

State of New Hampshire HOUSE RECORD

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

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Friday, May 19, 2006

No. 43

Contains: Committee of Conference Statements, Meetings, Governor's Veto Message and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, May 24th** at **10:00 a.m.**

Chairmen and Vice Chairmen will meet Tuesday, **May 23** at 9:00 a.m..

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **May 24** at **9:00 a.m.** in Representatives Hall.

Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **May 24** at **9:00 a.m.** in Rooms 305-307 of the Legislative Office Building.

Rep. James W. Craig, Democratic Leader

ATTENTION HOUSE MEMBERS

Please plan to attend Speaker Scamman's "End of Session" pizza and ice cream party. Hosted by staff members, the event will take place during the lunch break on **Wednesday, May 24th** at the Upham Walker House. (In case of rain, 210-211, LOB).

W. Douglas Scamman, Speaker

NOTICE

The Statement of Financial Interests for Gifts, Testimonials and Honorariums (RSA 15-B) is in each member's mail slot. This statement must be signed and submitted to the Secretary of State's Office by **June 15, 2006**. A statement must be submitted even if the member has not received any gifts, testimonials or honorariums in the last year.

William M. Gardner, Secretary of State

NOTICE

Please note that normally the Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at 1:00 p.m. on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2006 SESSION

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

GOVERNOR’S VETO MESSAGE ON HB 345

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, on May 5, 2006, I vetoed House Bill 345, an act requiring photo identification to obtain a ballot.

The right to vote is a fundamental right and is the bedrock of our democracy. Our responsibility as elected officials is to protect every citizen’s constitutional right to vote and to ensure that any proposed changes to our voting system do not create unnecessary barriers to voting. We should be encouraging people to vote, not discouraging them.

New Hampshire has a long and proud tradition of conducting well-run and clean elections. On April 5, 2006, the Department of Justice issued a report on its investigation of alleged voter fraud during the November 2004 general election. That investigation was completed by trained investigators and state officials with expertise in election law from the Attorney General’s Office and the Secretary of State’s Office. The report concluded: “The results of our investigation reflect that there are very few instances of wrongful voting in New Hampshire, the overwhelming majority of which involve people who had a right to vote somewhere in New Hampshire. New Hampshire’s local election officials are the front line of defense against voter fraud and our investigations support the conclusion that most local officials do an excellent job.”

This report affirms that New Hampshire’s elections are well run and already have the necessary safeguards in place to prevent wrongful voting.

Part I, Article 11 of the New Hampshire Constitution guarantees that all qualified voters have an equal right to vote in any election. I am concerned that House Bill 345 will prohibit eligible voters from receiving a ballot on election day and place significant burdens on election officials, resulting in delays for all voters.

In the absence of any evidence of a voter fraud problem in New Hampshire, where New Hampshire law already provides adequate safeguards to protect the integrity of elections, and given that House Bill 345 will create new and unnecessary barriers impinging on the right to vote, I am vetoing this bill.

Respectfully submitted,
John H. Lynch

Date: May 5, 2006

Governor

WEDNESDAY, MAY 24

COMMITTEE OF CONFERENCE STATEMENTS

SENATE BILLS

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

The Senate members of the Committee of Conference unanimously agreed to the House position.

Rep. David P. Currier

SB 250, relative to lead paint poisoning prevention.

This bill made several changes to the current RSAs covering lead paint removal and/or mitigation. The Committee of Conference changed the wording of the House version from “contain” to “enclosure”, a term already defined.

Reps. David L. Babson

SB 287-FN, making certain changes to the eminent domain statute and establishing a committee to study eminent domain issues.

The Committee of Conference on SB 287 met and agreed to change the bill in only two regards. In the definitions of public use, we have deleted the words "of the public at large" with reference to structures or property that constitute a menace to health and safety. The study committee has also been deleted from the bill since after much discussion we agreed that the topics for the committee can be examined in other ways.

Rep. Maureen C. Mooney

SB 336, relative to security deposits in landlord tenant matters.

The Senate conferees agreed to the House position and the bill, as amended by the House, was adopted, with the exception that the effective date was changed from January 1, 2006 to July 1, 2006.

Rep. Gregory M. Sorg

SB 352-FN, relative to the regulation of real estate appraisers.

The House amendment requires the licensing exam to be proctored and continues to require that all “appraisal reports” or “real estate appraisal reports” be in a written statement prepared by a licensed or certified appraiser and the Senate conferees agreed with this amendment.

