

State of New Hampshire HOUSE RECORD

First Year of the 160th General Court Calendar and Journal of the 2007 Session

Vol. 29

Concord NH

Friday, March 30, 2007

No. 25

Contains: Reports and Amendments for April 4, Hearings and Meetings

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Wednesday, **April 4th** at **9:30 a.m.** Members should come prepared for a long day and should plan accordingly. Members should also be prepared for a session on Wednesday, April 11th and a possible session on Thursday, April 12th.

I would like to recognize the hard work of Sergeant-at-Arms Deb Nielsen and her team of doorkeepers for helping to maintain order in the House Chamber. Please respect requests to take your seat or remove conversations to the antechamber. I would also like to express my gratitude to Dani Lyford and Beth Rousselle for their extraordinary service to the members and the public.

We are all saddened to learn that Steve Holland, a software engineer in the office of General Court Information Systems, was struck by a car while jogging over the weekend. Steve was severely injured, has undergone extensive surgery, and is facing a long rehabilitation process. If you would like to send get well wishes to Steve, he may be contacted at:

c/o Dartmouth-Hitchcock Medical Center
One Medical Center Drive
Room 314
Lebanon, NH 03756-0001

Please drop by the Finance Committee hearing room (LOB 210-211) to see the work of New Hampshire artist Carol Aronson-Shore, three pastels entitled “Marshland Grasses and Trees.” The New Hampshire Percent for Art Program granted permission to display these artworks and

I am pleased that the public and the Finance Committee can enjoy them as they represent the beauty of New Hampshire.

Terie Norelli, Speaker

PARLIAMENTARY INQUIRY

A parliamentary inquiry is a request for information from the presiding officer with respect to procedure on a matter before the House. It is framed as a question.

When used at the close of a debate, as is common here in New Hampshire, it should be short and specific, an opportunity to summarize in a sentence 2-3 arguments from the debate. It is not proper to use this to continue the debate under the guise of asking a question. It is not an opportunity for another floor speech. A parliamentary inquiry at the end of a debate is correctly stated as follows:

MADAM SPEAKER, IF I BELIEVE (or KNOW) THAT _____
_____, and

_____,
WOULD I NOW VOTE “YES” AND PUSH THE GREEN BUTTON?
(OR)
WOULD I NOW VOTE (NO) AND PUSH THE RED BUTTON?

Mason’s Manual of Legislative Procedure, Sections 250-254

Terie Norelli, Speaker

NOTICE

There will be a meeting of Chairmen and Vice Chairmen on Tuesday, **April 3**, at **8:30 a.m.** in Room 201 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **April 4** at **8:45 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Tuesday, **April 3** at **3:00 p.m.** in Rooms 305-307, LOB.

Rep. Michael D. Whalley, Republican Leader

NOTICE

The **Finance Committee** will hold **budget briefings** on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009. and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures in **Representatives Hall on Monday, April 9th from 1:00 to 3:00 p.m.**

Rep. Marjorie K. Smith, Chairman
Finance Committee

NOTICE

Please note that the Calendar will close 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

NOTICE

If you wish to disseminate information to all members via their mail boxes, please bring a sample to Lucy Harrison in the Speaker’s office. All such information must be approved and then delivered to the Sergeant-at-Arms office for placement.

Linda T. Foster, Deputy Speaker

NOTICE

We are still in the process of making biennial appointments to statutory committees and other study committees. The remainder of these assignments will be finalized soon and all appointees will receive a letter. In the meantime, if you have any questions in regard to these appointments, please check with Sandy in the Speaker’s Office.

Linda T. Foster, Deputy Speaker

WEDNESDAY, APRIL 4

SPECIAL ORDERS

REGULAR CALENDAR

JUDICIARY

HB 437-FN-L, permitting same gender couples to enter spousal unions and have the same rights, responsibilities, and obligations as married couples. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R Lasky for Judiciary: This bill establishes civil unions in New Hampshire. RSA 457 will be amended to allow same gender couples to enter civil unions and have the same rights, responsibilities and obligations as married couples. The majority of the committee feels the time has come to give same gender couples and their families the same legal protections that married couples enjoy. Over the years the committee has heard hundreds of pleas from couples who have told us of the difficulties they encounter in their daily lives with property rights, hospital visitation, health benefits to name only a few. With the passage of HB 437 New Hampshire will move closer to equality. **Vote 15-5.**

HB 518-FN, relative to establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R DiFruscia for Judiciary: The purpose of this bill was to begin the process of establishing reciprocal arrangements with other states to limit the liability of each when sued for damages in another. The exposure to damages of each state enacting this or any substantially identical bill would be limited to the statutory limit (if any) enacted by that state, regardless of in which other participating state it was sued. In the case of New Hampshire this would mean that, when sued in the courts of any other participating state, its exposure would be limited to the current statutory cap of \$250,000 establishing by RSA 541-B:14, the same limit to which it is exposed when sued in the courts of this state. Several objections to this bill were raised, which included its confusing wording, the questions of why other states would wish to limit the recovery rights of its citizens to a cap so low as that of New Hampshire, and the constitutionality – notwithstanding decisions of our Supreme Court upholding it – of any statutory cap on damage awards, given the right expressed in Article 14 of our Bill of Rights that every subject of the state is entitled to have recourse to a complete remedy of all injuries. **Vote 16-0.**

HB 554, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. **OUGHT TO PASS.**

Rep. Frances D Potter for Judiciary: Concord area residents needing legal assistance are served by the Legal Assistance Office in Manchester which is stretched thin. NH Legal Assistance has a proven record in easing state and local budgets by helping clients obtain SSI benefit, Medicare coverage, town/city welfare payments and child support in domestic violence cases. The poor and the near-poor (those with incomes at or below the basic needs budget) must often represent themselves in court proceedings – a daunting role – especially for the growing population of elderly. HB 554 has no FN since it only provides for the distribution of existing funds from the civil legal services fund in the office of the state treasurer. **Vote 16-1.**

HB 577-FN, establishing the number of associate justices of the superior court. **OUGHT TO PASS.**

Rep. Lucy McV Weber for Judiciary: This bill requested by the Supreme Court would increase the number of justices on the Superior Court from 21 to 23. In support of the bill, the court produced a weighted case study showing that, even with the transfer of domestic cases to the Family Court, the Superior Court would require 23.8 associate justices to keep up with the case load. The request was for only two additional associate justices. **Vote 16-1.**

HB 612-FN, relative to coercion of abortion on a minor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Preston for the **Majority** of Judiciary: This bill makes anyone who uses or threatens the use of force to make a minor undergo an abortion guilty of a class A felony. It makes a person guilty of a class B felony if he or she uses coercion to induce a minor to have an abortion. Although the committee believed that coercion and the use or threat of physical force in order to procure this type of medical procedure is inappropriate and unjustifiable, it also believed that existing criminal statutes covering simple assault and criminal threatening adequately address the issues raised by the sponsor. Thus the committee decided that additional legislation is unnecessary. **Vote 13-4.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill establishes a class A felony if a person uses or threatens the use of physical force against a pregnant minor under 18 years of age in order to force the minor to have an abortion. The bill also establishes a class B felony if a person uses coercion to induce such a minor to have an abortion against her will. There was substantial testimony in committee that there is abuse happening in this state, both physical and psychological. We currently do not have laws that would make this aggressive behavior a crime. As the decision to have an abortion has far reaching consequences, the minority feels that this bill should be passed to protect the girls of this state.

HB 614-FN, relative to eminent domain. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: This bill attempts to redefine the term “public use” in the statutes and codify the constitutional language adopted last year found in Part 1, Article 12-a. Last session, the House and Senate had separate task forces to study eminent domain legislation in light of the Kelo v New London US Supreme Court decision. Additionally, the House had a subcommittee that extensively studied eminent domain legislation. Last session’s legislature carefully defined the term “public use” for the first time in the New Hampshire statutes and carefully crafted constitutional language to further

protect private property from unlawful government takings. The changes to the statute became effective on January 1, 2007 and the constitutional language was adopted by the voters in November 2006. The committee felt the changes in HB 614 are premature in light of the statutory revisions made last session. **Vote 17-1.**

HB 615-FN, relative to the locations of superior courts, district courts, and the judicial branch family division.
INEXPEDIENT TO LEGISLATE.

Rep. David J Bettencourt for Judiciary: This legislation as originally referred to the committee would have vastly changed where superior and district courts throughout New Hampshire would or could be physically located. While the majority was sympathetic to the predicament in Cheshire County, as detailed by the sponsor, we believed that the original methodology in locating the courts in the current locations was sound and carefully crafted. We further believed that the particular issue raised could be dealt with individually. **Vote 13-4.**

HB 744-FN, relative to informed consent before abortion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R Lasky for the **Majority** of Judiciary: This bill would require informed consent before a woman procures an abortion. Health care service providers now carefully follow all legal and regulatory requirements and RSA 332-I:32 already mandates informed consent and protects the rights of patients to be fully informed. The majority of the committee felt HB 744 would establish government intrusion into the relationship between a health care professional and the patient and would impose an undue burden by requiring a 24 hour waiting period. Also, the testimony given by many who stated that they had not been informed sufficiently was generally 20 years old. **Vote 12-5.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill requires informed consent before a woman procures an abortion unless it is a medical emergency. The bill requires the Commissioner of the Department of Health and Human Services to publish printed materials relative to options available to the woman. This information shall also be available on the internet. Information is always a good thing. We heard many women discuss the less than favorable outcomes of their abortions due to misleading information or no information at all. Given that women in our state have suffered consequences in our abortion clinics that could have been avoided if they had been given the necessary information, the minority feels that we should pass this legislation.

HB 791-FN, relative to religious freedom and civil marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for the **Majority** of Judiciary: This bill would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to be passed. The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. While some in the majority of the committee strongly believes in marriage equality, we feel that too many legal questions and concerns are still unanswered. With the establishment of a commission which will seriously study all the ramifications of same gender marriages and all the marriage statutes we believe true equality can be achieved. **Vote 15-5.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: The minority feels that marriage should be between a man and a woman. Additionally, civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the expense of an additional commission is unnecessary.

HB 849, relative to rent payments by voucher issued by a state or municipal agency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frances D Potter for the **Majority** of Judiciary: The existing statute RSA 540:9-a provides that rent vouchers (promises to pay) from state, county or town agencies shall constitute payment by the tenant of the amount stated in the voucher. Typically such agencies also expect "ordinary and reasonable verification" from the landlord of the requested rental information. HB 849 provides that in any eviction based on non-payment it shall be an affirmative defense that the tenant's payment was refused or that the landlord hasn't provided verification. (The gap in the existing law arises when the landlord fails to complete the verification form.) Affected tenants are often destitute and have no way to get a new apartment. **Vote 11-6.**

Rep. Robert H Rowe for the **Minority** of Judiciary: The minority agrees that this bill fills an important requirement for New Hampshire tenants who are financially needy or possibly in a temporary status where they need financial assistance to make their rent payments. The bill insures that landlords cannot evict those tenants just because rent payments are made by a municipal voucher. The objection to the bill is that it gives the many agencies providing the voucher undefined and broad authority to demand information from the landlord that may be an invasion of the property owner's privacy. The bill should limit or define the tenancy information the landlord must provide, such as a copy of the lease or other specified information.

HB 866, relative to the right-to-know law application to board of tax and land appeals and public utilities commission matters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for the **Majority** of Judiciary: This bill addresses a unique situation within the Right to Know law. The Public Utilities Commission is a full-time Commission with quasi-judicial functions and is comprised of only three members. The provisions contained in HB 866 will allow the PUC to conduct its business efficiently with a quorum of two in a timely manner. HB 866 would exempt the PUC from certain specific provisions of RSA 91-A. Notwithstanding, the PUC must make

their adjudicating proceedings and investigations publicly available. **Vote 18-1.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill as amended exempts the Public Utilities Commission from some of the Right to Know provisions. It is the concern of the minority that we are heading in the wrong direction and weakening the public's right to know.

HB 882-FN, relative to limitations on tort liability of government units. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R DiFruscia for the **Majority** of Judiciary: The bill as amended raises the limits of liability of a governmental unit from 150,000 to 275,000 and from 500,000 to 925,000 per occurrence. The committee amendment is a compromise since the present limits have not been raised since 1986. The bill also raises the tort limits against any agency from 250,000 to 475,000 per claimant to a max of 3,750,000 per incident. The committee felt that this is below the inflation level from 1986 to the present. **Vote 12-7.**

Rep. Robert H Rowe for the **Minority** of Judiciary: This bill will increase the municipal liability caps for bodily injury, personal injury and property damage suits against New Hampshire towns and cities from the current cap of \$150,000 per single incident to \$1,000,000. The bill will increase the aggregate damage limit cap from \$500,000 to \$3,000,000. The bill was sponsored and supported by only one individual. Testimony in objection was made by the municipal association, the office of the attorney general and one selectman. While the purpose of this bill is laudable, this six-fold raise will increase the liability insurance costs to our cities and towns, and may be considered as a unfunded mandate under section 28A of our Constitution.

