety. (SJ 4/20/06)
HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. (SJ 4/20/06)
HB 1567, relative to removing names from the checklist. (SJ 4/20/06)
HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing. (SJ 4/20/06)
HB 1613-FN, relative to polling place arrangement and accessibility. (SJ 4/20/06)
HB 1657, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs. (House Concurred 4/5/06)
HB 1660, regulating identity theft. (SJ 4/13/06)
HB 1662-FN, establishing the crime of peonage. (SJ 4/13/06)
HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine. (SJ 4/20/06)
HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. (SJ 4/13/06)
HB 1679-FN-L, relative to the property tax exemption for university system property. (SJ 4/13/06)
HB 1681-FN, establishing the unused prescription drug program. (SJ 4/20/06)

HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. (SJ 4/13/06)
HB 1692, establishing the New Hampshire sexual predators act. (SJ 4/13/06)
HB 1711-FN, relative to the regulation of fuel gas fitters. (SJ 4/20/06)
HB 1720-FN, relative to notice of parent liability in CHINS proceedings. (SJ 4/20/06)
HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. (House Nonconcurred; C of C 4/19/06)
HB 1727-FN-L, relative to transfer or discharge of patients or residents in licensed facilities. (SJ 4/20/06)
HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. (SJ 4/20/06)
HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission. (House Concurred 4/19/06)

COMMITTEE OF CONFERENCE

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. (Reps. S. Francoeur, Infantine, Charles Clark and DeJoie)
HB 349, relative to placement and removal of political advertising. (Reps. O'Brien, J. Allen, Millham and Harvey)
HB 582, relative to the policy for records management. (Reps. Pilotte, Fitzgerald, Millham and Irwin)
HB 1238-FN, relative to centralized voter registration database information. (Reps. Whalley, Biundo, Reeves and C. Chase)
HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. (Reps. Stone, R. Wheeler, Ingram and Franklin)

COMMITTEE MEETINGS

MONDAY, MAY 1

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH Higher Education Assistance Foundation, 4 Barrell Court, Concord
10:00 a.m. Regular meeting.

DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE (RSA 171-A:1-c), Room 205, LOB
10:00 a.m. Regular meeting.

TUESDAY, MAY 2

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), American Legion Post 79, 35 West Brook Street, Manchester
5:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB
10:00 a.m. Full committee work session on revenues.

WEDNESDAY, MAY 3

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY (RSA 186-C:3-b), Department of Education, Room 15, 101, Pleasant Street, Concord
4:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB
10:00 a.m. Full committee work session on revenues.

THURSDAY, MAY 4

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB
8:45 a.m. Full committee work session to discuss Senate amendments to House Bills.

FRIDAY, MAY 5

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. **Continued** regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
9:00 a.m. **Rescheduled** regular business.
9:30 a.m. **Rescheduled** 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.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:25-a), Mountainview Room, 3rd Floor, Young Student Center, Keene State College
9:30 a.m. Campus Tour.

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

MONDAY, MAY 8

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB
1:00 p.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
1:00 p.m. Regular meeting.

ISSUES RELATIVE TO THE COMPREHENSIVE SHORELAND PROTECTION ACT (SB 83, Chapter 209:1, Laws of 2005), Room 305, LOB
10:00 a.m. Regular meetings.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room 14 Dixon Avenue, Concord
9:00 a.m. Regular meeting.

FRIDAY, MAY 12

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, Training Room, 57 Regional Drive, Concord
9:30 a.m. Regular meeting.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 205, LOB
1:00 p.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB
10:00 a.m. Regular meeting.

MONDAY, MAY 15

WINNIPESAUKEE WATERSHED ADVISORY COMMITTEE, (RSA 483-D), Room 103, State House
9:00 a.m. Meeting to review current status of flooding.

FRIDAY, MAY 19

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, MAY 22

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 103, State House
10:00 a.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House
10:30 a.m. Regular meeting.

FRIDAY, MAY 26

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, Training Room, 57 Regional Drive, Concord
9:30 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on **May 8** at 7:00 p.m. at the County Complex relative to the Gunstock budget.

Rep. John H. Thomas, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Coos County Delegation subcommittee on elected officials salaries will meet in Room 204, LOB on **May 4**, after session.

Rep. John E. Tholl, Jr., Chairman
Coos County Delegation

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

Merrimack County Executive Committee will meet Monday, **May 15** at 9:15 a.m. at the Merrimack County Nursing home in Boscawen, in the Recreation Room located on the second floor. The purpose of this meeting is to review and approve the first quarter financial report and to hear a report from the Salary Study Committee chairman.