Rep. Judson K. Dexter

SB 358-FN, relative to a nurse’s duty to warn of violent acts of patients.

The only change to the bill was the effective date. The original effective date was January 1, 2007. The conferees agreed to change it to July 1, 2006.

Rep. Janeen A. Dalrymple

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers’ board.

The House conferees reached agreement with the Senate conferees on five concerns with the bill, as amended by the Senate. In three areas, the Senate agreed to the House version. These involved the reinsertion of the requirement of a public member as part of a quorum, requiring all examinations to be proctored, and the addition of approved postsecondary vocational training to the exceptions list. The House conferees, after discussion, agreed with the Senate conferees and restored enforcement to its Senate amended form. The conferees agreed to amend the criminal offenses portion by removing the words “any offense involving moral turpitude” from the bill.

Rep. Donald F. Ryder

SB 371-FN, relative to the continuation of certain wetlands fees.

The House conferees basically agreed to the House position with a new amendment. The new amendment maintains fees for a four-year period (instead of two) and provides reporting as requested by the House.

Rep. Kevin L. Camm

SB 374-FN, relative to the state children’s health insurance program.

The Senate agreed to Section 1 and 2 of the House version with the exception of a one word change from “shall” to “may.” The Conferees agreed to the balance of the bill which was identical to the House version.

Rep. Stephen B. Stepanek

SB 388, relative to farm composting and pesticides.

The House conferees agrees to the original language of the bill, as requested by the Department of Agriculture, Markets and Food.

Rep. Timothy D. O’Connell

SB 403, relative to verification of identity when a person registers or attempts to vote.

The House and Senate members of the Committee of Conference agreed to adopt an amendment which incorporates much of the

original bill as introduced in the Senate. The amendment establishes certain procedures that the Secretary of State and Attorney General will follow when a voter is identified as a first-time Election Day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification as described in RSA:12, II.

Rep. Michael D. Whalley

HOUSE BILLS

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence.

The House and Senate conferees agreed to new language that this act be known as Michelle's law, that it provides coverage for a full-time student's medically necessary leave of absence from school and that this act shall become effective on passage.

Rep. Sheila T. Francoeur

HB 76, relative to distribution of state aid to charter schools.

The House passed version of HB 76 dealt specifically with the transfer of state tuition dollars to state-approved charter schools. The bill would transfer the money from the state directly to the charter school instead of through the local school district as is now done. The Senate amended the bill by adding an educational scholarship program for low-income students and also added state grant money to be used by state-approved charter schools for start-up costs.

The conferees came to the following agreements: Charter schools in this state can either be approved by the local school district or by the state board of education. For charter schools approved by the state board of education and not approved by the local district, RSA 194-B:11, I currently requires the state to pay \$3,500 (in 2005 dollars adjusted for inflation in subsequent years) annual tuition to the student's resident school district. The school district is then supposed to transfer that tuition money to the charter school the student is attending. However, recently the Franklin school district refused to transfer the state tuition money to the Franklin Academy charter school and instead kept the money. As a result the charter school did not receive these funds needed to start the school year. To prevent this from occurring again, the House passed HB 76 which would send the state tuition payments directly to the charter schools. The source of these funds would not change and would be from the moneys in the education trust fund. The Senate conferees agreed to keep this direct payment language as passed by the House. The Senate-passed version of HB 76 added a 21st century educational scholarship program for low income students. Because the House had previously rejected the scholarship program (within SB131, vote was ITL 172-136), the Senate conferees agreed to remove this program and its appropriation from the bill.

The Senate-passed version of HB 76 also added \$400,000 in grant money for newly approved charter schools to be used for start-up costs and initial operational expenses ("seed" money). This money would be in addition to any Federal start-up grant money received by a charter school. The House conferees felt it would be better to put limits on this seed money and instead require the Commissioner of Education to first expend Federal grant money available through No Child Left Behind and other federal sources before expending any state grant money. Therefore the conferees agreed to amend the bill by making this state money more of an insurance policy that would ensure each state-approved charter school receives at least \$100,000 for 1-time seed costs by first using federal dollars and then only using state dollars to make up the difference when the federal grant was not at least \$100,000. This money will be paid out of the education trust fund, will not lapse, and cannot be transferred or expended for any other purpose.

Rep. Michael A. Balboni

HB 349, relative to placement and removal of political advertising.