HB 905, establishing civil unions as legally recognized relationships. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for Judiciary: This bill was one of a group of bills the committee dealt with regarding same gender marriages. We chose to find this bill inexpedient to legislate and incorporated many of the concepts and ideals into another bill. **Vote 19-1.**

HCR 1, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This resolution requests that the Legislature declare that the Claremont rulings are not binding on the Legislative and Executive branches of government. The majority of the committee believes that under the New Hampshire Constitution the Supreme Court is the final arbiter of the constitutionality of legislative acts. **Vote 15-5.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: This resolution is identical to that which, as HCR 14, passed the House 213-142 in 2003, but was tabled in the Senate. It declared that the Claremont school funding decisions were not impartial adjudications, but were in fact result-driven policy choices by the Supreme Court that usurped the authority of the Legislature. The adoption of this resolution would, in the view of the minority, go a long way towards restoring the proper balance of power between the Legislative and Judicial branches

HR 8, requesting an opinion from the New Hampshire supreme court on certain questions regarding education funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy McV Weber for the **Majority** of Judiciary: The resolution would require the justices of the New Hampshire Supreme Court to answer many detailed questions for the entire series of education funding decision dating back to 1993. The questions include each justices' training in New Hampshire and American history and constitutional law, the bases for the individual justices nomination and confirmation in addition to the bases for each justices legal decisions. Article 74, Part II of the New Hampshire Constitution provides that "... the legislature ... shall have the authority to require the opinions of the Justices of the Supreme Court upon important questions of law and upon solemn occasions. The majority of the committee did not believe that Article 74 was sufficiently broad to include the information sought in the resolution. **Vote 13-7.**

Rep. Gregory M Sorg for the **Minority** of Judiciary By this resolution, the House would invoke Article 74 of Part II of the New Hampshire Constitution to require the Supreme Court to answer specific questions concerning the constitutional, historical and factual basis of the conclusion in the Claremont school funding decision that the word "cherish" in Article 83 of Part II creates an individual right to an "adequate" education at state expense. Scholarly articles published since the original Claremont decision war issued in 1993 strongly suggest that the founding generation plainly intended to continue the colonial-era practice of funding public schools 100 percent by means of locally raised properly taxes. This is not to say that this is the best way to fund public education, but only that it is not unconstitutional. The Supreme Court, however, has consistently refused not only to revise its prior rulings in light of this scholarship; it has refused even to address pleadings filed in subsequent Claremont cases that have directed its attention to it. This refusal leaves begging the fundamental issue of the very legitimacy of the Claremont decision, and invites the fundamental question of whether the Court can defend the intrusive role it has carved out for itself in education funding policy. The authority of the Court must not be permitted to control the discretion of the Legislature any further than the force of its reasoning may deserve.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 81, relative to required pay for employees called into work. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: Under current law, when an employee reports to work at an employer's request he or she shall be paid no less than two hours pay at his or her regular rate of pay. This bill changes the number of hours an employee must be paid to three. With the increased costs of travel to and from work, the majority of the committee felt it was reasonable that the employee be paid a minimum of three hours when called into work. **Vote 10-7.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority of the committee believes the bill is unnecessary and will do nothing other than increase the cost of doing business in New Hampshire. Current law requires employers to pay for two hours of work in situations where an employee is scheduled to work and then sent home. The majority argues that increasing the number of mandatory hours paid to three instead of four is a good compromise. It is not a compromise made by the employers who are affected by it and is still a 50% increase in costs to employers complying with the law. Other than the sponsor of the bill, no one spoke in favor of this proposal at the public hearing. This is not a good time to needlessly increase costs to small business in the state and the minority of the committee asks that you join us in opposing this measure.

HB 203, relative to protections for temporary workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: This legislation defines the differences between a day laborer employer, and a temporary worker employer. It also prohibits a temporary help service from charging a fee for the cashing of an employee's check. Day laborers are paid daily and are charged up to \$1.00 a day if they are given cash from their employer. The majority of the committee felt the fees were excessive to be paying daily and felt that no employee should have to pay to receive cash from their employer versus a check. **Vote 12-4.**

HB 254, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill allows employees the right not to attend a meeting that is about either political or religious beliefs or about joining a union without fear of reprisal. It does still allow employers to conduct meetings in these three areas. However, it is the choice of the employee to attend or not attend. HB 254 is neither in conflict nor is it duplicative of existing federal labor law. **Vote 11-5.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill is preempted by the National Labor Relations Act (NLRA) and would be invalid if enacted. HB 254 would also have the unintended effect of subjecting employees to conduct currently unlawful under the NLRA. Under the proposed law, employees would be put in the position of identifying themselves to their employer and co-workers as supporting or being against unionization when they choose or choose not to attend meetings or participate in communications. Such self identification would run counter to the protection afforded by secret ballot elections and would interfere with the established body of NLRA law protecting employees in these circumstances. No other state has seen fit to enact legislation such as this.

HB 514-FN-L, relative to the applicable minimum wage for hourly employees. **OUGHT TO PASS.**

Rep. Sally H Kelly for Labor, Industrial and Rehabilitative Services The minimum wage for New Hampshire citizens has not increased in nine years and in that time, education costs healthcare costs and housing costs have all increased. A strong bi-partisan committee supports the bill vote. **Vote 15-2.**

HB 797, regulating mandatory overtime for nurses and assistants. **OUGHT TO PASS.**

Rep. Mary J Gorman for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say "no" if asked to stay longer than his or her shift without being subject to disciplinary action. Nurses are bound to act in the patient's best interest. The chances for medical errors increase with human fatigue. This bill also allows an employer to enter into a written agreement with employees wishing to be exempt from this legislation and submitting such agreements to the Department of Labor. **Vote 11-2.**

HB 819, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **MAJORITY: INEXPEDIENT TO LEGISLATE.. MINORITY: OUGHT TO PASS.**

Rep. Randolph N S Holden for the **Majority** of Labor, Industrial and Rehabilitative Services The majority of the committee felt that HB 819 was not in the best interest of the working citizen of New Hampshire. The committee felt that this bill is a bi-annual bill and is killed time and time again. The committee voted overwhelming in a non partisan vote. **Vote 15-3.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill is about individual freedom in the work place. At a time when we are focusing on the rights of workers in the labor force, no one should face the prospect of losing their job for choosing to join a union and paying dues, or choosing not to join a union and paying a mandated fee to the union (a private organization). Basic rights such as these must not be on the negotiating table and HB 819 would uphold those workers rights.

HB 848, relative to a private right of action to recover workers' compensation coverage payments. **MAJORITY: OUGHT TO**

PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeffrey P Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: A private right of action to recover workers' compensation coverage payments allows a civil action in the name of the State of New Hampshire to be taken against an employer if probable cause exists, showing an employer is engaging in workers' compensation fraud. **Vote 11-5.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services The minority believes that this bill at its core has to do with independent contractors and workers' compensation laws. The bill sets a dangerous precedent by allowing private individuals and groups the ability to bring suit and receive compensation costs and attorneys fees if they prove an employer was not in compliance with current workers' compensation laws. Until now, fines and penalties could only be assessed by the Department of Labor. Also, some of the collected funds can not be used by the Department of Labor administration fund as outlined in the bill.

MUNICIPAL AND COUNTY GOVERNMENT

HB 293, allowing municipalities to establish agricultural commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The Farm Viability Task Force worked on HB 293 in order to create local agricultural champions to promote farms and offer advice to other town boards on how to encourage towns to be farm-friendly. The amendment offered removed any authority for the commission to control any money received and the ability to buy and control real property. The committee felt that having an advisory commission on agriculture was a good idea as long as there were no enforcement powers or regulatory authority given the commission. The local legislative body may establish this commission so the bill is enabling at the local level. The stakeholders on the Farm Viability Task Force invested a lot of time and effort into this bill and they agreed with the amendment. **Vote 15-1.**

HB 390, relative to review of developments of regional impact. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Elliott for Municipal and County Government: The Regional Planning Commissions (RPCs) are a resource tool for the local communities within their regions and are supported by dues paid by each municipality. When a local planning board determines that a development will have regional impact, a copy of the plans and discussion are given to the RPC and a review is done. HB 390 would require each regional planning commission to develop guidelines to assist local land use boards to determine if there is a potential regional impact. The process for developing these guidelines would be paid for by the applicants, putting the cost onto individuals, not the RPCs who are making decisions regarding regional impacts. Testimony was given that the RPCs are already assisting the local land use boards when asked and have sufficient authority now for assisting the municipalities. **Vote 13-3.**

HB 457, allowing municipalities to restrict lawn watering during declared droughts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Watson for the **Majority** of Municipal and County Government: This bill would enable cities and towns to establish regulations to restrict residential lawn watering when the state or federal government have designated the region as being under a declared state of drought. Each municipality would have the authority to decide what restrictions, if any, would be appropriate for its community. The bi-partisan majority, while respectful of individual property rights, believes that water is a shared resource that should be used responsibly during droughts. We agree with the Department of Environmental Services that reasonable restrictions on a discretionary water use like lawn watering can help prevent water supply emergencies. **Vote 9-5.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: During times of drought it is very necessary to educate every citizen to conserve water, which is one of our basic needs. Currently public alerts and notices advise the citizens of any drought situations and those public alerts have worked. HB 457 would require restricting the use of water from private or public water systems for residential outdoor water when any administrative agency of the state or federal government designates a drought in any region. The intention of HB 457 is to distinguish agricultural watering and golf courses or other businesses where watering is critical. Commercial property land owners also sprinkle their lawns but these properties are not included in the "residential outdoor lawn watering" category. The minority of the committee feels that this restriction will be hard to enforce and is also uncertain who will be the enforcement arm of the government. Private land is a sacred right of our citizens. Many residential land owners are not on public water systems and the minority of the committee believes that those owners are intelligent enough not to water lawns during a drought. Not to require the restriction of all outdoor lawn watering during drought conditions discriminates against private property owners.

HB 479, relative to the default budget in official ballot towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: The committee believes that abuse, if any, of default budget calculations, which the sponsors wished to address in the bill, can best be remedied by voters at the local ballot box. Towns and school boards can also adopt, under existing law, a process that allows default budget calculations to be used by a town budget committee. Testimony received did raise questions of potential unintended consequences on towns who do not abuse the system. Detailed laws to govern the calculation of a default budget may never be sufficient to totally avoid abuse. Support for the bill was limited to citizens from one community in the state. The bill was opposed by the NH Municipal Association. **Vote 11-3.**

HB 662-FN-A-L, exempting vehicles adapted for use by persons with disabilities from motor vehicle registration fees.

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

Rep. Larry Brown for the **Majority** of Municipal and County Government: The majority of the committee while agreeing that the scope and costs of vehicle modifications can, in particular cases, be high, felt that the financial resources of disabled individuals, trust to established for their benefit, and the resources of family members vary and that this was an issue separate from the transportation needs of individuals with a permanent and total disability. **Vote 9-5.**

Rep. Joseph A Guthrie for the **Minority** of Municipal and County Government: The minority vote, reflected a desire to assist those persons with a permanent and total disability by exempting them from paying registration fees on vehicles specially modified or adapted to accommodate the person's disability.

HB 838-FN-L, allowing municipalities to recover certain costs related to right-to-know requests. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L Osborne for the **Majority** of Municipal and County Government: The committee felt that the "costs associated" was a nebulous term in the bill and left open many costly options which could be a disincentive for citizens to get the public information they need and request. The commission on the Right to Know Law is currently addressing many issues and the issue contained in this bill will be addressed by the commission this year. **Vote 11-3.**

Rep. Earle Goodwin for the **Minority** of Municipal and County Government: There have been many instances in Dover when one or two individuals have imposed unreasonable and extensive requests for public records. These very expensive costs in turn are passed on to the taxpayers of the community. The minority appreciates that 91A must be preserved, but in this instance, the action of a few adversely affects the pocket book of all taxpayers, many who can't afford any increase in taxes. This information may be passed onto the Right to Know Commission, but the potential problem could occur in any community in the state. In addition, the bill does not state the actual amount of costs that could be charged for "public records."

HB 863, relative to the assessment of property subject to a housing subsidy restriction. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: This bill would have limited property tax liability on property subject to housing subsidy restrictions to 10%. The committee recommendation of ITL was based on the perception that such property already benefits from federal subsidies or tax credits and low interest loans. The issue of determining fair market value for such properties may also be discussed by the assessing standards board. **Vote 13-1.**

PUBLIC WORKS AND HIGHWAYS

HB 739, relative to contractor accountability and disclosure in the public works construction procurement process.

INEXPEDIENT TO LEGISLATE.

Rep. Franklin T Tilton for Public Works and Highways: This bill deals with information on subcontractor bid prices, the requirement of state approval for the substitution of a new subcontractor, and the posting of details on subcontractors on the jobsite. Most, if not all, of these requirements currently are routinely being done on Department of Transportation projects. The additional paperwork suggested by the legislation is not desirable. The details proposed in the bill are limited to the traditional design-bid-build method and would not be compatible with the construction management, or design-build methods that are becoming more common in public as well as private construction. While the study has been useful in drawing attention to these contract administration procedures and has caused sharing of different procedures among agencies, the legislation is not necessary. **Vote 9-7.**

HB 753-FN-A, relative to the electronic toll collection transponder inventory fund. **OUGHT TO PASS.**

Rep. John A Graham for Public Works and Highways: This bill allows the Department of Transportation to establish a revolving fund for the purpose of maintaining an adequate supply of EZ Pass transponders. The fund would be capped at \$1 million, with the source being the turnpike fund. In 2006, the House passed an identical measure (HB 1656), and while it passed the Senate, the bill died in a committee of conference when the House would not agree to a non-germane amendment. **Vote 14-0.**

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: This bill dissolves the Maine-New Hampshire Interstate Bridge Authority. This Authority was established in the 1930's to build and operate the Sarah Mildred Long Bridge between Portsmouth and Kittery. The Authority has outlived its usefulness and should be eliminated. The amendment establishes a non-lapsing fund for the remainder of the funds under the control of the Authority, which was originally funded through tolls. This new fund will be utilized for the operation and maintenance of the bridge until such time as it is exhausted. **Vote 12-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 898, relative to the use of sled dogs and the training of sled dogs on state trails. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter R Goyette for the **Majority** of Resources, Recreation and Development: This bill as amended defines "mushing" to include training sled dogs using ATV's when there is no snow, to control their speed. Mushers and the Department of Resources & Economic Development Bureau of Trails want to start opening some trails to ATV-assisted sled dog training that currently

are specified for non-motorized use only. Mushers need straight long rock free trails to train off-season. They attested that they would have an impact that would be very different from usual ATV riding. HB 898 provides for a pilot project that opens seven specific trails until January 1, 2009, during which the impact on both mushers and the other users of the trails can be assessed. In the meantime, the Bureau of Trails will be able to develop criteria for opening trails to ATV-mushing and approaches management of that activity. **Vote 13-5.**

Rep. David H Russell for the **Minority** of Resources, Recreation and Development: The minority had an amendment requiring the Bureau of Trails to adopt administrative rules for approving trails for off season sled dog training with ATV's, rather than putting a list of approved trails in statute. We feel that this bill as passed gives the appearance of micro-managing, rather than allowing the Bureau of Trails to adopt rules defining trails appropriate for this use. The Bureau has more expertise in this than a legislative committee.