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

COUNTY DELEGATION NOTICE

Merrimack County Delegation will meet Monday, **May 15** at 10:30 a.m. at the Merrimack County Nursing Home in Boscawen, in the Recreation Room located on the second floor. The purpose of this meeting will be to vote on the salaries for the elected county officials. At 11:30 a.m. the Nursing Home will host a lunch for the Delegation which will then be followed by the ground breaking ceremony for the new Nursing Home.

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

COUNTY DELEGATION NOTICE

Rockingham County Delegation will meet on Thursday, **May 4** during the lunch break from session in Rooms 302-304, LOB to vote the salaries and benefits of elected officials for the term of office 2007-2008.

Rep. David A. Welch, Clerk
Rockingham County Delegation

NOTICE

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

W. Douglas Scamman, Speaker

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NOTICE

Recently ordered legislative license plates are available from Dick Amidon, in the Speaker's Office. The following members may pick up their plates, and are requested to bring their current registrations with them, in order to complete the paperwork: Reps. Mary Ellen Martin, Rosen and Stepanek.

Dick Amidon, Chief of Staff

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REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 76, 100, 203, 234, 317, 325, 345, 347, 349, 380, 489, 515, 634, 638, 642, 645, 646, 649, 653, 657, 669,678, 688, 690, 716, 718, 1108, 1128, 1167, 1182, 1215, 1221, 1222, 1223, 1227, 1228, 1231, 1241, 1274, 1331, 1337, 1407, 1419, 1426, 1427, 1436, 1455, 1459, 1463, 1464, 1465, 1468, 1470, 1474, 1489, 1595, 1514, 1515, 1578, 1580, 1593,1597, 1601,1608, 1609, 1611, 1612, 1624, 1626, 1631, 1645,1648, 1652, 1656, 1657, 1661, 1670, 1671, 1676, 1677, 1679, 1681, 1683, 1691, 1692, 1693, 1694, 1695, 1697, 1698, 1699, 1701, 1702, 1704, 1707, 1708, 1709, 1710, 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, 306, 310, 314, 325, 339, 342, 358, 363, 367, 371, 374, 379, 380, 384, 386, 403.

Karen O. Wadsworth, Clerk of the House

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

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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

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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

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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

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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 for 5 presidents, and author of "Dessert University". The books will be available to purchase and the

book signing by Chef Mesnier will follow the luncheon. For tickets, contact Rep. Stella Scamman. Tickets are $50 and must be purchased by April 24. Hope you can join us.

Rep. Stella Scamman

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The Main Street Republican Caucus will meet Thursday, **May 4** at 8:00 a.m. at the Upham Walker House. All Republicans are welcome.

Rep. Kenneth H. Gould

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The New Hampshire Healthy Kids Board of Directors invites all legislators for a legislative lunch on Thursday, **May 4** at St. Paul's Church at 12:00 p.m. or when session breaks for lunch. We look forward to sharing current program information and our collective success in covering kids in NH. This is a great opportunity to learn more and ask questions about the Healthy Kids programs. We hope to see you there.

Rep. John B. Hunt

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The Majority Office invites members of the Republican Caucus to attend the 2nd Annual Spring Hot Dog Social during the lunchtime break of the House session on Thursday, **May 4th** at the Upham Walker House.

Rep. Michael O'Neil

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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 Winnipesaukee. 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

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All Legislators and their families are welcomed, on Saturday **May 6th**, to The Civil Air Patrol, New Hampshire Composite Squadron Rocket Competition. They will be holding their 2006 New Hampshire Wing Model Rocket Competition. The competition will begin at 9:00 a.m. with Check-In at 8:00 a.m. The event will be held at the New Hampshire Technical Institute, Concord campus. Rain date, Sunday May 7th. This is a terrific opportunity to see the rocket creations of some of NH's Civil Air Patrol cadets and learn more about the Civil Air Patrol program.

Rep. John DeJoie

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The Legislative Caucus for Young Children (LCYC) invites all members of the House and Senate to an information session on Temporary Assistance to Needy Families (TANF) on Tuesday, **May 9** at 10:00 a.m. in Room 206, LOB. Recent changes in federal laws regarding TANF will have serious effects on NH policies affecting families and children. This presentation by Terry Smith, Director of Family Assistance and staff from DHHS, will give legislators the opportunity to learn about NH's response to the new federal statutes and to discuss their implications for all NH residents.