The House conferees agreed with the Senate amendment, which was further amended to effectively define the word "unauthorized" to include all persons not authorized by a property owner to remove a political sign.

Rep. William L. O'Brien

HB 506, including employees of charitable organizations under the protection of the state law against discrimination.

The Senate amendment to this bill was an improvement to the House Bill. However there were two items that needed more clarification. The committee worked out the issues with additional language and all members agreed with the final version.

Rep. William J. Infantine

HB 582, relative to the policy for records management.

The bill, as it originally passed the House, added to the declaration of policy for management of state and local records the word "integrity" of the documents. The Senate amendment includes "video recording and electronic record" to the definition of record and defines electronic record. It clarifies references to state records, removes a reference to the adoption of rules by the municipal board relative to storage of local records and establishes parameters under which the archivist shall assist the legislative and judicial branches in establishing records management programs. It further permits the Secretary of State to increase the salary of an unclassified supervisor, whose maximum salary is less than that of a subordinate classified employee. The Executive Departments and Administration committee recommended concurrence with each of these provisions as being consistent with legislative intent. Section 5 of the Senate amendment removes the requirement that the state archivist adopt rules under RSA 541-A. A proposed amendment to RSA 5:40 replaces the reference to "Rules" by "Procedures Manual" and authorizes the establishment of a "manual of uniform procedures necessary and proper to effectuate the purpose of this

subdivision.” Having deleted the reference to the adoption of “rules”, the House conferees agree to remove the requirement to adhere to the provisions of RSA 541-A.

Rep. Maurice L. Pilotte

HB 587, relative to child abuse and neglect investigations by the department of health and human services.

The House conferees agreed with the Senate amendment to this bill. The Senate and the House conferees agreed on a new amendment which incorporates some of HB 325, and improves powers of discovery in abuse and neglect cases.

Rep. Daniel C. Itse

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.

The Conference Committee reached many compromises between the House and Senate versions of this bill. The committee feels that the agreed upon language best serves and protects the citizens of New Hampshire during the time in their lives that difficult health care decisions must be made. The amendment clarifies the definition of Qualified Patient; requires notice to the public by those providers who do not recognize DNR's or living wills and allows the patient to exclude ARNP's from any powers normally granted in the documents to ARNP's. The amendment also clarifies that existing documents are still valid and also directs that health care facilities make diligent efforts to contact agents relative to DNR's. This bill is a needed update to current statutes on this subject. It will allow our constituents to clearly express their instructions about these decisions in a straightforward manner.

Rep. Cynthia J. Dokmo

HB 678-FN, relative to insurance premium tax.

This bill reduces the insurance premium tax, phased in over four years, from 2% to 1%; changes insurance tax payments from quarterly to annually; requires the development and implementation of an insurer retention plan to be filed with the Fiscal Committee. The House agreed with the Senate amendment.

Rep. Sheila T. Francoeur

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

The bill makes certain changes relative to licenses for first mortgage bankers, brokers, pawnbrokers and money lenders. The bill requires the banking commission to license money transmitters. The House agreed with the Senate amendment and the Senate and the House conferees added an amendment extending the expiration date for licenses issued prior to January 1, 2007.

Rep. Sheila T. Francoeur

HB 1146, establishing a committee to study renewable portfolio standards.

This bill established a study committee to study a mix of various energy and environmental issues. The Committee of Conference separated and was able to move the environmental components to a separate committee. The resulting energy portion was modified to remove funding components and to remove references to the Regional Greenhouse Gas Initiative (RGGI) and to reduce the size of the committee.

Rep. Lawrence C. Ross

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.

The Senate attached a non-germane bill dealing with Health Insurance Claims denial procedures to a simple bill regarding emergency responders. There were serious concerns with the Senate amendment and the wording of the amendment was more extensive than what the Senate sponsor wanted. A compromise was made and all parties agreed on wording that was less complex yet satisfied the concerns of the Senate.

Rep. William J. Infantine

HB 1238-FN, relative to centralized voter registration database information.

The House conferees agree with the Senate amendment to this bill. The changes had previously been agreed to by the Election Law Committee, but due to a technical problem with the adoption of multiple floor amendments in the Senate, the House agreed to form a Committee of Conference and work to adopt what was intended by the Senate. The amended version would: 1) Require that the mailing address of a registered voter be subject to the right to know law; 2) increase the penalty for interference with campaign communications, and 3) prohibit tampering with voting machine software.