SCIENCE, TECHNOLOGY AND ENERGY

HB 165, establishing a committee to study the feasibility of carbon reduction incentives. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Borden for Science, Technology and Energy: The original intent of this bill was to study the concept of incentives to reduce carbon consumption and promote energy conservation by citizens and organizations in New Hampshire. The majority agreed that the intent of this bill could be satisfied in other legislation, notably HB 467, which would develop a climate change action plan. **Vote 15-2.**

HB 467, requiring the department of environmental services to develop a climate action plan and to report on global warming issues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Borden for Science, Technology and Energy: It shall be the goal of the state of New Hampshire to reduce greenhouse gas emissions to 1990 levels by 2010 and 10% below 1990 levels by 2020. This is consistent with a plan endorsed by the Conference of New England Governors and Eastern Canadian Premiers and the commission will be charged with establishing a plan for New Hampshire to meet these goals. **Vote 11-3.**

HB 689, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Borden for Science, Technology and Energy: Biodiesel, produced from vegetable oils and animal waste, potentially could replace 20% of the fossil fuels used in diesel and home heating oil in New Hampshire. The commission created by this bill will explore how New Hampshire farmers and businesses can develop local production facilities for biodiesel, and for distribution of this fuel to our residents. **Vote 15-1.**

HB 768, relative to voluntary registration with the Eastern Climate Registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas R Fargo for Science, Technology and Energy: This bill amends RSA 125:L to replace New Hampshire's existing voluntary greenhouse gas registry with the regional Eastern Climate Registry. The committee recognized that documenting greenhouse gas emissions needs to be regional in scope and requires rigorous data quality assurance protocols. Participating in the Eastern Climate Registry would enable businesses and other greenhouse gas sources to document their early voluntarily emission reduction efforts and establish a baseline by which potential future state and federal regulatory action could be measured. Testimony indicated that businesses are seeking opportunities to report their environmental leadership efforts. The Eastern Climate Registry includes standards for reporting emissions data and third-party verification. The bill anticipates expansion into a multi-state and perhaps national registry and directs the department of environmental services to coordinate with other states and report annually to the legislature. The majority felt that the legislature should affirmatively support New Hampshire's participation established by statute, rather than participating by executive order. **Vote 12-5.**

HB 873-FN-L, establishing minimum renewable standards for energy portfolios. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: Twenty-three states have adopted a renewable portfolio standard (RPS), including every New England state except NH. HB 873 will require electric suppliers to obtain renewable energy certificates (RECs) for a certain percentage of their electricity supplied to NH customers. Eligible renewable resources include development of a broad range of new electricity generation as well as certain existing renewable generation common to NH. The purpose of the bill is to spur economic development, reduce our dependence on imported fuels, mitigate energy price and supply volatility, and reduce air emissions from our energy supply. An economic analysis by UNH's Whittemore School of Business & Economics showed a small short-term cost but a long-term economic gain from the positive effects on the energy market and in-state development. Over many months the bill's sponsors scheduled group meetings with the state's energy stakeholders, including the utilities, associations, and private companies, plus DES, the Office of Energy Planning, and the Public Utilities Commission, to listen to interests and concerns and develop a NH RPS that would satisfy the majority of parties. The committee held an all-day hearing at which members heard overwhelming support for an RPS. **Vote 14-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 7, urging increased consideration and preservation of local authority in international trade and investment agreements. **OUGHT TO PASS.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: As pertaining to the New Hampshire Constitution the

purpose of HR7 is to ensure that governor of New Hampshire retains the opportunity to use the authority granted to him/her by the people of this state to have input into any international and/or investment agreement that may be entered into by the federal government that could have a major impact on the citizens and businesses of New Hampshire. Whenever the U.S. Senate gives up its constitutional authority to approve all treaties by allowing the President “fast track” authority the citizens are placed at risk. There have been a number of occasions where the people of New Hampshire have paid a high price for fast tracked agreements. An issue of grave concern to many communities is who controls ground water withdrawal rights. HR7 tells our local congressional delegation that we as citizens desire that they withhold their final votes until the governor has had his/her input. **Vote 7-5.**

HR 9, supporting the U.S. Mayors Climate Protection Agreement. **OUGHT TO PASS.**

Rep. Doreen Howard for State-Federal Relations and Veterans Affairs: It is very important that we don’t confuse HR 9 with a global warming bill. This resolution is to tell congress that the people at the local level around New Hampshire and the country have taken it upon themselves to come with new and inventive ways of eliminating wastefully energy usage and reducing our dependence on foreign oil with renewal energy sources, while reducing the amount of pollution that we release into our surrounding environment. This while reducing the tax burden on our citizens. The U.S. Mayors Climate Protection Agreement has proven that governments at the local levels in partnerships with local businesses can improve energy efficient without destroying or limiting the private’s sector ability to make a profit. This HR is telling congress we know we can and have done it better and cheaper at the local and state level and now we would like to see the same result at the federal level. **Vote 7-5.**

TRANSPORTATION

HB 296, prohibiting the use of flatbed trailers with outrigger wheels in parades. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W Williams for the **Majority** of Transportation This bill simply states “no person may use any type of flatbed trailer with outrigger wheels in a parade.” It removes the use of a dangerous vehicle which, when used, increases the possibility of serious injury or death if a person falls off a trailer in a parade. **Vote 13-4.**

Rep. Brenda L Ferland for the **Minority** of Transportation: This bill came out of a tragic accident during a parade and although the minority sympathizes with what happened we feel this leads to the slippery slope of what will be banned next or if these parade vehicles are greatly modified at such a cost that most people or companies will not volunteer the use of their equipment. Most towns that have the permitting process for parades can and will continue to set limits of what can be done. There was so much publicity of this tragedy we feel modifications in future parade vehicles will take place without laws banning certain vehicles

HB 685, prohibiting New Hampshire from participating in a national identification card system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A Packard for Transportation: In May of 2005 the US Congress passed a law that never received a hearing, called the Real ID Act. The Act would require all states to have uniform driver licenses. It also requires that a national data base be established by linking all driver license information together. This Act created a national identification card. It is estimated by the National Conference of State Legislatures to cost the states \$11 billion to implement and Congress approved \$40 million at passage. After a year and 10 months when the Dept. of Homeland Security finally released a 160 page draft copy of the rules and regulations, they estimated the cost to the states and federal upgrades at approximately \$24 billion. This act is one of the most egregious pieces of legislation ever passed by the U.S. Congress. Not only does it violate the unfunded mandate law, it is a clear violation of the 10th Amendment of the U.S. Constitution. The law states that if a state does not comply, that the driver license cannot be used to board a plane or enter a federal building. This is federal blackmail of the most heinous manner. Numerous other states are working on legislation to prevent their state from complying. When we took our oath of office, we swore to uphold the N.H. and the U.S. Constitution and because of this oath we have no choice but to tell the federal government that just because they feel that they can violate the U.S. Constitution, the Legislature of N.H. will not. Our liberty and the liberty of this country are at stake, if we do not say no to this piece of madness that came out of Washington. We ask the N.H. House to abide by our oath of office and unanimously pass HB 685. **Vote 16-0.**

HB 755-FN, relative to transfers of motor vehicle registration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean-Guy J Bergeron for Transportation: This bill allows a person who transfers the registration of his or her vehicle to receive a refund if the permit fee for the new motor vehicle is less than the permit fee for the previously registered motor vehicle **Vote 10-5.**

HB 802, relative to passenger restraints. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W Williams for the **Majority** of Transportation: This bill would ask New Hampshire to join the 49 other states of the union and mandate the use of seat belts in most instances. The General Court has resisted attempts at such “mandatory” legislation in the past largely grounded on a generalized notion that the reach of the legislature should be temperate and allow people to make such decisions as a matter of individual selection. In point of fact, the NH Highway Safety office testified that voluntary seat belt use continues to be encouraging—though that office conceded—as well it must—that the current 64% attainment level was the lowest in the nation and that usage would increase significantly by enactment of HB 802. The NH

Highway Safety Office was the paradoxical exception to the majority of the testimony that featured a cross section of state agencies, physicians, nurses, law enforcement personnel and citizens. The overwhelming majority of evidence received at the hearing clearly and abundantly demonstrated that the public safety would substantially improve by requiring the use of seat belts consistent with our authority to assure the safety of the citizens of the state. Evidence received from the medical community—particularly emergency responders-- clearly indicated the value of seat belt use. Evidence received from the law enforcement community, including the NH Chiefs of Police, clearly indicated that enactment of the bill would enhance public safety and avoid the tragic consequences of many automobile accidents. Evidence received from the National Transportation Safety Board revealed that NH is last in seat belt use. That evidence, coupled with an alarming increase in un-belted fatalities shared with the committee by the sponsors based on a study conducted by the University of New Hampshire, revealed that enactment of the law would directly enhance driver safety and protect citizens. The Commissioner of Transportation appeared and urged the committee to enact the bill and the Department of Safety joined to express its desire that the bill be passed to put an end to the many injuries, trauma and fatalities that resulted when accidents occur without seat belt use. The committee is mindful of the concerns of those who claim enactment of the law would in some measure surrender what they described as one of the unique features of New Hampshire living and impact their particular concept of liberty. We are no longer persuaded by the arguments and decide today to pass the legislation. We believe the safety of all citizens on the highways of the state is implicit in a free society and that the risk of trauma, tragedy, injury or death should be avoided when reasonable regulations are available. The use of seat belts in 2007 is reasonable, and more importantly, a reasonable use of the legislative authority to protect all drivers and passengers from the avoidable carnage of the all too human capacity to have accidents. Accordingly, the committee recommends that the public policy of the state be changed and that we pass HB 802 as a strong signal of our continued commitment to safety. **Vote 8-7.**

Rep. Brenda L Ferland for the **Minority** of Transportation: No insurance company representative that testified said that our insurance rates will go down if we adopt an adult seat belt law. As a matter of fact we are enjoying some of the lowest auto rates in the New England area. A lot of the testimony focused on young drivers and we already have a law to cover them. Driving while intoxicated and inattentiveness are still the leading causes for accidents. No state gets 100% usage even with a primary offense law. There is no dispute about the education of using seatbelts. The state does not lose any federal funding because we don't have the adult seat belt law. As a matter of fact, we were told we would get additional funds if we passed the law. Somehow or another, this smacks of the "No Child Left Behind" program and the Real ID Act. Let us, the federal government, get you, the state, to adopt our rules and we may or may not give you more funds. We are the last state to not adopt an adult seat belt law. So what's wrong with being unique? We are unique in our freedom of rights which is why people move here from other states. The minority feels we should stay unique.

WAYS AND MEANS

HB 494-FN-A, relative to keno in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: This bill was an attempt to expand our lottery revenues for the Education Trust Fund. However, testimony indicated the placing of 500 keno machines in the state would generate no more than \$2-6 million after expenses, based upon results in average performing states, Maryland and Missouri. The sponsor agreed this was not worth the effort. **Vote 13-6.**

HB 619-FN-A, establishing an additional exemption from the interest and dividends tax for individuals who are 70 years of age or older. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman C Shattuck for Ways and Means: While the committee is very sympathetic to the plight of many older citizens, the committee believes that this legislation is an inappropriate approach to this issue. This legislation would give this additional exemption to all individuals who are 70 years or older, regardless of need. There is no needs test such as is found in other existing legislation. The committee feels that is unfair. At the same time, existing legislation provides much more substantial relief to qualified elderly for property taxes. Selectmen may further abate property taxes if appropriate. **Vote 17-2.**

WEDNESDAY, APRIL 4
BILLS REMOVED FROM CONSENT CALENDAR ON MARCH
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COMMERCE

HB 606-FN, relative to the minimum age for purchasing, possessing, or using tobacco products. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce: The intention of this bill is that it will protect the health of older teenagers until age 21, when they will be more mature and better able to decide whether to smoke cigarettes. It was also suggested that it would then be easier to identify under-age smokers. The committee agreed that it would be unreasonable to raise the age limit & difficult to

enforce. Furthermore, there would be a significant negative impact on the general fund (general fund revenue by \$3,145,000 in FY 2008 and \$6,290,000 in FY 2009 and each year thereafter, and decrease education trust fund revenue by \$3,655,000 in FY 2008 and \$7,310,000 in FY 2009 and each year thereafter). **Vote 15-1.**

HB 745, relative to the use of secret databases. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S Houde for Commerce: This bill would prohibit, with certain exceptions, the use of government databases containing personal information if the individual about whom personal information is maintained is not provided an opportunity to challenge the accuracy of the information. The committee is concerned that many of the potential enumerated uses of information from the databases are already covered by the federal Fair Credit Reporting Act and that enforcement of the bill is not feasible. **Vote 16-0.**

HB 762-FN, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce: This bill was voted inexpedient to legislate after it was confirmed that SB42, also a smoking ban bill, will come to the committee. This issue will receive a full hearing and review with SB42. **Vote 15-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 92, decriminalizing marijuana. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill would have allowed any person to have in their possession, cultivate, or sell any quantity of marijuana. There would be no difference between a person who had in his possession ¼ oz. of marijuana for personal use, or a person who had a tractor trailer load (20 tons). One of the arguments made was that if it were legal the state could tax it and have revenue income from the sale. This argument falls short for several reasons. It would still be illegal under federal law and arrests could and would be made by federal agents. The idea that people would pay taxes for something that they could grow in their gardens under the bill is less than realistic. Another argument is that the jails are full of inmates whose sole offense was possession of small amounts of marijuana. This argument also falls short as the conviction for possession of small amounts of marijuana results in a fine ranging from \$100 to \$250 and no jail sentence. The committee felt that HB 92 was ill conceived and would only result in numerous problems without solving any. **Vote 13-3.**

HB 340, restricting sex offenders from residing within a certain distance from schools and child-oriented organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill, although well intended, may result in registered sex offenders failing to register because they are unable to find a place to live due to the restrictions. This has happened in other states where, when the restrictions were enacted, 40% of the offenders locations became unknown because they failed to register. When Springfield, MA attempted to pass such legislation, it was discovered that the entire City of Springfield, with the exception of two small blocks, was excluded and these two blocks were in an industrial area. The committee felt that it is important to know who and where the registrants reside. **Vote 15-1.**

HB 591-FN, relative to an affirmative defense to certain felonious sexual assault offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety The committee felt that this bill focuses attention on the behavior of the victim rather than the accountability of the offender and that it might well undermine the Rape Shield Law. A Fiscal Note for this bill was not yet available. **Vote 14-4.**

HB 655-FN, relative to unborn victims of violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety. The New Hampshire Legislature has consistently rejected legislation aimed at creating separate legal status for a fetus. HB 655 is another attempt to define “unborn child” in statute. New Hampshire law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage, or stillbirth. In 1991, New Hampshire passed laws that punish an assailant who “purposely, or knowingly causes injury to another resulting in miscarriage, or stillbirth” (RSA 631:1c), or who “recklessly or negligently causes injury to another resulting in miscarriage, or stillbirth” (RSA 631:2e). An assault on the mother is an assault on the fetus. This bill is simply unnecessary. **Vote 10-6.**