Rep. Mary Jane Wallner

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The New Hampshire National Guard Legislative Open House will be held on Tuesday, **May 9,** from 3:30-5:00 p.m. at the Concord Armory, Pembroke Rd, Concord.

W. Douglas Scamman, Speaker

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The Governor's Annual Legislative Barbecue will be held on Thursday, **May 11** from 4:00 p.m. to 6:00 p.m. under the tent at the Bridges House. All legislators and legislative staff are invited.

W. Douglas Scamman, Speaker

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The Executive Departments and Administration Committee will host its eighth reunion luncheon at noon on Thursday, **May 11** (please note date change) 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

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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

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Save the date! On Wednesday, **May 17th** the New Hampshire Women's Lobby will hold its annual Spring Celebs 2006 Awards Celebration at the Kimball-Jenkins Estate Mansion, 266 North Main Street, Concord (please note change of location) from 4:30 to 6:30 p.m. We hope you'll plan to join us as we honor legislators and citizens making a difference for women and families in the Granite State.

Rep. Deanna P. Rush

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Representatives are invited to attend the Governor's Conference on Volunteerism, Wednesday, **May 17,** at the NH Technical Institute in Concord. The day includes over 30 workshops to choose from, Keynote Speaker will be Dr. Denise Lamothe and the presentation of the Governor's Award for Outstanding Volunteer Manager. Breakfast and lunch are included. Registration by www.volunteernh.org or call 271-7200, the Volunteer NH office. Special discount rate for Representatives $30. Deadline May 5.

Rep. Carolyn Gargasz

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In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Friday, **May 19**, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please contact either Major Timothy J. Acerno of Fish and Game at 271-3129 or Chief Timothy Russell of the Henniker Police Department at 428-3213, if you have any questions.

W. Douglas Scamman, Speaker

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The bi-partisan Methamphetamine Caucus will meet on Friday, **May 19th** at 1:00 p.m. in Room 205, LOB. Anyone interested is welcome to attend.

Reps. Joy K. Tilton and Deborah J. Hogancamp

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STATE HOUSE VISITATION SCHEDULE
2005 & 2006 SCHOOL YEAR

Virginia Drew, Public Information Administrator Kenneth Leidner, Director

DATE	TIME	GROUP	Grade/Size
May 1	9:00/10:30 SH/SC	Seabrook Elementary School	4/55
May 1	10:30	St. Patrick's School- Jaffrey	4/7
May 2	9:30/11:00 SH/HM	Green Acres School – Manchester	4/50
May 2	11:00	The Well School –Peterborough	4/8
May 2	1:00	Plainfield School – Meriden	4/37
May 3	9:30/11:00 SH/HM	Green Acres School – Manchester	4/50
May 3	12:30	Cornish Elementary	4/18
May 4	9:30/11:00 SH/HM	Ashland School	4&6/50
May 4	9:30	St. Mary's School – Claremont	4/9
May 5	9:00	New Hampton Elementary School	4/36
May 5	11:00/12:00 SH/F&G	Peterborough Elementary	4/80
May 8	9:00/10:30 SH/SC	Seabrook Elementary School	4/70
May 8	12:30	Andover Elementary School	4/26
May 9	9:30	Campton Elementary	4/34
May 9	11:00	Bridgewater-Hebron School	4/35
May 9	1:00	Bartlett School – Berlin	3/18
May 10	9:30	Ben Franklin School – Keene	4/40
May 10	11:00	Enfield Elementary School	4/50
May 11	9:30/11:00 SH/F&G	Lancaster School	4/60
May 12	10:00/11:30 SH/HM	Matthew Thornton School – Londonderry	4/75
May 12	1:00	Holderness Central School	4/22
May 15	10:00/11:30 SH/HM	Matthew Thornton School- Londonderry	4/100
May 16	9:45/11:00 SH/HM	Lancaster Memorial School – Salem	4/60
May 16	12:30	Francestown Elementary	4/17
May 17	9:00/10:30 SH/HM	North Londonderry School	4/78
May 17	12:00	World Elementary – Nashua	3&4/24
May 18	9:00/10:30 SH/HM	North Londonderry School	4/52
May 18	10:30	Effingham Elementary School	4/17
May 19	9:30 to Noon Reps Hall	NH Student Council Association	
May 19	10:00	South Merrimack Christian Academy	4/22
May 19	1:00	Pierce Elementary School – Bennington	4/25
May 22	8:45	St.John's Regional School- Concord	4/30
May 22	10:00	Antrim Elementary School	4/38
May 22	11:30	Greenfield Elementary School	4/15
May 22	11:30	Hancock Elementary School	4/20
May 23	9:30/11:00	Raymond Elementary School	4/100
May 24	9:30/11:00 SH/HM	Gossler Park School- Manchester	4/75
May 24	1:00	Unity Elementary – Newport	4/12
May 24	2:30	Chamber of Commerce	30/adults
May 25	9:15	Jennie Blake School – Hill	4/30
May 25	11:00	Lisbon School	4/28
May 25	11:00	Stark Village School	3&4/9
May 26	9:00	Saint Barnubus Tours	Adults 40
May 26	10:00SH 11:30SC	Linwood School – Littleton	4/32
May 26	12:30	Bethlehem Elementary School	4/28
May 30	10:30	Maple Ave. School – Claremont	4/45
May 30	12:00	St. Elizabeth Seton School – Rochester	4/30
May 31	10:15/11:15 SH/HM	Pelham School	4/50
May 31	10:15	Mountain Shadows School – Dublin	6/9