Rep. Michael D. Whalley

HB 1315, relative to the definition and classification of dams.

The House conferees agreed with the Senate amendment and the full Committee of Conference agreed to further amendments, which would accept the conveyance of Big Brook Bog Dam in the town of Pittsburg to the state for the purpose of improving and controlling the water rights for the benefit of the state and to charge the Dam Management Review Committee, established pursuant to RSA 482:93, to study the potential sources of funding for the repair and maintenance of dams by the state and to report its findings and recommendations to the Governor, Speaker of the House and President of the Senate by December 1, 2006.

Rep. David P. Carrier

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) programs.

The House conferees agreed to the Senate version of the bill with an amendment added by the conferees that gives additional

guidelines to Health and Human Services for oversight of the TANF program by establishing a committee to work with the Department to establish the new welfare to work program. In addition, the Health and Human Services Oversight Committee is given additional responsibility and authority to provide oversight to the TANF program. It also changes the sanction time period. The need for this bill is to accommodate a new law that Congress has issued. TANF is "Temporary Assistance to Needy Families." The assistance is comprised of \$38 million from the federal government and \$32 million from the state. In order to be eligible for the federal funds, the state must comply with the new law from the federal government that is effective beginning October 1, 2006. To achieve compliance of the new law within a designated time line, the state must comply with the following, along with other mandates: One of the major new regulations is that the state is first obligated to move 50% of its TANF recipients into the work place from October 1, 2006 to October 1, 2007. The state is to achieve this as a quarterly average and for the full year. Failure to meet the new law would create a state financial annual loss of \$4 million and over the next ten years a potential loss of \$58 million. Currently, the state has a 32% rate moving recipients into the work place and this bill outlines the intent of the state to comply. Included in the Senate version of the bill is a plan in which the state provides incentive to the TANF recipient to attend regularly held meetings for the recipient to receive consultation, training, education providing the recipient with the tools necessary to apply for employment and general information to assist the TANF recipient to enter the work place. Attending these NH Employment Programs for job training is an important part of qualifying for this program to receive full benefits. Failure to attend, without "good cause" would trigger a financial penalty. "Good cause" means illness, lack of adequate child care, lack of transportation, risk of domestic violence and other circumstances beyond the recipient's control. Also, this bill minimizes administrative gaps, introduces a new pilot program and initiatives to meet ongoing goals, establishes a plan to increase funding for child care and transportation, establishes an outcome measurement system, a performance measurement system to assist the department in meeting the new final TANF regulations. That there is a five year federal lifetime personal limit on TANF funds and with this bill the state not only offers temporary cash assistance but also takes responsibility for assistance to the recipient in getting ready to move into the workplace prior to reaching the personal time limits established in federal law.

Rep. Peter L. Batula

HB 1332, establishing a commission to study health care in New Hampshire correctional facilities. This bill as originated in the House contained a legislative commission to study health care in New Hampshire correctional facilities. The Senate added five more study bills that did not pertain to the original bill. The House conferees held the position that these bundled, unrelated bills should be considered separately. The Senate conferees agreed. The House position was accepted.

Rep. James R. MacKay

HB 1343, relative to the duties of the council on resources and development. The original House Bill remained untouched and the House conferees concurred with one Senate amendment to make a bonded appropriation of \$98,895 for the Veterans' Home for emergency repairs to the recreation room. These funds will ensure a federal grant of \$194,115 to complete the repairs. The Department of Environmental Services needed \$610,000 to complete the very important e-permitting database program. The Senate amendment called for bonding, but the House conferees were reluctant and the Commissioner of the department came up with excess funds from two accounts, the oil discharge and cleanup fund and the air resources fund, to finish this important project without additional bonding.

Rep. Gene G. Chandler

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. The Senate agreed to the House amendment. The House and Senate conferees recommend that the bill be passed as it was passed by the House.

Rep. Burton W. Williams

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. The House conferees agreed with the Senate position which makes permanent the milfoil and other exotic aquatic plants prevention program and the increase in the boat registration fee used to fund the lakes restoration and preservation fund for exotic aquatic weeds prevention and eradication. Currently the increase in the boat registration fee would be repealed on January 1, 2008.

Rep. David P. Currier

HB 1426, granting a right-of-way over state-owned land. The Senate amendment to this bill would have prohibited the Commissioner of Agriculture from adding four species of plants to the invasive species list. Rules have already approved that will place these species on the list effective January 1, 2007. Upon reflection, the Senate conferees agreed to drop their amendment and accept the bill as passed by the House.