HB 902, establishing a committee to study the costs and benefits of the drug prohibition policy on the people of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill asks for a committee to study and report to the legislature whether or not our “War on Drugs” has been effective. Many of us believe that it has not been effective, but feel that any alternative other than legalizing drugs would not be acceptable to the proponents. As time goes on and more and more money is spent and lives are lost, we may realize a need to alter our system of laws to reflect changes in our society. Yet another study to state the obvious and gather dust in some executive office will not help. The proponents ought to gather the information themselves and make the report to all of us for consideration. **Vote 14-2.**

EDUCATION

HB 314, authorizing the Pelham school board to transfer funds for the purpose of renting portable classrooms. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M Carson for Education: This bill attempted to address a confusing situation. The citizens of Pelham voted on a school bonding issue last year dealing with the purchase of portable classrooms. The majority voted not to adopt the warrant article. Subsequently, upon an inspection by the fire chief, the high school was found to have numerous code violations. The school board made a decision to close those classrooms and replace them with portables, an apparent violation of the “no means no” law. The school board attempted to seek a remedy to this situation by appealing to town officials and the State Board of Education. The State Board denied the request to relieve the district of potential liability. At a recent town meeting, the town decided to pay for the portable classrooms. There was concern expressed by the committee that we did not have the expertise to deal with violations of the “no means no” law and could not give them the relief they needed. **Vote 11-1.**

ENVIRONMENT AND AGRICULTURE

HB 424-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. **OUGHT TO PASS.**
Rep. Derek Owen for Environment and Agriculture: This bill to allow the growing, cultivation and processing of industrial hemp should be passed. There are many countries that allow it including our neighbor Canada with which we share a border. This agricultural crop can be used in numerous ways: as a food product (hemp oil, hemp seed, and hemp beer), body products (shampoo and soaps), animal feed and bedding, paper, clothing and plastic products, and finally as a fuel or pulp product. The only opposition to this bill was a representative from the testing lab from the Department of Safety and a member of the Chiefs’ of Police. Their testimony was primarily based on the assumption that hemp and marijuana are both problematic in the mind altering abilities. You don't smoke hemp. A wheelbarrow full would only make you sick. The main differences between the two are: hemp plants are grown very close together (to promote stalk for cellulose) and "pot" is grown well apart (to promote flowers and leaves). Also the T.H.C. (the mind altering compound) has almost been completely bred out of hemp which by law can be no more than three tenths of 1 percent. And finally because of cross pollination effects, marijuana cannot be grown anywhere near hemp. **Vote 14-3.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 363, relative to certain notification for emergency contraception. **INEXPEDIENT TO LEGISLATE.**
Rep. Ken Hawkins for Executive Departments and Administration: This bill would require the pharmacists dispensing emergency contraception to post a sign at each cash register with a statement about fertilization. The committee was reluctant to force private businesses to display signs expressing a particular point of view. Pharmacists, also, indicated their great concern at displaying signs that they (or their check out staff) might well be forced to explain to the general public. While some of the committee was sympathetic to the intention of the bill, no one thought this bill was good public policy. **Vote 17-0.**

FINANCE

CACR 17, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert A Foose for Finance: This constitutional amendment expands the definition of gambling revenues to provide that revenues from games of chance may only be used for educational purposes. The majority of the committee believed that it is premature to add games of chance as another source of permitted gambling unless the legislature first acts to approve "games of chance". **Vote 19-1.**

JUDICIARY

HB 567-FN, relative to lowering the legal drinking age. **INEXPEDIENT TO LEGISLATE.**
Rep. Frances D Potter for Judiciary: This bill was strongly opposed in testimony. A representative of the Health and Human Services Dept. pointed out that no state has a drinking age under 21. The committee heard testimony from NH Liquor Commission Enforcement and Licensing that the brains of 18-25 year-olds are still developing. A board certified health educator from St. Paul’s School stated that alcohol use is a primary medical concern. He also stated that the adolescent brain is vulnerable and not like the adult brain. Alcohol disrupts sleep cycles, short term memory, and impairs maturation, as well as causing the loss of frontal lobe function, permanently. For these reasons the committee recommends Inexpedient to Legislate. **Vote 17-0.**
HB 670, relative to repealing the incorporation of the New Hampshire Bar Association. **INEXPEDIENT TO LEGISLATE.**
Rep. Bette R Lasky for Judiciary: This bill would revoke the charter granted to the New Hampshire Bar Association in 1873 by the New Hampshire Legislature. The committee recognized that it is the responsibility of the Judicial Branch to regulate the practice of law in our state and they have chosen to do so through the New Hampshire Bar Association. Furthermore, this bill would have required any and all assets of the New Hampshire Bar Association to be forfeited to the State of New Hampshire. This action would be contrary to Part 1, Article 19, of the New Hampshire Constitution. **Vote 16-0.**
HB 906, relative to an informed jury. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary B Richardson for Judiciary: The majority of the committee felt that the instructions that are currently given to juries on jury nullification are adequate, and that it would be a mistake to encourage juries to ignore the law that is given to them by

the judge. It is the passage of laws following the legislative process that should govern our conduct, not juries. **Vote 15-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 310, allowing municipalities to regulate small wind energy systems. **OUGHT TO PASS.**

Rep. Mary R Cooney for Municipal and County Government: Municipalities may now allow the construction of residential wind turbines. This bill helps them by establishing guide lines for height and set backs. Under this bill, municipalities may adopt ordinances to allow these residential uses of wind energy systems consistent with the overall goal of saving energy. As part of this bill the office of energy and planning will develop a technical bulletin relative to model municipal ordinances. **Vote 10-2.**

HB 474, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The original law exempting pollution control facilities from the local real estate tax was passed in 1955. During discussion last session regarding these facilities it was brought out that the law could be applied to every private septic and sewage treatment system. The Department of Environmental Services has only granted this tax exemption twice in 2004, with no input from the municipalities. This year another request for exemption of a private septic system was received. HB 474 was introduced to remove private septic and sewage treatment systems from RSA 72:12-a "Water and Air Pollution Control Facilities". In essence the state gives these local property tax exemptions even when the requirement for septic and sewage treatment systems are mandated by the state and federal government. The committee supports the amendment removing these private systems used primarily for the treatment or disposal of human water from this property tax exemption. **Vote 15-0.**

HB 674, extending the veterans' property tax credit to all honorably discharged veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L Osborne for Municipal and County Government: The committee felt that this bill would shift the tax burden to the rest of the population by imposing a new tax on residents due 4/1 every year of \$10 per person ages 18-65 to pay for this new all encompassing veterans property tax credit. This tax credit is not means tested and in addition repeals definition of combat veterans, specific wars and time frames which are necessary references for other RSAs. NH already recognizes and honors its combat veterans with property tax credit. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 318, relative to large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela J Hubbard for Resources, Recreation and Development: This bill amends certain statutes relating to large groundwater withdrawals in order to make all statutes consistent with one another. The amendment specifies that the same large groundwater permit is required for withdrawals from multiple wells installed on the same property as a single well extracting that quantity (57,600 gallons per day). **Vote 16-0.**

HB 710, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C Merrow for Resources, Recreation and Development: This bill forms a committee to study the issues relative to leasing state own real estate on the shores of public waters. While allowing for the extension of existing leases, it temporarily prohibits entering into any new leases between the effective date and January 2009. **Vote 14-0.**

HB 777-FN-A, imposing a fee and a fine for certain changes to terrain alteration permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan R Kepner for Resources, Recreation and Development: This bill as amended clarifies agricultural exemptions for alteration of terrain permits and sets penalties for change of use to any other activity. The penalty shall be based on the amount of land changed and length of time before the change. It will be distributed as follows: forty percent to the Land and Community Heritage Investment Program; forty percent to the wetlands fund (RSA 482-A:14, III); and 20 percent to town conservation commissions, to be distributed to the other two if there is no commission. This mirrors the wetland mitigation program where penalties for disturbing wetlands fund a compensatory conservation of land. **Vote 16-2.**

TRANSPORTATION

HB 559, relative to seat belts on school buses. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard N Cunningham for Transportation Student safety was the foremost concern of the committee. The language of this bill refers to "seat belts" – line 10 – without specificity as to type of belts. There are two types of seat belts: two point lap belts and three point shoulder-lap belts. Research and testimony indicated a high probability of secondary injury from the use of 2 point belts in an impact accident. In addition, 3 point belts need to be sized to students in order to be effective. The 3 point belt anchors require enough space to reduce the student capacity of a bus by one third. This would create the need for additional buses thus increase the odds of an accident. The issue of student misuse of the belts in interactions with other students was also an issue as was the release of students from belts in case of either fire or accident in which the bus came to rest upside down. The science and technology of school bus safety is ongoing and student safety is presently at a very high level. If student safety is an issue we could save significantly more students by focusing efforts on students driven to and from

school in private vehicles by parents or siblings. **Vote 17-0.**

HB 795, relative to restricting usage of cellular phones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A Packard for Transportation: The bill seeks to impose a violation and thereby prohibit the use of conventional cellular phones by drivers while a motor vehicle is in operation. The laudable intent of the sponsor was to focus drivers on the task of driving and to discourage the lamentable pattern of using phones and engaging in other activities that distract the driver and increase the risk of driving error and accident. A similar bill appeared before the House in a previous session and the House responded by enacting laws to regulate negligent driving. We believe enforcement of that statute is crucial to the goals of the sponsor and while we resolve that this bill is inexpedient to legislate, we do agree to closely work with the Department of Safety to observe enforcement of the negligent driving statute as we share the sponsor's well-founded concerns. **Vote 11-4.**

WAYS AND MEANS

CACR 16, relating to an income and a sales tax. Providing that there shall be a state referendum prior to the legislature's adoption of an income tax or sales tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P Lockwood for Ways and Means: This CACR allows for a statewide referendum before the introduction of an income tax or sales tax bill. This state is not a referendum state and the committee agreed that this bill should be ITL. **Vote 18-0.**

HB 622-FN-A-L, establishing an income tax and repealing all state and local taxes, with the exception of the tobacco tax, beginning in 2012. **INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for Ways and Means: By replacing all but one of New Hampshire's current revenue sources with an income tax for a trial period from FY 2012 to FY 2018, this bill would radically reshape how both the state and municipalities raise funds. Committee members were apprehensive about a five-year trial of such magnitude and expressed concern about its implication, including the loss of local control and the assumption that all levels of government could survive on a one-percent increase over recent spending **Vote 18-0.**

HB 757-FN-A, relative to the beer tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B Hinkle for Ways and Means: This bill changes the way beer is taxed from \$0.30 per gallon to 5% of the wholesale value per 12 ounces sold to retail. No other state taxes beer this way. The Liquor Commission felt this would make beer tax collection more difficult and complicated to enforce. The proposed changes may result in less tax being collected in the case of keg beer. The Retail Grocers Assoc. was opposed because their member stores enjoy an advantage from having no sales tax.

Approximately 40 percent of the sale from convenience stores and mom-and-pop stores is cross-border, and they could lose sales of not only of beer, but of other products as well. This is critical since stores operate at a margin of around 1 percent in the case of larger chains down to ¼ percent for small operators. Other members of the committee felt that, since the features of this bill are contained in another bill being retained by the committee, an amended beer tax could still be considered at a later date, which might not create the same problems. **Vote 18-1.**

HB 793-FN-A, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: This bill establishes a \$24,000 exemption from the interest and dividends tax for individuals who are 62 years of age or older. The committee commends the sponsor for his attempt to aid this group, however the fiscal note shows a loss \$15,443,000 in revenue based on 2005 tax data and assumes at least that amount in 2008 and thereafter without replacement. Also there is not a means test offered to identify individual need. **Vote 18-1.**

HB 820-FN-A, establishing tax on candy. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: Although well-intentioned, this bill provoked an outcry from wholesalers, distributors and vending machine salespeople. Requiring a stamp on every package and candy bar would present untold expense for the middleman and as such the verdict was inexpedient to legislate **Vote 19-0.**

HB 891-FN-A, establishing a beverage fee to be paid by beverage manufacturers and distributors. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: The committee recognized the financial burden placed on local bottlers, the complexity of tracking the interstate products and the discriminatory issue of determining which products should be included in the fee schedule. Over the past several years, many states have eliminated their beverage fee on nonalcoholic beverages and the committee is aware of only three states that still impose a beverage tax/fee. The Department of Revenue Administration was unable to determine how much revenue this would bring in or the fiscal impact on state expenditures. **Vote 19-0.**

HB 913-FN-A, establishing a senior citizen property tax postponement program. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: This bill requires the New Hampshire Housing Finance Authority to organize, evaluate and administer individual senior citizens property tax relief. The committee determined that the administrative costs will be excessive. The State Treasury Department determined taxable bonds, rather than state tax-exempt bonds must be issued, thus negating any cost advantage in the bond market. The Municipal and County Government Committee has retained a similar bill (HB 829) for future study. **Vote 19-0.**

HOUSE DEADLINES

Thursday, April 5, 2007, noon	Last day to report all remaining House bills for action in the first year session Last day to report list of retained House bills
Thursday, April 12, 2007	Last day to act on House bills: CROSSOVER
Thursday, May 10, 2007, noon	Last day to report Senate bills going to a second committee
Wednesday, May 16, 2007	Last day to act on Senate bills going to a second committee
Thursday, May 31, 2007, noon	Last day to report all remaining Senate bills for action in the first year session Last day to report list of retained Senate bills
Wednesday, June 6, 2007	Last day to act on Senate bills
Wednesday, June 13, 2007	Last day to form Committees of Conference
Thursday, June 21, 2007, noon	Last day to sign Committee of Conference reports
Wednesday, June 27, 2007	Last day to act on Committee of Conference reports

LAI D ON TABLE

HB 109, eliminating straight ticket voting. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)

HB 177-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)

HB 234, establishing a committee to study state environmental laboratory fees and services. (Pending question is the adoption of the committee report of Ought to Pass With Amendment.)

COMMITTEE MEETINGS

MONDAY, APRIL 2

FINANCE, Rooms 210-211, LOB

11:00 a.m. **Rescheduled** executive session on **HB 628-FN-A**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund and **HB 721**, relative to the appropriation to the department of health and human services for rates paid for nursing services, **HB 663-FN-A**, relative to the comprehensive shoreland protection act and making an appropriation therefor, **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, **HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department, **HB 488-FN-A-LOCAL**, relative to the state chief medical examiner and medico-legal death investigations, **HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor, **HB 752-FN**, relative to per pupil funding for charter school pupils, **HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives, **HB 407-FN-A**, relative to assistance for milk producers.