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 100 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

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

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____

THURSDAY, MAY 4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2006-1631h

Floor Amendment to HA 1
Proposed by Rep. Rowe

Amend the house address by replacing all after the enacting clause with the following:

I. The house of representatives and senate in general court convened find that:

(a) This address for the removal of Kenneth R. McHugh, superior court justice is without merit, frivolous, and without good cause.

(b) If the actions of justice McHugh in hearing and deciding the case of Mac Farlane v. Rich (99-E-316) in Rockingham County Superior Court in 1999 were in error, the error was such that the matter should have been appealed to the New Hampshire Supreme Court at the conclusion of the trial. Full and complete redress in such matter was fully available to the parties by way of an appeal within the judicial system.

(c) The extraordinary and extreme process of a bill of address is not warranted and is found to be frivolous and in bad faith.

II. The house of representatives and senate also find that:

(a) The frivolous nature of this bill of address is such that the sponsors of the bill of address have caused unnecessary expense to the accused, and has caused disruption in the superior court by the loss of Judge McHugh's time on the bench resulting from the bill of address.

(b) The introduction of this bill of address based on the facts brings the integrity of the legislature into question.

III. Therefore, the house of representatives and senate recommend that all expenses of Judge McHugh and costs to the judicial branch due to any loss of Judge McHugh's time on the bench resulting from the bill of address be reimbursed by the

speaker of the house out of the current operating budget for the house of representatives.

2006-1667h

Amendment to SB 22

Proposed by the Minority of the Committee on Education - R

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

AN ACT relative to the election of teachers and relative to certain teacher certification requirements.

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

1 Teachers; Election and Exemption. RSA 189:39 is repealed and reenacted to read as follows:

189:39 Election and Exemption.

I. The legislature finds that:

(a) A stated goal of the federal No Child Left Behind Act is to provide flexibility for states to improve academic achievement and to close the achievement gap, and the United States Department of Education is to be commended for increasing flexibility to meet the diversity of state programs.

(b) The current federal law focuses too much on measuring and sanctioning schools and not enough on improving them. Revisions to No Child Left Behind Act should be made to recognize student growth and progress by permitting alternative methodologies for determining adequate yearly progress targets for students with disabilities as well as incorporating gain-score, or value-added, measures for determining student progress in all pupils.

(c) The No Child Left Behind Act requires adequate yearly progress to be based "primarily on academic assessments" but should make more provision for multiple measures of adequate yearly progress.

(d) The No Child Left Behind Act sets unrealistic adequate yearly progress expectations, including requiring all students to be 100 per cent proficient by 2013-2014, resulting in improperly identifying schools as "in need of improvement." Furthermore, sanctions should apply only when adequate yearly progress is not met by the same group on the same indicator in a subject for 2 or more consecutive years, rather than applying sanctions when different groups and/or different indicators are involved.

(e) The No Child Left Behind Act mandates a costly sequence of inflexible intervention services without providing for the corresponding funding requirements.

(f) The No Child Left Behind Act mandates participation by placing punitive financial consequences on states refusing to participate, has funded testing at the expense of instruction, and has failed to fund the program at the level promised or required.

II. Superintendents shall nominate and school boards shall elect all teachers employed in the schools in their school administrative unit, provided such teachers hold a valid educational credential issued by the state board of education.

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

AMENDED ANALYSIS

This bill redesignates the provision on how teachers are chosen.

2006-1946h

Amendment to SB 131-FN

Proposed by the Minority of the Committee on Ways and Means - 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 in which public school districts those pupils reside.