Rep. John A. Graham

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. The House conferees agreed to the Senate position that privately owned landfills and/or ancillary facilities located at landfills, in the strictest sense, are not considered pollution control devices.

Rep. Burton W. Williams

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. The House felt that the estimates for the Community Technical Colleges' (CTCs) revenue for the '06-'07 budget were not met. The 5% enrollment growth estimated, although following 6 years of 8% was historically supported, was not achieved. The actual 1% growth was likely due to two recent tuition increases. It was felt that it was important to keep tuition stable for the next year. To make this possible the House bill appropriated 1.2 million dollars. The Senate reduced the appropriation to \$400,000 feeling that the non-lapse fund that the CTC has for new and expanded programs could supply the balance. The Senate also added a capital appropriation of \$600,000 to complete the financing of a proposed 3 million dollar health education center nursing wing at NHTI Concord. The final version, agreed to by all conferees, acknowledged the \$700,000 that HB 1626 gave to CTCs for energy bills, appropriated \$400,000, removed the \$600,000 from the capital budget, but allowed the \$600,000 as an optional withdrawal from the CTC non-lapse fund under the usual approval process that of Fiscal Committee plus Governor and Council.

Rep. Kenneth L. Weyler

HB 1463-FN, relative to boating and water safety.

The House conferees agreed to the Senate position, bringing narrower changes in the boating and water safety statutes than proposed in the House version of the bill. The conferees agree that prohibiting the display of shore lights that resemble navigation lights, establishing examination requirement for safe boater education courses, straightening failure to disperse from Water Event statute, prohibiting receiving more than one temporary certificate of safe boating education in a calendar year and increasing the temporary certificate fee were items we could agree on.

Rep. David P. Currier

HB 1474-FN, relative to unemployment compensation contribution rates and benefits.

The Senate version eliminated certain parts of the House Bill and added an extensive study committee. The Committee of Conference agreed with the eliminated items and significantly narrowed the scope of the study committee.

Rep. William J. Infantine

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire.

The House agreed with the Senate to extend the reporting date of the Great Bay Estuary Commission and the Senate agreed with the House position relative to the establishment of a committee to study the publicly owned treatment plant needs of NH. The conference committee then agreed to a further amendment which would add another duty to the study committee's charge which would study state laboratory water tests and the fees collected to evaluate the need for additional test or expanded laboratory test fees.

Rep. David P. Currier

HB 1508, relative to acceptance of applications by planning boards.

The House conferees agreed to the Senate position, with amendment. The amendment changes the word "preliminary" review to "design" review to make it clear that the developer is vested at the design review phase for a period of at least 12months, pursuant to RSA 676:4, II(b).

Rep. John P. Dowd

HB 1574, relative to membership on the public employees deferred compensation commission.

The House version allowed the Secretary of State or designee to be a member on the public employees deferred compensation commission. The Senate amended, Securities: Criminal Penalty RSA 421-B:24. Currently the Secretary of State can issue a cease and desist order or injunction. The Senate amendment spells out that if they fail to comply with an order to pay a fine, penalty, recession, restitution, or disgorgement greater than \$10,000 pursuant to RSA 44-B:10, 421-B:23, or 421-B:26, this will enable the Secretary of State's Office to go after fly by night operators who conducts business from out of state.

Rep. Peter F. Bergin

HB 1590-FN, relative to the pari-mutuel commission.

The House conferees agreed with the Senate amendment to require an investigation that exceeds \$50,000 to have approval of the Fiscal Committee of the General Court.

Rep. James M. Fitzgerald

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

The House conferees agreed with the Senate position which adds requiring security officers of the New Hampshire Hospital security force to be fully certified as police officers and including such officers in the Group II New Hampshire Retirement System.

Rep. David P. Currier

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of state.

The House conferees agreed with the Senate amendment. The Senate amendment modifies certain appropriations and makes additional appropriations for unexpected increases in energy and electrical costs to certain departments of the state for the fiscal year 2006. It also appropriates monies to the Department of Administrative Services for the implementation of the

Enterprise Resources Planning System. Furthermore, the amendment establishes a one year quality learning opportunity initiative in the Department of Health and Human Services and makes a \$500,000 appropriation from the general for each initiative. All the above are available within the revenues of Ways and Means.