FINANCE – (DIVISION I), Room 212, LOB

9:00 a.m. Work session on **HB 407-FN-A**, relative to assistance for milk producers.
Immediately following the executive session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, if necessary.

FINANCE – (DIVISION II), Rooms 210-211, LOB

Immediately following the executive session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, if necessary.

FINANCE – (DIVISION III), Room 209, LOB

9:00 a.m. Work session on **HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.
Immediately following the executive session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, if necessary.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:00 a.m. Full committee work session with Finance Division II on the Capital Budget proposal.
1:30 p.m. Executive session on **HB 25-FN-A**, making appropriations for capital improvements.

TASK FORCE TO STUDY THE CASH ASSISTANCE PROVIDED TO NEEDY FAMILIES UNDER THE STATE TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) PROGRAM (HB 1461, Chapter 247:1, Laws of 2006), Room 205, LOB

- 2:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. **HB 385-FN**, relative to licensing and insurance fees.
10:00 a.m. Executive session on **HB 385-FN**, relative to licensing and insurance fees .
10:30 a.m. Continued public hearing on **HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund.
11:00 a.m. **HB 337**, relative to penalties for failure to have workers' compensation coverage.
11:30 a.m. **HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund.
1:00 p.m. Full committee work session on **HB 337**, relative to penalties for failure to have workers' compensation coverage, **HB 585-FN**, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund, **HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund, **HB 664-FN**, relative to annual dam registration and permit application fees, **HB 714-FN**, relative to motorized watercraft rental agencies, **HB 815-FN-A**, requiring the display of boater education decals, **HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund.

TUESDAY, APRIL 3

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Executive session on **HB 837**, relative to easements and the land and community heritage investment program and creating a farm viability program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. Subcommittee work session on **HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting and **HB 696**, reclassifying certain positions in the insurance department.
1:00 p.m. Executive session on **HB 137**, relative to food safety in restaurants, **HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting, **HB 696**, reclassifying certain positions in the insurance department.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 796**, relative to civil liability for damaging highway protective barriers.
10:30 a.m. **HB 862-FN**, establishing an incapacitated adult fatality review committee.
Executive session on **HB 796**, relative to civil liability for damaging highway protective barriers and **HB 862-FN**, establishing an incapacitated adult fatality review committee.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

- 3:00 p.m. Regular meeting.

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

- 9:00 a.m. Executive session on **HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements, **HB 570-FN-A**, increasing the fee for a wild turkey hunting license, **HB 576-FN-A**, increasing certain fish and game nonresident license or permit fees, **HB 599-FN**, relative to fees for meals and rentals licenses, **HB 610-FN-A**, requiring the criminal justice and public safety

committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions, ***HB 868-FN***, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program.

10:00 a.m. Subcommittee work session on ***HB 585-FN***, requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered, ***HB 714-FN***, relative to motorized watercraft rental agencies, ***HB 815-FN-A***, requiring the display of boater education decals on vessels registered in other states, ***HB 664-FN***, relative to annual dam registration and permit application fees, ***HB 283***, allocating a portion of unrefunded road tolls to the dam maintenance fund.

1:00 p.m. Executive session on ***HB 337***, relative to penalties for failure to have workers' compensation coverage, ***HB 471-FN-A***, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund, ***HB 664-FN***, relative to annual dam registration and permit application fees, ***HB 585-FN***, requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered, ***HB 599-FN***, relative to fees for meals and rentals licenses, ***HB 714-FN***, relative to motorized watercraft rental agencies, ***HB 815-FN-A***, requiring the display of boater education decals on vessels registered in other states, ***HB 283***, allocating a portion of unrefunded road tolls to the dam maintenance fund, ***HB 472-FN***, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.

WEDNESDAY, APRIL 4

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

8:30 a.m. Executive session on ***HB 563***, relative to obtaining birth certificates for stillborn children.

THURSDAY, APRIL 5

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Work session on retained bills.

CURRENT USE BOARD (RSA 79-A:3), Department of Revenue Administration Training Room, 57 Regional Drive, Concord

9:00 a.m. Work group meeting.

EDUCATION, Room 207, LOB

10:00 a.m. Full committee retained bill work session on ***HB 677-FN***, relative to special education procedural safeguards and the dispute resolution process, ***HB 678-FN***, revising the special education program approval and monitoring process, ***HB 679-FN-LOCAL***, relative to delivery of special education services, ***HB 765-FN***, relative to procedures for determination of special education costs, payment liability, and rate setting and ***HB 766-FN***, making changes to the laws relating to special education.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **Rescheduled** executive session on ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and ***HB 2-FN-A***, relative to state fees, funds, revenues, and expenditures.

TASK FORCE TO STUDY COUNTY GOVERNMENT (SB 319, Chapter 221:1, Laws of 2006), Room 301, LOB

10:00 a.m. Regular meeting.

FRIDAY, APRIL 6

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

1:00 p.m. Assessing Reference Manual subcommittee meeting.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 303, LOB

12:00 p.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 304, LOB

10:00 a.m. Regular meeting.

MONDAY, APRIL 9

EDUCATION, Room 207, LOB

10:00 a.m. Full committee retained bill work session on *HB 677-FN*, relative to special education procedural safeguards and the dispute resolution process, *HB 678-FN*, revising the special education program approval and monitoring process, *HB 679-FN-LOCAL*, relative to delivery of special education services, *HB 765-FN*, relative to procedures for determination of special education costs, payment liability, and rate setting and *HB 766-FN*, making changes to the laws relating to special education.

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

1:00 p.m. Regular meeting.

FINANCE, Representatives Hall

1:00 p.m. Budget briefing to the House on *HB 1-A*, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and *HB 2-FN-A*, relative to state fees, funds, revenues, and expenditures.

TUESDAY, APRIL 10

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Presentation on UNH's Industrial Research Center and EPSCOR.

THURSDAY, APRIL 12

STATE ENERGY POLICY COMMISSION (HB 1146, Chapter 257:1, Laws of 2006), Room 304, LOB

9:00 a.m. Wind citing subcommittee meeting.

FRIDAY, APRIL 13

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

1:00 p.m. Assessing Reference Manual subcommittee meeting.

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

12:00 p.m. Rescheduled regular meeting.

MONDAY, APRIL 16

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

9:30 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 100, State House

1:00 p.m. Regular meeting.

FRIDAY, APRIL 20

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Assessing Reference Manual subcommittee meeting.

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 304, LOB

10:00 a.m. Regular meeting.

FRIDAY, APRIL 27

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

9:30 a.m. Regular meeting.
1:00 p.m. Assessing Reference Manual subcommittee meeting.

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

1:00 p.m. Work session on proposed administrative rules.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 305, LOB

9:00 a.m. Regular meeting.

MONDAY. APRIL 30

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

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

The Internal Revenue Service has set the standard mileage rate for transportation expenses for 2007 at forty-eight and one half cents (\$0.485) per mile. The federal mileage reimbursement rate for members of the NH House of Representatives increases from forty-four and one-half cents (\$0.445) per mile to forty-eight and one-half cents (\$0.485) per mile for all miles incurred on or after January 1, 2007.

Joyce Phinney, Manager
Office of Legislative Accounting

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.

Terie Norelli, Speaker

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs. 74, 102, 173, 472, 493, 501, 502, 504, 566, 571, 567, 572, 574, 576, 577, 579, 580, 581, 582, 585, 588, 590, 591, 592, 595, 596, 597, 598, 599, 601, 602, 604, 613, 614, 615, 616, 618, 619, 622, 624, 626, 627, 629, 630, 631, 632, 635, 636, 637, 638, 641, 642, 643, 644, 645, 646, 656, 677, 678, 679, 714, 726, 727, 740, 752, 760, 765, 771, 776, 777, 778, 781, 782, 783, 784, 785, 786, 787, 788, 789, 791, 793, 799, 805, 813, 815, 820, 824, 834, 838, 843, 861, 864, 865, 867, 870, 872, 873, 874, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 889, 890, 891, 892, 893, 894, 895, 897, 899, 903, 904, 908, 912, 913, 921, 922, 924, 925, 927. SBs 35, 65, 128, 200.

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.

One of the NH Order of Women Legislators (OWLS) prime missions is to provide a scholarship for a non-traditional student pursuing higher education. If anyone knows of a student who might be interested in applying please pick up an application on the 4th floor in the LOB. The deadline for return of the completed application is **April 1st**. We would also like to invite all members of the legislature to join the OWLS. The dues are \$10 and are tax deductible. If we can get enough participation we

may be able to award a second scholarship. Please help us even if you don't want to join the OWLS with a contribution which would be appreciated. Make your check out to the OWLS and mail it to the OWLS, Room 405, Legislative Office Building, 33 North Main Street, Concord, NH 03301.

Rep. Jacqueline A. Cali-Pitts

The Legislative Caucus for Young Children (LCYC) will meet at 1:15 p.m. on Monday, **April 2** in Room 206, LOB. The agenda will include an overview of relevant bills that have passed the House and an update on the work involved in defining an adequate education. All members welcome.

Rep. Mary Stuart Gile

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court and Staff to the annual UNH Legislative Breakfast on Wednesday, **April 4**, 2007 from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Learn how undergraduate student researchers at UNH are focused on the most compelling challenges in New Hampshire and the world. Meet students as they share their discoveries at this special event.

Rep. Marjorie Smith

All legislators and staff are cordially invited to attend the Ski NH's 2007 Legislative Reception to be held on Wednesday, **April 4**, 2007 from 3:30 – 6:30 p.m., at The Red Blazer Restaurant, 72 Manchester Street, Concord, N. H. Please RSVP to Kim, 745-9396, ext 201, kim@skinh.com.

Reps. Mary Jane Wallner and Michael Whalley

The Granite State Airport Managers Association is hosting a luncheon for legislators on Thursday, **April 5** from 11:30 a.m. to 1:30 p.m. in **Room 100, State House** (please note change of location). They hope to inform us of the vital role our public access airports play in so many areas. Some companies will only locate where they have airport access. Emergency plans often include the airports for quick access and emergency supply delivery. Do you know where your nearest airport is to your district? Do you know how many aircraft are based there? Do you know the economic impact on your community? Please come and meet with these dedicated airport managers.

Rep. Kenneth L. Weyler

Please join Family Support New Hampshire for a legislative luncheon on **April 10** from 12:00 to 1:30 p.m. at St. Paul's Church, 21 Centre Street, Concord. Please RSVP by April 5 at 224-1279 or info@nhctf.org. This event is presented in partnership with New Hampshire Children's Trust Fund, Wellness and Primary Prevention Council and NH Division for Children, Youth and Families.

Rep. Barbara C. French

TARTAN DAY

On Wednesday, **April 11**, the House will celebrate TARTAN DAY. All members and staff are encouraged to wear their tartans or the New Hampshire Tartan, available in the Visitors' Center. Visitors are also invited to share in this tribute by wearing a kilt or a bit o' the tartan. Scot or not, the tartan is for everyone.

Rep. John B. Hunt

There will be a meeting of the Voluntary Retirement Project group on Friday, **April 13** from 1:00 to 3:00 p.m. in Room 307, LOB. An RSVP would be appreciated. Please call Rep. Laurie Harding at 448-5206 or e-mail at lharding@valley.net.

Rep. A. Laurie Harding

Former Governor Mitt Romney will be the special guest of the Merrimack County and Sullivan County Republican Committees at a joint Lincoln Day Dinner on Sunday, **April 15** at the Mt. Sunapee Lodge in Newbury. Dinner tickets are \$50. Social hour begins at 6:00 p.m. with dinner at 7:00 p.m. A VIP reception for \$100 (includes dinner ticket) will begin at 5:45 p.m. For tickets or more information contact Reps Eric Anderson (228-0448) or Beverly Rodeschin (863-1941).
Reps. Eric Anderson and Beverly Rodeschin

The Governor’s Conference on Volunteerism will be Wednesday, **May 16** at the NH Technical Institute in Concord. There are over 30 workshops to choose from and the keynote speaker is demographer Peter Francese. The day includes breakfast and lunch. The Governor’s Award for Outstanding Volunteer Manager will be presented. Registration is now open. Cost is \$50, but there is a special rate for legislators of \$30. To register –www.volunteernh.org or 271-7200. Contact Carolyn Gargasz for more information.