(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 private or public funds. 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 lottery among scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils attending qualified schools for any purpose approved by the board including, but not limited to:

(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 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.

(o) 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.

(p) 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 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:6 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.

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

AMENDED ANALYSIS

This bill establishes 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.

2006-1977h

Amendment to SB 200-FN
Proposed by the Committee on Ways and Means - C

Amend RSA 332-J:8 as inserted by section 1 of the bill by replacing it with the following:

332-J:8 Fees. An application for registration or renewal of registration shall be accompanied by a fee payable to the secretary of state in the following amount:

I. $100 for an initial application for registration.

II. $100 for an application for registration based upon a certificate of registration or licensure issued by another state.

III. $50 for an application for renewal of registration.

IV. $50 for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another state.

Amend the bill by replacing section 2 with the following:

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

2006-1942h

Amendment to SB 295-FN

Proposed by the Committee on Ways and Means - C

Amend RSA 304-C:81, I(d) as inserted by section 14 of the bill by replacing it with the following:

(d) Upon receipt for filing of an annual report under RSA 304-C:80, a fee in the amount of $100; for failure or refusal to file an annual report or pay the filing fee on or before April 1 of any year, an additional late filing fee in the amount of [~~$25 per month~~] ***$50***; [~~and~~] upon receipt for filing of an application for reinstatement pursuant to RSA 304-C:54, a fee of $135***; and upon receipt for filing of an application for late reinstatement pursuant to RSA 304-C:54-a, a fee of $500***.

2006-1871h

Amendment to SB 306-FN-A

Proposed by the Committee on Finance - R

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of $1 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of health and human services for the purposes of section 2 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2006-1855h

Amendment to SB 339

Proposed by the Committee on Finance - R

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

1 Department of Transportation; Consultants. The department of transportation may hire financial consultants, who shall be paid from highway funds already appropriated to the department but not otherwise expended, a total amount not to exceed $210,000. The consultants shall work with the department on such matters as may be recommended by the commissioner of the department of transportation, or the commissioner's designee.

2 Repeal. Section 1 of this act, relative to consultants hired by the department of transportation, is repealed.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill permits the department of transportation to hire consultants and to pay them from the highway fund.

2006-1807h

Amendment to SB 363-FN-A-LOCAL

Proposed by the Committee on Ways and Means - C

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

AN ACT establishing an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

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

1 New Section; Communications Services Tax; Oversight Commission. Amend RSA 82-A by inserting after section 16-a the following new section:

82-A:16-b Oversight Commission.

I. There is established an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services taxes as required by the Internet Tax Nondiscrimination Act, Public Law 108-435.

II.(a) The members of the oversight commission shall be as follows:

(1) Two members of the senate, appointed by the president of the senate.

(2) Three members of the house, 2 of whom shall be from the ways and means committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house of representatives.

(3) Two representatives of the governor, who shall serve 2-year terms, appointed by the governor.

(4) The commissioner of revenue administration, or designee.

(5) One representative of the public utilities commission, appointed by the chairman of the public utilities commission.

(b) Legislative members of the oversight commission shall receive mileage at the legislative rate when attending to the duties of the oversight commission. The terms of legislative members of the commission shall be coterminous with their terms of office.

III. The oversight commission shall:

(a) Study and determine the effect of ceasing the collection of Internet-related communications services taxes as required by the Internet Tax Nondiscrimination Act, Public Law 108-435.

(b) Monitor and study the activities of the Judiciary Committee of the United States House of Representatives in reference to Public Law 108-435.

(c) Any other matters deemed relevant by the commission.

IV. The members of the oversight commission shall elect a chairperson from among the members. The first meeting of the oversight commission shall be called by the first-named senate member. The first meeting of the oversight commission shall be held within 45 days of the effective date of this section. Five members of the oversight commission shall constitute a quorum.

V. The oversight commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library annually on or before November 1.

2 Repeal. RSA 82-A:16-b, relative to an oversight commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2011.

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

AMENDED ANALYSIS

This bill establishes an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

2006-1658h

Amendment to SB 364-FN-A
Proposed by the Committee on Finance - R

Amend RSA 206:42, II as inserted by section 1 of the bill by replacing it with the following:

II. The state treasurer shall deposit annually from the general fund into the special search and rescue fund an amount equal to the moneys collected pursuant to paragraph I during any fiscal year up to and including a total of $1 annually. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

2006-1986h

Floor Amendment to SB 364-FN-A
Proposed by Rep. King

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

AN ACT relative to funding of the fish and game search and rescue fund and making an appropriation therefor; repealing an appropriation for the fuel assistance program; and making appropriations to certain departments for anticipated energy shortfalls.