Rep. Joseph E. Stone

HB 1692, establishing the New Hampshire sexual predators act.

The House and Senate conferees agreed to adopt the bill with four changes. The first adds a \$17 registration fee for the offender, of which \$2 is retained by the town. The second adopts new language that spells out the civil commitment of an offender and the rules of evidence in such a hearing. The third provides for a presumption of 25 years to life unless the justice makes a determination that the goals of deterrence, rehabilitation, and punishment would not be served. The presumption can be overcome by the justice utilizing a set of criteria to explain in writing why he/she decided to impose a lesser sentence. The criteria includes, but is not limited to, the following factors (i) The age of the victim at the time of the offense. (ii) age of defendant at time of offense, (iii) relationship between the defendant and the victim, (iv) injuries to victim, (v) use of force, fear, or coercion to the victim or another, (vi) the length of time the defendant offended against victim, (vii) number of times the defendant offended against victim, (viii) number of victims, (ix) acceptance of responsibility by defendant, (x) defendant's criminal history, (xi) use of weapon, (xii) medical or psychological condition of the victim the time of the assault. The sentence is therefore left up to the presiding judge with the ability to request sentence review by either the defendant or the state. The fourth change provide that a person who had been found to be a sexual predator and who have been civilly committed shall be held at the secure psychiatric unit or other appropriate facility controlled by the Department of Corrections if available.

Rep. Patricia A. Dowling

HB 1697-FN, relative to certain state salaries.

The House conferees accepted the Senate amendment establishing the position of Director of Homeland Security and Emergency Management. This satisfies the LBA audit comment regarding excessive responsibility created when 2 positions were merged following 9/11 and provides for the necessary transfer of responsibilities. The Senate conferees agreed with the House position to establish a Legislative Oversight committee to deal with appeals of personnel decisions regarding salary schedules. The House conferees agreed with the Senate to provide the Board of Barbering, Cosmetology, and Esthetics sole authority to regulate their apprentices programs.

Rep. Robert L. Wheeler

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

The House version contained appropriations for home care providers, mental health centers and developmental disability direct care providers. It also contained direction to DHHS to abide by rate setting laws. The Senate version removed all but \$457,802 for home care in FY06 and \$719,895 for home care in FY07 and the Senate conferees would not entertain any of the other House positions. The House conferees believe the home care funds are so important that they are acceding to the Senate position.

Rep. Elizabeth S. Hager

HB 1720-FN, relative to notice of parent liability in CHINS proceedings.

The House conferees agreed with the Senate conferees that an explanation of parents' financial obligation remain on the back of the petition and reference to it be on the front of the petition in bold red ink. The committee extended this to be included in the juvenile justice statute because the same form is used for both CHINS (RSA 169-D) and Delinquency (RSA 169-B).

Rep. David A. Bickford

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. The House conferees agreed with the Senate amendment and concurs with the Senate amendment. The Senate amendment adds a capital appropriation from the Adjutant General which allows for the transformation of the New Hampshire Army National Guard from artillery units to new rocket launching, military police units and Brigade Headquarters units. As a result, they will close five armories and re-mission the remaining fourteen to accommodate the change. The amendment also makes possible for disposal or land acquisitions to take place. This increases the use of federal funds and reduces the state costs from \$2,258,275 to \$756,642. Any land acquired by the appropriation made in the amendment may be acquired for the water resources board or the Adjutant General, shall be purchased by the Commissioner of the Department of Transportation, with the approval of Governor and Council.

Rep. Joseph E. Stone

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.

The House and Senate conferees agreed to a new amendment which maintains the House position on application deadlines. The amendment also requires deposits and withdrawals to be from a financial institution within the state, limits the amount a player may spend (up to \$150 per game including buy-ins and re-buys), allows the charity to offer one game per event up to \$250, requires that the charity retain no less than 35% of gross revenues minus prizes and makes the effective date to be 30 days after passage.