Rep. Carolyn Gargasz

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 15th Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Friday, **May 18** 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 do not hesitate to contact Major Timothy J. Acerno of Fish and Game at 271-3129 or Chief Timothy Russell of the Henniker Department at 428-3213.
Terie Norelli, Speaker

The House Republican Alliance will meet each **Tuesday** morning at 8:30 a.m. at the Upham Walker House.
Rep. David J. Bettencourt

Main Street Republicans will meet each **Tuesday** morning at 9:00 a.m. in Room 104, LOB. All Republicans are welcome to discuss pertinent issues. Join us for some lively and informative debate.
Rep. David H. Kidder

State House Visitation Schedule 2007

As a convenience to the members of the NH General Court, the Visitors’ Center offers the following schedule of schools and other groups visiting the State House in Mar. & Apr. 2007. These listings are to ensure all members be notified in a timely manner of visitors from their district. Please note that schools may schedule and reschedule, therefore you may contact the Visitor Center to check on updates. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Caitlin A. Daniuk, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
Mar. 30	9:30	Epsom Central School	4/41
Mar. 30	11:00/12:30 SH/HM	Appleton Elementary School – New Ipswich	4/60
Apr. 2	8:45	Parkside Middle School – Manchester	8/45
Apr. 2	10:00/11:30 SH/HM	Marston Elementary School – Hampton	4/75
Apr. 3	9:30/11:00 SH/HM	Maple Ave. Elementary School – Goffstown	4/75
Apr. 3	12:00	St. Joseph’s Regional School – Salem	4/24

Apr. 4	9:30/11:00 SH/HM	Maple Ave. Elementary School- Goffstown	4/50
Apr. 4	12:00	Effingham Elementary School – Center Ossipee	4/19
Apr. 5	10:00/11:30 SH/HM	Matthew Thornton Elementary School – Londonderry	4/85
Apr. 6	10:00/11:30 SH/HM	Marston Elementary School – Hampton	4/80
Apr. 6	1:00	Lafayette Regional School – Franconia	4/15
Apr. 9	9:30/10:30 SH/HM	DAR	100
Apr. 9	11:00/12:30 SH/Planet	Little Harbor School – Portsmouth	4/60
Apr. 10	9:00	Broken Ground School – Concord	4/45
Apr. 10	10:00/11:30 SH/HM	Garrison School – Dover	4/88
Apr. 11	8:30	Kimball Elementary School – Concord	4/52
Apr. 11	10:00/11:30 SH/HM	Crescent Lake School – Wolfeboro	4/85
Apr. 12	9:00	Broken Ground School – Concord	4/45
Apr. 12	10:00/11:30 SH/HM	Matthew Thornton School- Londonderry	4/85
Apr. 12	2:00	Kendal at Hanover	Adult/25
Apr. 13	9:00	Broken Ground School – Concord	4/45
Apr. 13	10:00/11:45 SH/HM	Nottingham West School- Hudson	4/70
Apr. 13	11:45	NH Rec. & Park Association	Adult/20
Apr. 13	2:00	Heritage Home Schoolers – Dunbarton	Multi-Age/18
Apr. 16	8:45	Parkside Middle School – Manchester	8/45
Apr. 16	10:00/11:45 SH/HM	Nottingham West School – Hudson	4/70
Apr. 17	9:45/11:00 SH/HM	Southwick Elementary School – Northfield	4/100
Apr. 17	1:30	French Exchange Students – Keene High School	HS/26
Apr. 18	8:30	Greater Rochester Chamber of Commerce – Rochester/Dover/Somersworth	Adult/30
Apr. 18	9:45/11:00 SH/HM	Hooksett Memorial Elementary School	5/83
Apr. 18	12:00/1:30 SH/HM	Paul School – Wakefield	4/64
Apr. 19	9:45/11:00 SH/HM	Hooksett Memorial Elementary School	5/61
Apr. 19	12:15	Wilton School	8/12
Apr. 20	9:30/11:00 SH/SC	H.W. Moore School – Candia	4/50
Apr. 20	12:00	Fuller School – Keene	4/40
Apr. 23	1:00	Kids For Democracy	10
Apr. 24	9:30/11:00 SH/HM	Towle Elementary School- Newport	4/90
Apr. 24	12:30	Derry Girl Scouts & Homeschool	12
Apr. 25	9:30/11:00 SH/HM	Canaan Elementary School	3&4/90
Apr. 25	12:00	Hinsdale Elementary School	4/40
Apr. 26	10:00/11:30 SH/HM	Seminary Hill Elementary School – Lebanon	4/60
Apr. 26	12:00	Seminary Students	Adult/25
Apr. 27	10:00	Enfield Village School	4/42
Apr. 27	11:00/12:00	Maple Ave. School – Claremont	4/60
Apr. 30	9:30/11:00 SH/SC	Lancaster Elementary School	4/57

NOTICE

The 34th Annual Bill White Memorial Legislative Golf Tournament is scheduled for **Friday, June 1, 2007** at the Waukegan Golf Course, Meredith, NH. The entry fee for this annual tournament is \$90.00 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 14th to Sandra Anderson at the LOB Lobby Desk. Checks should be made payable to Sandra Anderson.

Terie Norelli, Speaker

!

34th Annual Bill White Memorial Golf Tournament
Waukegan Golf Course
Meredith, NH

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____

WEDNESDAY, APRIL 4
AMENDMENTS

(LISTED IN NUMERICAL ORDER.)

2007-0709h

Amendment to HB 81

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - R

Amend RSA 275:43-a as inserted by section 1 of the bill by replacing it with the following:

275:43-a Required Pay.

I. On any day an employee reports to work at an employer's request, he ***or she*** shall be paid not less than ***3*** hours' pay at his ***or her*** regular rate of pay; provided, however, that this section shall not apply to employers of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him ***or her*** has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

II. The following are exempt from paragraph I:

(a) Any employee who reports to work and then requests to leave on the basis of illness or personal or family emergency, providing that a written explanation initialed by the employee is entered on the employee's time slip or card:

(b) Any employee who is hired and reports to work with the expectation that he or she will work fewer than 3 hours and who is notified in advance of his or her schedule, provided that the notification is in writing.

(c) Any health care employee of community based outreach services providers including licensed home health and hospice providers who voluntarily makes schedule changes to meet the needs of the physically or mentally infirm clients he or she serves and who signs a statement upon hire stating that he or she understands this job requirement.

AMENDED ANALYSIS

This bill:

I. Requires an employer to pay 3 hours wages to an employee called in to work unless the employer makes a good faith effort to notify an employee not to report to work.

II. Creates exemptions for health care employees of community based outreach services providers, employees who leave work for illness or family emergency, and certain employees who report to work with the expectation of working fewer than 3 hours.

2007-0754h

Amendment to HB 203

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - R

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

□ New Subdivision; Temporary Workers. Amend RSA 275 by inserting after section 66 the following new subdivision: Temporary Workers

275:67 Definitions. In this subdivision:

I. "Day labor worker" means any person who:

(a) Is employed on a day-to-day basis and whose work assignments are for a day at a time; and

(b) Reports to, or assembles at the office of the temporary services employer or other location, is dispatched to the work assignment from that office or location directly to the worksite of the client, and returns to the temporary services employer's office upon completion of the assignment.

II. "Temporary help service" means any person, entity, or agency that recruits, dispatches, or otherwise facilitates the employment of temporary workers or day labor workers by third-party clients.

III. "Temporary worker" means any person or entity who directly or indirectly, or through an agency, agent, or other entity working in the employer's interest, engages in work for wages or other benefits on a temporary basis and is not employed by the third party client entity.

IV. "Temporary worker employer" means any person or entity whose business consists primarily of:

(a) Recruiting and hiring its own employees;

(b) Locating organizations requiring the services of those employees;

(c) Assigning those employees to work for those organizations to support or supplement such organizations' workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects; and

(d) Attempting to reassign the employees to other organizations at the completion of each assignment.

V. "Third-party client" means any person or entity that contracts for temporary labor through a temporary help service.

VI. "Wages" means payment made under RSA 275:43 or more frequently at the employer's discretion.

275:68 Wages.

I. If a temporary worker's term of employment is less than one week, payment of wages shall be made by the temporary help service pursuant to RSA 275:43.

II. If a day labor worker's term of employment is less than one week, payment of wages by check shall be made available by the temporary help service at the end of each workday.

III. Under no circumstances shall a temporary help service charge a direct or indirect fee for the cashing of paychecks.

275:69 Transportation Fees. Under no circumstances shall a temporary worker employer charge a fee of any kind for transportation when such transportation is a condition of employment. If transportation is provided from the point of hire to the worksite, transportation shall be made available from the worksite back to the point of hire.

275:70 Notice. Temporary work service agencies shall post the terms of this subdivision in a public access area.

275:71 Waiver Prohibited. Any contract between a temporary worker and a temporary worker employer to waive rights or responsibilities assigned under this subdivision shall be considered void and unenforceable.

275:72 Penalties.

I. An employee shall have all of the remedies under RSA 275:53 to enforce the provisions of this subdivision.

II. The commissioner may, after hearing, impose a civil penalty not to exceed \$2,500, for a violation of any provision of this subdivision. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

III. The labor commissioner may prosecute any violation of this subdivision in accordance with RSA 273:11

275:73 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the conduct of hearings under

RSA 275:72, II.

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

2007-0741h

Amendment to HB 254

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - R

Amend the bill by replacing section 1 with the following:

□ New Chapter; Worker Freedom Act. Amend RSA by inserting after chapter 275-E the following new chapter:

CHAPTER 275-F

WORKER FREEDOM ACT

275-F:1 Definitions. In this chapter:

I. "Constituent group" includes, but is not limited to, civic associations, community groups, social clubs, mutual benefit alliances and labor organizations.

II. "Constituent group matters" includes representation of constituents, such as employees or other members of the constituent group, or considerations relative to joining or not joining, participating in or not participating in, and supporting or not supporting the constituent group or any lawful activity of the constituent group.

III. "Labor organization" means any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

IV. "Political matters" includes political party affiliation, campaigns for candidates for political office or legislation or both, and considerations relative to joining or not joining, participating in or not participating in, and supporting or not supporting the political party, candidate, or legislative campaign or any lawful activity in support thereof.

V. "Religious matters" includes religious affiliation or identification or considerations relative to joining or not joining, adhering to or not adhering to, supporting or not supporting any bona fide religious faith, organization, or activity.

275-F:2 Prohibition of Mandatory Meetings on Politics, Religion, or Joining a Union.

I. No employer, employer's agent, representative, or designee shall require its employees to attend an employer-sponsored meeting for the purpose of communicating the employer's opinion about politics, religion, or joining a union.

II. No employer, employer's agent, representative, or designee shall discharge, discipline, otherwise penalize, or threaten to discharge, discipline, or otherwise penalize or take any adverse employment action against any employee:

(a) As a means of requiring an employee to attend a meeting.

(b) Because the employee refused to attend a meeting or to respond to, address, or participate in a meeting.

(c) Because the employee, or a person acting on behalf of the employee, makes a good faith report, verbally or in writing, of a violation or a suspected violation of this chapter, except that such prohibition shall not be applicable when the employee knows that such report is false.

(d) Because the employee has challenged or opposed any practice that the employee reasonably believes violates or would violate this section, or because the employee has made a charge, filed suit, testified, assisted in doing any of these things, or assisted or participated in any manner in any investigation, proceeding, or hearing under this section.

III. Any aggrieved employee, may enforce the provisions of this section by commencing a civil action no later than 90 days after the date of the alleged violation in the court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. The court may award a prevailing employee all appropriate relief, including injunctive relief, rehiring or reinstatement of the employee to the employee's former position or equivalent position, back pay and reestablishment of any employee benefits including seniority, to which the employee would otherwise have been eligible if such violation had not occurred, damages for any reasonably foreseeable losses sustained by such employee as a result of such violation, and any other appropriate relief as deemed necessary by the court to make the employee whole, and to restrain violation of this section. The court shall award a prevailing employee treble damages, together with reasonable attorney's fees and costs.

IV. In any proceeding under this section, when it is alleged that an employer or employer's agent, representative, or designee engaged in conduct constituting retaliation prohibited by this section within 180 days of the date on which the employee refused to attend a meeting or to respond to, address, or participate in a meeting or mandatory communication; made a good faith report; challenged or opposed a practice; or charged, filed suit, testified, assisted, or participated as described in this section, a presumption shall arise that the alleged conduct violated this section. The employer may rebut the presumption by adducing clear and convincing evidence that the discharge of or action taken against the employee was for a bona fide job-related or business reason unrelated to any conduct prohibited by this section.

V. Nothing in this chapter shall be construed to limit an employee's right to bring a common law cause of action against an employer for wrongful termination or to diminish or impair the rights of a person under any collective bargaining agreement.

VI. Nothing in this chapter shall prohibit:

(a) A religious organization from requiring its employees to attend an employer-sponsored meeting or to participate

in any communications with the employer or its agents or representatives for the primary purpose of communicating the employer's religious beliefs, practices, or tenets.

(b) A political organization, including political parties and other organizations which engage in substantial part in political activities, from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, for the primary purpose of communicating the employer's political tenets or purposes.

(c) A labor organization, when acting as an employer, from requiring its employees to attend an employer-sponsored meeting.

(d) Meetings for the purpose of collective bargaining or the administration of a collective bargaining agreement or the resolution of employee grievances.

(e) Meetings of an employer's executive or administrative personnel to discuss issues related to the employer's business.

(f) Meetings for the purpose of training employers and employees to understand and eliminate discrimination in the workplace on the basis of race, color, religion, religious creed, national origin, gender, sexual orientation or identity, disability, age, or any other form of invidious discrimination, if such action does not include a meeting otherwise prohibited by this section;

(g) Any employer from allowing employees to use its facilities, bulletin board, inter-office mail, or electronic messaging systems for or in connection with voluntary meetings or expression by employees on religious, political, or constituent group matters, so long as such access is extended on a non-discriminatory basis, and if the grant of such access does not involve a meeting or mandatory communication otherwise prohibited by this section.

VII. Covered employers shall post a notice to employees of employee rights under this bill.

The posting shall be in a place normally reserved for such employment-related notices and in a place frequented by employees.

2007-0834h

Amendment to HB 293

Proposed by the Committee on Municipal and County Government - R

Amend RSA 674:44-e – 674:44-g as inserted by section 1 of the bill by replacing it with the following:

674:44-e Agricultural Commission. An agricultural commission may be established in accordance with RSA 673 for the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources, tangible or intangible, that are valued for their economic, aesthetic, cultural, historic, or community significance within their natural, built, or cultural contexts. The word "agriculture" shall include the entirety of RSA 21:34-a, which is the definition of farm, agriculture, and farming.

674:44-f Powers. Agricultural commissions shall have advisory and review authority and other duties as follows:

I. Survey and inventory all agricultural resources.

II. Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.

III. Assist the planning board, as requested, in the development and review of those sections of the master plan which address agricultural resources.

IV. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting agricultural resources.

V. Coordinate activities with appropriate service organizations and nonprofit groups.

VI. Publicize and report its activities.

VII. Hire consultants and contractors as needed.

VIII. Receive gifts of money to assist in carrying out its purpose.

IX. Hold meetings and hearings necessary to carry out its duties.

674:44-g Appropriations Authorized.

I. A town or city, having established an agricultural commission under this subdivision, may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-f shall be placed in an agricultural fund and allowed to accumulate from year to year.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the agricultural fund and shall pay out the same only upon order of the agricultural commission. The disbursement of agricultural funds shall be authorized by a majority of the agricultural commission. The use of such funds shall not be for the purchase of any interest in real property.

Amend RSA 673:4-b, II-III as inserted by section 3 of the bill by replacing it with the following:

II. Each agricultural commission member shall be a resident of the city or town which establishes the commission. One commission member may be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the

purpose of the agricultural commission.

III. Members of an agricultural commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, a historic district commission established under RSA 674:46, or a heritage commission established under RSA 674:44-a.

Amend RSA 673:7, II(c) as inserted by section 4 of the bill by replacing it with the following:

(c) Either one appointed member or one ex officio member may be a member of the heritage commission, ~~or~~ the historic district commission, ~~or both,~~ **or the agricultural commission, or all three** if such ~~a commission exists~~ **commissions exist** in the city.

2007-0605h

Amendment to HB 318

Proposed by the Committee on Resources, Recreation and Development - C

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

1 Approval for Large Groundwater Withdrawals. Amend RSA 485-C:21, I to read as follows:

I. No person may withdraw **more than a total of** 57,600 gallons ~~or more~~ of water in any 24-hour period from ~~a well sited after the effective date of this section~~ **a well or wells sited at a single property or place of business after the effective date of this section, regardless of the number of wells sited on the property or business,** without the prior approval of the department.