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

1 Fish and Game Search and Rescue Fund. Amend RSA 206:42 to read as follows:

206:42 Fish and Game Search and Rescue Fund.

I. The additional fee of $1 collected under the provisions of RSA 270-E:5, II(b) for each private boat registered, under RSA 215-A:23, X for each OHRV registered, and under RSA 215-C:39, XI for each snowmobile registered, shall be paid over to the state treasurer who shall keep such fees in a special fund to be expended by the fish and game department for use in search and rescue operations.

II. The state treasurer shall deposit annually from the general fund into the special search and rescue fund an amount equal to the moneys collected pursuant to paragraph I during any fiscal year up to and including a total of $100,000 annually. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

III. The special fund shall be nonlapsing. All funds received under this subdivision are continually appropriated to the

fish and game department [~~for the purposes of this subdivision~~] ***and shall be used to fund search and rescue operations including, but not limited to salaries, training, equipment, and associated expenditures***. The fish and game department shall report to the fiscal committee on a quarterly basis beginning on October 1, 1989, on the expenditures made from the fund.

2 Repeal. 2005, 298:5, relative to an appropriation to the office of energy and planning for the fuel assistance program, is repealed.

3 Supplemental Appropriations; Adjutant General; Energy Expense Shortfalls. The sums of $209,000 for the fiscal year ending June 30, 2006 and $209,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the adjutant general for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the adjutant general. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Supplemental Appropriations; Department of Administrative Services; Energy Expense Shortfalls. The sums of $1,669,525 for the fiscal year ending June 30, 2006 and $1,669,525 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of administrative services. In each fiscal year, the appropriation shall be a charge against the appropriate funds as follows:

General	Federal	Highway	Other
$252,134	$190,789	$373,124	$853,478

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

5 Supplemental Appropriations; Department of Safety; Energy Expense Shortfalls. The sums of $212,887 for the fiscal year ending June 30, 2006 and $212,887 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of safety for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the highway fund and are in addition to any other funds appropriated to the department of safety.

6 Supplemental Appropriations; Department of Resources and Economic Development; Energy Expense Shortfalls. The sums of $16,000 for the fiscal year ending June 30, 2006 and $16,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of resources and economic development for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Supplemental Appropriations; Department of Environmental Services; Energy Expense Shortfalls. The sums of $33,000 for the fiscal year ending June 30, 2006 and $33,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of environmental services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Supplemental Appropriations; Department of Corrections; Energy Expense Shortfalls. The sums of $1,030,000 for the fiscal year ending June 30, 2006 and $1,030,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of corrections for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Supplemental Appropriations; Regional Community-Technical Colleges; Energy Expense Shortfalls. The sums of $757,345 for the fiscal year ending June 30, 2006 and $757,345 for the fiscal year ending June 30, 2007 are hereby appropriated to the regional community-technical college system for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the regional community-technical college system. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

10 Supplemental Appropriations; Liquor Commission; Energy Expense Shortfalls. The sums of $105,000 for the fiscal year ending June 30, 2006 and $105,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the liquor commission for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the liquor commission. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

11 Supplemental Appropriations; Department of Transportation; Highway Fund; Energy Expense Shortfalls. The sums of $800,000 for the fiscal year ending June 30, 2006 and $800,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of transportation for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the highway fund and are in addition to any other funds appropriated to the department of transportation.

12 Supplemental Appropriations; Department of Transportation; Turnpike Fund; Energy Expense Shortfalls. The sums of

$150,000 for the fiscal year ending June 30, 2006 and $150,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of transportation for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the turnpike fund and are in addition to any other funds appropriated to the department of transportation.

13 Effective Date.

I. Section 1 of this act shall take effect July 1, 2006.

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

AMENDED ANALYSIS

This bill annually appropriates money from the general fund into the fish and game search and rescue fund.

The bill repeals an appropriation to the office of energy and planning for the fuel assistance program.

The bill also makes certain supplemental appropriations to certain departments for anticipated energy expense shortfalls in state-owned buildings.