Rep. James M. Fitzgerald

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

House Bill 1752 was a simple bill regarding the requirement to post laws pertaining to independent contractors on construction sites. The Senate amendment was comprised of the wording of SB 267 regarding another independent contractor issue. SB 267 had passed the Senate yet put to Interim Study by the House. The major issue the House had with the amendment had to do with a new voluntary form, what it would accomplish and who would receive the completed forms. The Senate compromised this position and agreed the document should be given to the Department of Labor as long as the documents are private and not available to the public. The conference agreed to the Senate version as amended. This bill will accomplish the following: Better define who is and who is not an independent contractor; Discourage employers from coercing employees to work as independent contractors, creates an approved written document that outlines the law and requires both parties to agree to the contents, help curb the influx of illegal immigrants working illegally in the state of New Hampshire under the pretext as an independent contractor. Requires these documents be on file with the Department of Labor, creates a fine structure for employers that make employees act as independent contractors and increase the number of insurance carriers willing to provide coverage to the construction industry.

Rep. William J. Infantine

HB 1758, classifying biodiesel as a renewable energy source.

The House agrees with the Senate version of the bill plus a new amendment, which clarifies ambiguous language in the proposed changes to RSA 72:74,II pertaining to renewable generation. The intent of the bill is not altered by the amendment.

Rep. Roy D. Maxfield

HB 1761, relative to hold over tenants in vacation or recreational rental units.

The Senate agreed with the original bill as passed by the House and the House and Senate conferees adopted an amendment to the original Senate amendment which more clearly defines what fees shall be reported from any lobbying client by a lobbyist. This would include all fees from the client that are related, directly or indirectly, to lobbying such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work.

Rep. Michael D. Whalley

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor.

The House conferees agreed with the Senate version of the bill to reduce the appropriation to an amount not to exceed \$2,800,000 to allow the state to acquire real estate severely damaged or destroyed in the floods of October 2005. This \$600,000 reduction became possible because the Department of Transportation made available funds that were absent when the bill was in the House. The House conferees also agreed the funding source would be general funds rather than bonded indebtedness because they are now available.

Rep. Robert L. Wheeler

CONFERENCE BILLS NOT SIGNED OFF

SB 339, permitting the department of transportation to hire consultants.

SB 376-FN-A, relative to revenues dedicated to the education trust fund.

HB 529, relative to the determination of parental rights and responsibilities.

HB 638-FN, relative to county and state financing of nursing home services.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

HB 1516, relative to the modification and enforcement of child support orders.

HB 1613-FN, relative to polling place arrangement and accessibility.

HB 1690, relative to renewable energy.

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 Ought to Pass.)

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. (Pending question is Ought to Pass.)
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.)

COMMITTEE MEETINGS

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.

LOW-INCOME ELECTRIC ASSISTANCE PROGRAM REVIEW COMMITTEE (SB 228, Chapter 298:4, Laws of 2005), Room 209, LOB
10:00 a.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB
9:00 a.m. Regular meeting.

TUESDAY, MAY 23

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB
1:00 p.m. Full committee briefing by Commissioner Wrenn of the New Hampshire Department of Corrections.

ENVIRONMENTAL RESEARCH ADVISORY COMMITTEE (RSA 187-B:1), Room 305, LOB
10:00 a.m. Regular meeting.

FUNDING OF MATCHING FUNDS FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES DRINKING WATER AND WASTEWATER STATE REVOLVING FUNDS (HB 25,Chapter 259:21, Laws of 2005), Room 201, LOB
11:00 a.m. Regular meeting.

SMALL GROUP HEALTH INSURANCE REFORM OVERSIGHT COMMITTEE (RSA 420-G:14-c), Room 302, LOB
10:00 a.m. Regular meeting.

THURSDAY, MAY 25

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

EDUCATION, Room 207, LOB
10:30 a.m. Ad hoc committee on special education.
1:30 p.m. Ad hoc committee on highly qualified teachers.

ISSUES RELATIVE TO CONSTRUCTION AND DEMOLITION WASTE STUDY (HB 517, Chapter 205:1, Laws of 2005), Room 304, LOB
10:00 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.

TUESDAY, MAY 30

GAMING OPTIONS FOR NEW HAMPSHIRE (HB 522, Chapter 211:1, Laws of 2005), Room 306, LOB

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

WEDNESDAY, MAY 31

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

1:00 p.m. Regular meeting.

THURSDAY, JUNE 1

COMMISSION TO STUDY THE STATE PARK SYSTEM (SB 5, Chapter 276:1, Laws of 2005), Room103, State House

10:00 a.m. Subcommittee work session.

FRIDAY, JUNE 2

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

9:00 a.m. Continued regular meeting.

MONDAY, JUNE 5

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), NH Department of Revenue Administration, 57 Regional Drive, Concord

1:00 p.m. Regular meeting.