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

AMENDED ANALYSIS

This bill limits the withdraw of groundwater to the cumulative amount of 57,600 gallons from a single property or place of business, regardless of the number of wells on that property.

2007-0972h

Amendment to HB 437-FN-LOCAL

Proposed by the Committee on Judiciary - R

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

AN ACT permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

CHAPTER 457-A CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one man and another man or one woman and another woman, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4.

457-A:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his father's brother, his mother's brother, his son, his brother, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-A:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-A:5 Forms, Documents, and Applications; Solemnization. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter as well as RSA 5-C:41-61. Civil unions shall be solemnized pursuant to the provisions of RSA 457:31. Nothing in this chapter shall be construed to require a minister or clergy to solemnize a civil union.

457-A:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-A:8 Other Jurisdictions. Civil unions or other legal domestic relationships between parties of the same gender, entered

into by nonresidents or by New Hampshire residents in other jurisdictions shall be recognized by the state of New Hampshire, provided that those relationships are legal in the jurisdiction where they are performed.

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

AMENDED ANALYSIS

This bill permits same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

2007-1015h

Floor Amendment to HB 437-FN-LOCAL

Proposed by Rep. Vaillancourt

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

AN ACT establishing civil unions as legally recognized relationships.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

CHAPTER 457-A

CIVIL UNIONS

457-A Definitions. In this chapter:

I. "Civil union" means a legal relationship formed by 2 eligible persons pursuant to this chapter, which entitles those persons to receive all of the protections and be subject to all of the responsibilities of spouses.

II. "Spouse in a civil union" or "spouse joined in a civil union" or "party to a civil union" means a person who has established a civil union pursuant to this chapter and RSA 5-C and RSA 457.

III. "Certificate of civil union" means a document that certifies that the persons named on the certificate have complied with the laws of the state of New Hampshire to establish a civil union in compliance with this chapter.

457-A:2 Requisites of a Valid Civil Union. In order to establish a civil union in New Hampshire, the 2 persons seeking to form a civil union shall meet the following criteria:

I. The persons shall be of the same gender.

II. The persons shall not be in a civil union or marriage with a different person.

III. The persons shall not be under 18 years of age, unless age waivers are obtained in accordance with RSA 457:4-9 and RSA 5-C:45.

IV. The persons shall not be within the degrees of consanguinity prohibited by RSA 457-A:3.

457-A:3 Civil Unions Prohibited. A civil union between the following relatives is prohibited and void:

I. A woman may not enter into a civil union with her mother, her father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter, father's brother's daughter, mother's brother's daughter, father's sister's daughter, or mother's sister's daughter.

II. A man may not enter into a civil union with his father, his father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's son, mother's brother's son, father's sister's son, or mother's sister's son.

457-A:4 Benefits, Protections and Responsibilities of Persons Joined in Civil Union.

I. A civil union provides those joined in it with a legal status equivalent to marriage. All laws of the state of New Hampshire, whether they derive from statute, administrative or court rule, policy, common law, or any other source of civil law, applicable to marriage shall also be applicable to civil unions.

II. Parties joined in a civil union shall have all the same protections and responsibilities under law, whether they derive from statute, administrative or court rule, policy, common law, or any other source of civil law, as are granted to spouses in a marriage.

III. Spouses joined in a civil union shall be included in any definition or use of the terms "spouse," "family," "immediate family," "dependent," "next of kin," "husband," "wife," "widow," or "widower" and other terms that denote the spousal relationship, as those terms are used throughout the law.

IV. The term "marriage" as it is used throughout the law, whether in statutes, administrative or court rule, policy, common law, or any other source of civil law, without limitation, shall be read, interpreted, and understood to include marriage and civil union.

V. Spouses joined in a civil union shall be responsible for the support of one another to the same degree and in the same manner as prescribed under law for married persons.

VI. The law of domestic relations, including annulment, separation and divorce, child custody and support, and property division and maintenance shall apply to parties to a civil union.

VII. The following is a nonexclusive list of legal protections and responsibilities of spouses in a marriage, which shall apply in like manner to parties to a civil union:

(a) Laws relating to title, tenure, descent and distribution, intestate succession, or transfer of real or personal

property, including eligibility to hold real and personal property as tenants by the entirety.

(b) Causes of action related to or dependent upon spousal status, including actions for wrongful death, emotional distress, loss of consortium or other torts or actions under contracts, related to, or dependent upon spousal status.

(c) Probate and family law and procedure.

(d) Adoption law and procedure.

(e) Employment benefits for state and municipal employees, including but not limited to insurance, leave, pensions, and retirement benefits.

(f) Veterans' benefits under state law.

(g) Workers' compensation, as provided in RSA 281-A.

(h) Assignment of wages, as provided in RSA 458-B.

(i) Divorce procedures as provided in RSA 458.

(j) Prohibitions against discrimination based upon marital status, sex or sexual orientation under state law, including those under RSA 354-A, RSA 417-A, RSA 417-B, and RSA 420-C.

(k) Laws providing access to insurance and indemnity protection under RSA title XXXVII and RSA 259.

(l) Laws relating to emergency and non-emergency medical care and treatment, hospital visitation and notification, including the patient's bill of rights under RSA 151.

(m) The marital communication privilege under Rule 504 of New Hampshire's Rules of Evidence.

(n) The homestead rights of a surviving spouse under RSA 480, and exemption of homestead from levy and execution under RSA 529.

(o) Public assistance benefits under state law.

(p) Laws relating to the making, revoking, and objecting to anatomical gifts by others.

(q) Laws providing benefits to spouses of firefighters and police officers injured or killed in the line of duty.

(r) Laws relating to taxes imposed by the state or a municipality or county.

(s) Surrogacy law and procedure.

(t) Laws relating to the presumption or establishment of parenthood, including the right of a civil union spouse to establish parenthood through voluntary acknowledgement under RSA 168-A and RSA 168-B.

(u) Laws relating to disposition of remains, including those under RSA 290 and RSA 291-A.

457-A:5 Modification of Civil Union Terms. Parties to a civil union may modify the terms, conditions, or effects of their civil union in the same manner and to the same extent as married persons who execute a premarital agreement or other agreement recognized and enforceable under the law, setting forth particular understandings with regard to their union.

457-A:6 Dissolution of Civil Unions. The judicial branch family division established by RSA 490-D shall have jurisdiction over all proceedings relating to the dissolution of civil unions. The dissolution of civil unions shall follow the same procedures and be subject to the same substantive rights and obligations that are involved in the dissolution of marriage in accordance with the applicable state laws, including residency requirements.

457-A:7 Vital Records.

I. The division of vital records administration shall provide any and all forms, applications, intentions, worksheets, licenses, certificates, or other documentation as required to enter into a civil union to all city and town clerks in the same form and manner as provided for marriages under RSA 5-C and RSA 457.

II. The city and town clerks shall process, record, and transmit the information furnished to them and subscribed to regarding civil unions in the same form and manner as provided for marriages under RSA 5-C and RSA 457.

III. The division of vital records administration shall process and maintain records relating to civil unions and the dissolution thereof in the same form and manner as provided for marriages under RSA 5-C.

457-A:8 Incorporation of Federal Provisions. To the extent any New Hampshire laws adopt, refer to, or rely upon provisions of the federal law as applicable to New Hampshire, parties joined in civil unions shall be treated under the law of the state of New Hampshire as if federal law recognized a civil union in the same manner as the law of the state of New Hampshire.

457-A:9 Recognition of Out-of-State Legal Unions of Same-Sex Couples.

I. A legal union of 2 persons of the same sex, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a civil union as defined in this chapter, shall be recognized as a valid civil union in this state regardless of whether it bears the name civil union.

II. Two persons of the same sex who have validly entered into a marriage in another state, a foreign country, or any other jurisdiction in conformity with the law of such state, foreign country, or jurisdiction shall have, in this state, not less than the same benefits, protections, and responsibilities as are granted to parties in a civil union in this state.

457-A:10 Protection of Freedom of Religion.

I. Consistent with the guarantees of freedom of religion set forth both in the First Amendment to the United States Constitution and part I, articles 5 and 6 of the New Hampshire constitution, each religious institution has exclusive control over its own religious doctrine, policy, and teachings regarding who may be joined in a sanctioned union within its faith, and on what terms. No court or other state or local governmental body, entity, agency or commission shall compel, prevent, or interfere in

any way with any religious institution's decisions about the eligibility of persons to join in a union within that particular faith's tradition.

II. Consistent with the guarantees of freedom of religion set forth both in the First Amendment to the United States Constitution and part I, articles 5 and 6 of the New Hampshire constitution, ordained clergy, ministers, elders, rabbis, or people called Friends or Quakers as described and authorized in RSA 457:31, RSA 457:31-a, RSA 457:32, and RSA 457:37 to officiate at a marriage or civil union shall not be obligated or otherwise required by law to officiate at any particular marriage, civil union, or religious rite joining 2 persons together.

457-A:11 Construction. This chapter shall be construed liberally in order to secure to eligible couples the option of a legal status with all the attributes and effects, and protections and responsibilities of civil marriage.

457-A:12 Severability. If any provision of this chapter is invalid, or if any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

2 New Paragraph; Vital Records Administration; Definitions. Amend RSA 5-C:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Civil union" means a legal relationship formed by 2 eligible persons pursuant to RSA 457-A.

3 New Subparagraph; Vital Records Administration; Definitions. Amend RSA 5-C:1, XXXVI by inserting after subparagraph (h) the following new subparagraph:

(i) Civil union.

4 New Subdivision; Application of Title V. Amend RSA 21-J by inserting after section 45 the following new subdivision: Application of Title V to Parties to Civil Unions

21-J:46 Application of Title V to Parties to Civil Unions. The provisions of title V of the Revised Statutes Annotated, including RSA 72, RSA 77, RSA 77-B, RSA 78-B, and RSA 88-A, shall apply to parties to a civil union as if federal income tax law and federal estate and gift tax law recognized such a civil union in the same manner as New Hampshire law.

5 Estate Tax Apportionment Act. Amend RSA 88-A:9 to read as follows:

88-A:9 Coordination With Federal Law. ***Except as provided in RSA 21-J:46***, if the liabilities of persons interested in the estate as prescribed by this chapter differ from those which result under the federal estate tax law, the liabilities imposed by the federal law will control and the balance of this chapter shall apply as if the resulting liabilities had been prescribed in this chapter.

6 New Section; Insurance Coverage for Parties to Civil Unions. Amend RSA 400-A by inserting after section 2 the following new section:

400-A:2-a Coverage for Civil Unions.

I. Insurance contracts and policies offered to married couples, spouses, and families shall also be made available to parties to a civil union as defined in RSA 457-A:1 and their families.

II. No insurance contract or policy offered in this state shall make or permit unfair discrimination between married couples and parties to a civil union, with regard to the offering of insurance benefits to a couple, a spouse, or a party to a civil union, or their family.

III. Notwithstanding any law to the contrary, insurers shall provide dependent coverage to parties to a civil union that is equivalent to that provided to married insureds. An individual or group insurance contract or policy which provides coverage for a spouse or family member of the insured shall also provide the equivalent coverage for a party to a civil union.

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

AMENDED ANALYSIS

This bill establishes civil unions as legally recognized relationships.

2007-0684h

Amendment to HB 457

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

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

AN ACT allowing local governing bodies to restrict lawn watering during declared droughts.

Amend the bill by replacing section 1 with the following:

1 New Section; Restricting the Watering of Lawns. Amend RSA 41 by inserting after section 11-c the following new section:

41:11-d Restricting the Watering of Lawns.

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for residential outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

II. The local governing body shall give notice prior to the implementation of the regulations in paragraph I. Notice shall be given at least 3 calendar days before the regulations are implemented. The notice required under this section shall not

include the day notice is posted. Notice of the regulations shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

III. The full text of the proposed regulations need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

AMENDED ANALYSIS

This bill allows local governing bodies to restrict lawn watering during declared droughts.

2007-0880h

Amendment to HB 467

Proposed by the Committee on Science, Technology and Energy - R

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

AN ACT establishing a state climate change policy commission and developing a climate action plan and to report on climate change issues.

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

1 Purpose. The Conference of New England Governors and Eastern Canadian Premiers (NEGECP) agreed in 2001 to a regional goal of reducing greenhouse gas emissions to 1990 levels by 2010, and to 10 percent below 1990 levels by 2020. That agreement also called for each jurisdiction to create a plan articulating measures to achieve greenhouse gas reductions in view of these regional short and mid-term targets. It shall be the goal of the state of New Hampshire to reduce greenhouse gas emissions consistent with the NEGECP agreement, as practicable, recognizing the regional nature of that agreement.

2 Commission Established. There is hereby established a state climate change policy commission.

3 Membership and Compensation.

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

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

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(c) Ten members appointed by the governor, two of whom shall come from each of the following organizations or interests: general commerce and industry, environmental interests, science/academia, public utilities, and insurance interests.

(d) The commissioner of the department of environmental services, or designee.

(e) A member of the public utilities commission, appointed by the commission.

(f) The public utilities consumer advocate, or designee.

(g) The director of the office of energy and planning, or designee.

(h) The commissioner of the department of resources and economic development, or designee.

(i) The commissioner of the department of transportation, or designee.

(j) The commissioner of the department of safety, or designee.

II. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties.

I. The commission shall propose and adopt a climate action plan consistent with the goals of the NEGECP Climate Change Agreement of 2001. Recommended actions in the plan shall be both prudent and achievable, and shall recognize the regional nature of the agreement. The plan shall:

(a) Be comprehensive in scope and identify greenhouse gas reductions in each economic sector including power generation, transportation and land use, and industrial, commercial, and residential energy use, that are needed to meet overall reduction goals.

(b) Promote the economic and efficient use of energy and the development of renewable energy resources.

(c) Include provisions for public education and outreach by the department of environmental services and other state agencies relative to climate action.

(d) Include recommendations to the general court and the governor for legislation necessary to implement the plan.

II. Prior to adopting the plan, the commission shall hold at least 2 public hearings on the proposed plan and appropriately consider all stakeholder comments.

III. The department of environmental services shall serve as the lead agency in assisting the commission in its duties. The department of environmental services shall update its state greenhouse gas emissions inventory and develop baselines for both 1990 emissions and future projected emissions without reductions to determine the amount of reductions needed. The department, in conjunction with other member state agencies and commission members, as appropriate, shall prepare an initial draft action plan for review by the full commission by September 1, 2007, unless extended by the commission.