2006-1905h

Amendment to SB 371-FN

Proposed by the Committee on Ways and Means - C

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

1 Extension of Fee for Excavating and Dredging Permits. Amend 2003, 224:8, I to read as follows:

I. Section 3 of this act shall take effect July 1, [~~2006~~] ***2008***.

2 Report Required. The wetlands bureau, department of environmental services shall make quarterly reports, beginning on September 1, 2006, and thereafter on December 1, 2006, March 1, 2007, June 1, 2007, September 1, 2007, December 1, 2007, March 1, 2008, and June 1, 2008 to the speaker of the house of representatives, the president of the senate, the house and senate finance committees, the house and senate ways and means committees, and the appropriate policy committees relative to the permitting process. The report shall include the following categories: Minimum impact, minor impact, major impact, and shoreline structures. In each such category, the report shall include:

I. Number of applications received.

II. Associated fees.

III. Applications waiting for review.

IV. Average number of days required to issue permits.

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

AMENDED ANALYSIS

This bill extends the current fee for an excavating and dredging permit until July 1, 2008.

This bill requires the wetlands bureau, department of environmental services to make a quarterly report on the permitting process.

2006-2028h

Amendment to SB 374-FN

Proposed by the Committee on Finance - C

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

1 Purpose. The purpose of this act is to ensure the best and highest utilization of the state children's health insurance program resources for the benefit of the children of New Hampshire. It is the intent of the general court that every eligible child be given the opportunity to fully utilize the benefits of this program in order to promote the health and well being of our youngest citizens.

2 Department of Health and Human Services; Healthy Kids Silver Program; Fiscal Committee Approval Required for Expenditures Above Budgeted Amounts. Amend 2005, 117:119 to read as follows:

177:119 Department of Health and Human Services; Healthy Kids Silver Program; Cap. Notwithstanding any other provision of law, for the biennium [~~beginning July 1, 2005 and continuing thereafter~~] ***ending June 30, 2007***, the department of health and human services shall not increase expenditures in approved budgets for the Healthy Kids Silver Program without prior approval [~~and additional appropriations from~~] ***of the fiscal committee of*** the general court. ***If expenditures for the Healthy Kids Silver Program will exceed the department's current appropriation for the Healthy Kids Silver Program, the commissioner shall recommend that savings found elsewhere in the department be used to offset the amount of any such deficit. The commissioner shall submit to the fiscal committee of the general court and to the finance committees of the house and the senate any such proposed changes, which shall be subject to the prior approval of the fiscal committee of the general court.***

3 Healthy Kids Corporation; State Children's Health Insurance Program; Appropriation. Notwithstanding any other law, the entire amount appropriated in PAU 05-01-02-01-05, class 91, for the biennium ending June 30, 2007 shall be expended for program and administrative costs of the Healthy Kids Silver program. All premiums accrued and collected from families shall

be applied to the program costs. This appropriation shall not be transferred or used for any other purpose and shall not lapse.

4 New Paragraph; State Children's Health Insurance Program. Amend RSA 126-A:5 by inserting after paragraph XIII the following new paragraph:

XIV.(a) Notwithstanding any provision of law to the contrary, beginning July 1, 2007, the commissioner shall implement the state children's health insurance program through a contract, which shall be renewed biennially. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, to the extent necessary to facilitate the purposes of this paragraph.

(b) The contract shall include the following information, which the commissioner shall submit to the legislature by March 1 of each odd-numbered year for inclusion in the state's biennial operating budget:

(1) The per-member per-month rate for the health and dental insurance to be paid according to the contract; and

(2) Any other costs associated with the contract that will impact the state operating budget.

(c) Notwithstanding any provision of law to the contrary, the commissioner, in consultation with the commissioner of administrative services, may implement a self-insured health plan for children who receive health insurance coverage under the state children's health insurance program.

5 Healthy Kids Corporation. Notwithstanding RSA 126-A:5, XIV, as inserted by section 4 of this act, or any other provision of law to the contrary, the commissioner shall use the healthy kids corporation as the sole source provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities (MEAD) program until July 1, 2007. As part of the premium reconciliation process, the commissioner may allow the healthy kids corporation to retain up to the sum of $100,000 for fiscal year 2006.

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

AMENDED ANALYSIS

This bill:

I. Requires fiscal committee approval for expenditures above budgeted amounts for the Health Kids Silver Program.

II. Requires the department of health and human services to implement the state children's health insurance program through a contract.

III. Requires use of the healthy kids corporation as the sole provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities program until July 1, 2007.

2006-1791h

Amendment to SB 376-FN-A
Proposed by the Committee on Ways and Means - R

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

AN ACT relative to business tax revenues dedicated to the education trust fund.