TUESDAY, JUNE 6

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

5:00 p.m. Regular meeting.

WEDNESDAY, JUNE 7

DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE (RSA 171-A:1-c), Room 205, LOB

10:00 a.m. Regular meeting.

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY (RSA 186-C:3-b), Department of Education, Room 12, 101, Pleasant Street, Concord

4:00 p.m. Regular meeting.

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

9:00 a.m. Regular business.

9:30 a.m. Audits: State of New Hampshire Pari-Mutuel Commission financial and compliance audit report for the nine months ended March 31, 2005.

FRIDAY, JUNE 9

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 57 Regional Drive, Training Room, Concord

9:30 a.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:25-a), Granite State College, 8 Old Suncook Road (off Manchester Street), Concord

9:30 a.m. Campus tour.

MONDAY, JUNE 12

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

1:00 p.m. Regular meeting.

TUESDAY, JUNE 13

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

10:00 a.m. Rescheduled regular meeting.

FRIDAY, JUNE 16

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. Rescheduled regular meeting.

MONDAY, JUNE 19

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

9:00 a.m. Regular meeting.

TUESDAY, JUNE 20

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

10:00 a.m. Regular meeting.

FRIDAY, JUNE 23

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 57 Regional Drive, Training Room, Concord

9:30 a.m. Regular meeting.

MONDAY, JUNE 26

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. Workshop meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Delegation will meet on **May 23** at 6:00 p.m. at the Bouchard Building, 329 Mast Road, Goffstown for the following purposes: 1. Consistent with RSA 23:7 establishing compensation for elected officials. 2. And any other business to come before the Delegation.

Rep. Nelson S. Allan, Chairman
Hillsborough County Delegation

NOTICE

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

W. Douglas Scamman, Speaker

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 37, 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, 1126, 1128, 1167, 1182, 1215, 1221, 1222, 1223, 1227, 1228, 1231, 1241, 1243, 1274, 1315, 1331, 1337, 1343, 1407, 1410, 1417, 1419, 1426, 1427, 1429, 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, 1672, 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, 399, 403.

Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:10-a,IV, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **June 5** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

When the House Clerk’s Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.
Robert F. Chabot, 73 Joseph Street, Manchester, NH 03102-2312
Bruce F. Hunter, 23 Channel Lane, Goffstown, NH 03045-5265
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

Open enrollment for the State of New Hampshire group health and dental plans will be held from **June 9th** through **June 23, 2006**. All legislators and their dependents are eligible to join the health and/or dental plans at their own expense. Legislators currently enrolled may change their plan types and add or remove dependents during open enrollment. More information will be mailed to each of you from the Office of Legislative Accounting by the end of the month. Information and enrollment/change forms are available through Joyce Phinney, Legislative Accounting, State House, Room 113 or 271-5685.

W. Douglas Scamman, Speaker

MEMBERS’ NOTICES

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

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

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

The NH Federation of Republican Women invites you to a Breakfast and Straight Talk with US Senator John McCain on Monday, **May 22** from 7:30 to 9:30 a.m. at the Radisson Hotel/Center of New Hampshire. Tickets are \$25. Please contact Stella Scamman for further information and tickets.

Rep. Stella Scamman

Everyone is invited to educational tours regarding wastewater and septage management. Two tours offered on the following dates: **May 22** from 8:30 - 10:00 a.m. tour the Wastewater Treatment and Compost Facility in Dover. **May 23** from 8:30 - 10:00 a.m. see how septage is used as fertilizer at Hildreth Acres, Canterbury. For more information and directions, check the NEBRA website at www.nebiosolids.org or call 323-7654. Sponsored by NH Water Pollution Control Association, New England Biosolids and Residuals Association, and NH Association of Septage Haulers.

Rep. David E. Essex

The Main Street Republican Caucus will meet Wednesday, **May 24** at 8:00 a.m. at the Upham Walker House. All Republicans are welcome.

Rep. Kenneth H. Gould

You are cordially invited to the 3rd annual Vesta Roy Excellence in Public Service Program graduation luncheon at the Bedford Village Inn, Bedford on Thursday, **June 15** at noon. For tickets and more information please contact Rep. Deb Hogancamp.

Rep. Deborah J. Hogancamp

**STATE HOUSE VISITATION SCHEDULE
2005 & 2006 SCHOOL YEAR**

Virginia Drew, Public Information Administrator Kenneth Leidner, Director

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
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 Barnabus 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