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

1 Business Profits Tax; Distribution. RSA 77-A:20-a is repealed and reenacted to read as follows:

77-A:20-a Distribution of Funds. Thirty eight percent of the combined revenues produced by the business profits tax under this chapter and the business enterprise tax under RSA 77-E shall be deposited in the education trust fund established under RSA 198:39.

2 Business Enterprise Tax; Distribution of Funds. RSA 77-E:14 is repealed and reenacted to read as follows:

77-E:14 Distribution of Funds. Thirty eight percent of the combined revenues produced by the business enterprise tax under this chapter and the business profits tax under RSA 77-A shall be deposited in the education trust fund established under RSA 198:39.

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

AMENDED ANALYSIS

This bill changes the amount of business tax revenues which are required to be deposited in the education trust fund.

2006-1968h

Amendment to SB 380-FN-A
Proposed by the Minority of the Committee on Ways and Means - R

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

1 New Paragraph; Business Profits Tax; Research and Development Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XII the following new paragraph:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed $1,000,000 for any fiscal year;

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 2 tax years. The amount of the credit shall be the lesser of:

(A) Fifteen percent of the actual expenditures made for research and development conducted within the state;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) Five percent of the tax due under this chapter before any credits under RSA 77-A:5 are taken into account; or

(D) $25,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner. Such application shall be postmarked no later than June 30.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) The credit allowed under this paragraph shall be limited so that no more than 50 percent of such credit shall be attributable to wages paid to an employee who is not an "eligible employee" as defined in RSA 77-A:1, XXIII.

(b) For purposes of this paragraph:

(1) The term "qualified manufacturing research and development expenditures" shall mean any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3, I(b), provided that:

(A) Such wages may be treated as research and development expenditures under section 174 of the United States Internal Revenue Code; and

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development as defined in section 41 of the United States Internal Revenue Code and which is limited to the development of a new or improved manufacturing process or business component of the business organization.

(2) "Employee" shall mean "an employee" as defined in section 3401(c) of the United States Internal Revenue Code and who is an "eligible employee" as defined in RSA 77-A:1, XXIII.

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

77-E:3-b Research and Development Tax Credit. The research and development tax credit allowed under RSA 77-A:5, XIII may be applied to either the tax imposed under RSA 77-A or the tax imposed under this chapter.

3 Tax Credit Increase. Amend RSA 77-A:5, XIII(a)(2)(D) to read as follows:

(D) [~~$25,000~~] ***$50,000***.

4 Tax Credit Increase. Amend RSA 77-A:5, XIII(a)(2)(D) to read as follows:

(D) [~~$50,000~~] ***$75,000***.

5 Tax Credit Increase. Amend RSA 77-A:5, XIII(a)(2)(D) to read as follows:

(D) [~~$75,000~~] ***$100,000***.

6 Effective Date.

I. Section 3 of this act shall take effect July 1, 2007.

II. Section 4 of this act shall take effect July 1, 2008.

III. Section 5 of this act shall take effect July 1, 2009.

IV. The remainder of this act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill establishes a research and development tax credit against the business profits tax and the business enterprise tax.

2006-1904h

Amendment to SB 399-FN

Proposed by the Committee on Finance - R

Amend RSA 141-C:16-a, I as inserted by section 1 of the bill by replacing it with the following:

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 that threatens to become epidemic or pandemic. 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.

Amend RSA 141-C:16-a, III as inserted by section 1 of the bill by replacing it with the following:

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. Such order shall be effective immediately, and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:16-b as inserted by section 2 of the bill by replacing it with the following:

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. Any person who is aggrieved by orders made by the commissioner and approved by the governor pursuant to this section 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. Such order shall be effective immediately, and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:17-b as inserted by section 3 of the bill by replacing it with the following:

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. Such decisions made by the commissioner and approved by the governor pursuant to this section shall be effective immediately and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:17-c as inserted by section 3 of the bill by replacing it with the following:

141-C:17-c Certain Cost Required. In the event of an outbreak of communicable disease that threatens to become epidemic or pandemic, the commissioner shall pay to the owner the Medicaid rate of any items to be acquired by the department pursuant to RSA 141-C:17-b, at the rate as it was the day prior to the outbreak of the communicable disease that threatens to become epidemic or pandemic.

Amend RSA 141-C:24, I as inserted by section 4 of the bill by replacing it with the following:

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 that threaten to become epidemic or pandemic.

Amend subparagraph III((j) of section 3 of the bill by replacing it with the following:

(j) A member of a fire department, appointed by the Professional Firefighters of New Hampshire.