IV. As part of its work in developing the plan, the commission shall:

(a) Study the current state of climate science and scientific studies on the current and anticipated state and regional impacts of climate change in order to better define the need and urgency for state policy actions.

(b) Identify how energy efficiency opportunities and incentive programs, in all forms of energy usage, can contribute to greenhouse gas emissions reductions, including conservation.

(c) Study promoting renewable energy, both for electrical production and as a heat and transportation fuel source, including all current and ongoing legislation and other efforts to promote development of cleaner, less carbon intensive energy including renewable portfolio standards, the regional greenhouse gas initiative, the governor's "25 percent by '25" renewable energy initiative, the governor's executive order on energy efficiency, and any other such measures.

5 Long-term NEGECP Goal. The commissioner of environmental services shall consult with the NEGECP to establish a date for the organization's long-term regional goal of reducing the emissions of greenhouse gases by 75 to 85 percent below 2001 levels.

6 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting shall be held within 45 days of the effective date of this section.

7 Report. The commission shall file its plan with the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library by December 1, 2007.

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

AMENDED ANALYSIS

This bill establishes a state climate change policy commission to develop a climate action plan in conjunction with the department of environmental services and report on and make recommendations on climate change issues in New Hampshire.

2007-0769h

Amendment to HB 474

Proposed by the Committee on Municipal and County Government - C

Amend RSA 72:12-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person, firm or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section. This paragraph shall not apply to privately-owned landfills or ancillary facilities located at such landfills, ***or to private septic and sewage treatment systems that have as their primary purpose treatment or disposal of human waste.***

Amend section 2 of the bill by replacing it with the following:

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

2007-0999h

Floor Amendment to HB 474

Proposed by Rep. Pelkey

Amend RSA 72:12-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person, firm or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section. This paragraph shall not apply to privately-owned landfills or ancillary facilities located at such landfills, ***or to septic and sewage treatment systems of residences or for-profit corporations that have as their primary purpose treatment or disposal of human waste.***

Amend section 2 of the bill by replacing it with the following:

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

2007-0967h

Floor Amendment to HB 655-FN

Proposed by Reps. Mooney and Rowe

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

1 New Section; Homicide; Death of or Injury to a Third Trimester Fetus. Amend RSA 630 by inserting after section 6 the following new section:

630:7 Death of, or Injury to, a Third Trimester Fetus.

I.(a) Any person engaging in conduct that violates any provision of law listed in this paragraph and thereby causes the death of, or bodily injury to, a third trimester fetus, is guilty of a separate offense under this section.

(b) Except as otherwise provided in this section, the penalty for that separate offense is the same as the penalty provided under state law for that conduct had that injury or death occurred to the third trimester fetus 'mother.

(c) The provisions of law referred to in subparagraph (a) are as follows: RSA 630:1-a, 630:1-b, 630:2, 630:3, and

630:4.

II. An offense under this section requires proof that:

- (a) The person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or
- (b) The defendant intended to cause the death of, or bodily injury to, a third trimester fetus.

III. If the person engaging in the conduct thereby purposely or knowingly kills or attempts to kill a third trimester fetus, that person shall instead of being punished under subparagraph I(a), be punished under RSA 629:1 or 630:1-a.

IV. Notwithstanding the provisions of RSA 630:1, the death penalty shall not be imposed for an offense under this section.

V. Nothing in this section shall be construed to permit the prosecution of:

- (a) Any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law; or
- (b) Any person for any medical treatment of the pregnant woman or her third trimester fetus.

VI. In this section:

- (a) "Serious bodily injury" shall be as defined in RSA 625:11, VI.
- (b) "Third trimester fetus" means a fetus of the species homo sapiens, in the third trimester of development, carried in the womb.

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

AMENDED ANALYSIS

This bill establishes a separate offense for causing the death of, or injury to, a third trimester fetus.

2007-0979h

Floor Amendment to HB 662-FN-A-LOCAL

Proposed by Rep. Martin

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

1 New Paragraph; Registration Fees; Exemptions. Amend RSA 261:141 by inserting after paragraph VIII the following new subparagraph:

VIII-a. No fee shall be charged for registering a vehicle which is to be used by and is necessary for the transportation of a person with a permanent and total disability, as qualified by the Social Security Administration for SSI or SSDI benefits, and which has been specially modified or adapted to accommodate the person's disability, if the vehicle is owned or leased by the disabled person, a member of the disabled person's family, or a trust established for the disabled person.

2 New Section; Municipal Permits for Registration; Exemption for Vehicles Used by Persons with Disabilities. Amend RSA 261 by inserting after section 157-a the following new section:

261:157-b Exemption for Vehicles Used by Persons with Disabilities. No fee shall be charged for a permit to register a motor vehicle which is to be used by and is necessary for the transportation of a person with a permanent and total disability, as qualified by the Social Security Administration for SSI or SSDI benefits, and which has been specially modified or adapted to accommodate the person's disability, if the vehicle is owned or leased by the disabled person, a member of the disabled person's family, or a trust established for the disabled person.

2007-0795h

Amendment to HB 685

Proposed by the Committee on Transportation - R

Amend section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Nothing in this act shall prohibit the department of safety from making ongoing improvements to the driver licensing system, drivers' licenses, or the driver license database for the purpose of making licenses and nondriver's identification cards more secure or reliable or changing their physical appearance and design, or from sharing necessary driver's license and driver history information with other states and Canadian provinces or continuing to provide driver's license and driver history information to other agencies entitled to receive the information in the form in which it was provided prior to the effective date of this act for the purpose of determining eligibility for licensure or verifying the identity of applicants for licenses or nondriver's identification cards.

2007-0818h

Amendment to HB 689

Proposed by the Committee on Science, Technology and Energy - R

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

1 Commission Established. There is established a commission to study the production and distribution of biodiesel in New Hampshire.

2] Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The director of the New Hampshire office of energy planning, or designee.
- (e) The commissioner of the department of transportation, or designee.
- (f) A professor of agribusiness from the university of New Hampshire, appointed by the president of the university.
- (g) The commissioner of the department of agriculture, markets, and food, or designee.
- (h) The commissioner of the department of safety, or designee.
- (i) The commissioner of the department of resources and economic development, or designee.
- (j) A member of the faculty of the university of New Hampshire, physics department, appointed by the president of the university.
- (k) A professor from Keene state college, appointed by the president of the college.
- (l) A representative from the motor transport industry.
- (m) A representative from the fuel dealers business.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3] Duties. The commission shall study:

- I. How much biodiesel New Hampshire can produce.
- II. What sources exist for production in the state and region.
- III. What is the best way to distribute biodiesel.
- IV. Ways to encourage biodiesel production in New Hampshire.
- V. What barriers exist preventing or slowing increased use of biodiesel in New Hampshire.
- VI. What is the current demand and what action would encourage increased demand for biodiesel in New Hampshire.

4] Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

5] Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

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

2007-0807h

Amendment to HB 710

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters and temporarily prohibiting new leases of state-owned real estate on the shores of public waters.

Amend paragraph I of section 2 of the bill by inserting after subparagraph (k) the following new subparagraphs:

- (l) Two members of the public, appointed by the governor.
- (m) One representative from the department of safety.
- (n) One representative from the long range capital planning and utilization committee.
- (o) One representative of a municipality with leased shorefront property, appointed by the New Hampshire

Municipal Association.

Amend the bill by replacing section 4 with the following:

4] Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6] Leases; Temporary Prohibition. The state shall not enter into any new leases of real estate on the shores of public waters between the effective date of this section and January 1, 2009. The state may extend any lease in effect on the effective date of this section.

AMENDED ANALYSIS

This bill establishes a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. This bill also temporarily prohibits new leases of state-owned real estate on the shores of public waters.

2007-1032h

Floor Amendment to HB 710
Proposed by Reps. Spang and Cloutier

Amend paragraph I of section 2 of the bill by inserting after subparagraph (k) the following new subparagraphs:

- (l) Two members of the public, appointed by the governor.
- (m) One representative from the department of safety.
- (n) One representative from the long range capital planning and utilization committee.
- (o) One representative of a municipality with leased shorefront property, appointed by the New Hampshire

Municipal Association.

Amend the bill by replacing sections 4 and 5 with the following:

¶ Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

¶ Report. The commission shall report its findings and any recommendations for proposed legislation in a final report to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the commissioner of transportation, the commissioner of environmental services, the director of the office of energy and planning, the chair of the long range capital planning and utilization committee, and the state library on or before November 30, 2008.

2007-0726h

Amendment to HB 754-FN
Proposed by the Committee on Public Works and Highways - R

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

¶ New Section; Fund Established. Amend RSA 234 by inserting after section 65 the following new section:

234:66 Fund Established. Any and all funds received by the department of transportation relative to the Portsmouth Kittery Bridge, also known as the Sarah Mildred Long Bridge, shall be deposited with the state treasurer who shall keep such funds in a special nonlapsing account known as the Portsmouth-Kittery Bridge fund, to be expended by the department of transportation for the purpose of operations, maintenance, and repairs of the Portsmouth-Kittery Bridge.

¶ New Subparagraph; Portsmouth-Kittery Bridge Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the Portsmouth-Kittery Bridge fund under RSA 234:66.

AMENDED ANALYSIS

This bill:

I. Repeals the law relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge also known as the Sarah Mildred Long Bridge.

II. Requires the department of transportation to deposit funds received relative to the bridge with the state treasurer.

This bill is a request of the department of transportation.

2007-0892h

Amendment to HB 755-FN
Proposed by the Committee on Transportation - R

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

AN ACT relative to transfers of motor vehicle permits.

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

¶ Refunds. RSA 261:151 is repealed and reenacted to read as follows:

261:151 Refunds.

I. If a person transfers or loses a registered vehicle, upon filing a new application for registration in his or her name, if the permit fee of the newly registered vehicle is less than the one first registered by him or her, he or she shall receive a refund for the difference.

II. If the department acting under the authority of law shall have refused upon original application for the registration period to register the vehicle to which a permit relates, the town clerk, upon application therefor, shall refund the permit fee.

¶ Effective Date. This act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill allows a person who transfers the registration of his or her vehicle to receive a refund if the permit fee for the new motor vehicle is less than the permit fee for the previously-registered motor vehicle.

2007-0778h

Amendment to HB 768

Proposed by the Committee on Science, Technology and Energy - R

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

Amend the bill by replacing section 1 with the following:

1 Eastern Climate Registry; New Hampshire Participation. Amend RSA 125-L:2 to read as follows:
125-L:2 ***Eastern Climate*** Registry.

I. In order to help protect the interests of New Hampshire sources and the state's economy under a future federal regulatory scheme relating to greenhouse gas emissions, and to help encourage the voluntary reduction of greenhouse gas emissions by New Hampshire sources, the department shall ~~[establish and administer a registry whereby sources of greenhouse gas emissions may record and register early, voluntary greenhouse gas emissions reductions made after 1990. The purpose of this registry shall be to help sources establish a baseline against which any future federal greenhouse gas emissions reduction requirements may apply.]~~ ***encourage sources to register their inventory of greenhouse gas emissions with the Eastern Climate Registry.***

II. The department shall work with other states to expand upon the Eastern Climate Registry and develop a broader multi-state registry for greenhouse gas emissions records to support emissions reporting and reduction policies.

III. The department shall prepare an annual report for the general court summarizing New Hampshire's participation in the Eastern Climate Registry.

2007-0862h

Amendment to HB 777-FN-A

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT relative to agricultural exemptions from alteration of terrain permitting requirements and penalties for site development.

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

1 Terrain Alteration; Exemption. Amend RSA 485-A:17, III to read as follows:

~~III. [Normal agricultural operations shall be exempt from the provisions of this section.]~~ The department may exempt other state agencies from the permit and fee provisions of this section provided that each such agency has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the department under this chapter.

2 New Sections; Agricultural Exemption for Alteration of Terrain; Site Development Penalty. Amend RSA 485-A by inserting after section 17 the following new sections:

485-A:17-a Agricultural Exemption for Alteration of Terrain.

I. Normal agricultural operations shall be exempt from the provisions of RSA 485-A:17.

II. Any project that involves the removal of trees and stumps from lands that are not wetlands and would otherwise require a permit under RSA 485-A:17, I-II or RSA 483-B:6, solely for purposes of conversion to agriculture may be considered normal agricultural operations and, therefor, is exempt from the permitting requirements of RSA 485-A:17 subject to filing prior notification with the department on a form prescribed by the department with complete information. This exemption shall expire one year after its filing with the department.

III. Projects that qualify for this agricultural exemption include those that:

- (a) Only involve tree removal and stumping;
- (b) Do not significantly alter the characteristics of the terrain in such a manner as to impede the natural runoff or create an unnatural runoff by causing significant contour changes by filling or grading or terracing or both; and
- (c) Are necessary for an agricultural operation as defined in RSA 21:34-a and are not intended as a phase towards site development for a different purpose that would be covered by the alteration of terrain requirements.

IV. Exempt projects shall not include projects involving:

- (a) Contour changes created by significant filling, grading, and topsoil removal;
- (b) The erection of structures not related to agricultural operations; or
- (c) Construction of roads not related to agricultural operations.

485-A:17-b Site Development Penalty.

I. The landowner shall pay to the department a penalty as described in paragraph II if, within 6 years of filing the notification under RSA 485-A:17-a, II:

- (a) Land use changes from agriculture to any activity other than forestry; or
- (b) Changes described in RSA 485-A:17-a, III occur.

II. The penalty shall be based on the amount of land on which changes described in paragraph I occur, and the following time periods in which the changes took place calculated from the filing date of the notification, and the associated per acre rates

with such acre rates to be prorated:

- (a) Filing to 2 years - \$5,000 per acre;
- (b) 2 to 3 years - \$4,000 per acre;
- (c) 3 to 4 years - \$3,000 per acre;
- (d) 4 to 5 years - \$2,000 per acre; and
- (e) 5 to 6 years - \$1,000 per acre.

III. The department shall distribute these funds as follows:

- (a) 40 percent to the trust fund for the New Hampshire land and community heritage investment program established under RSA 227-M:7;
- (b) 40 percent to a non-lapsing fund held by the treasurer under RSA 482-A:14, III; and
- (c) 20 percent to the town conservation commission established under RSA 36-A, if any. If the town has not established a conservation commission, the money shall be equally divided between the funds listed under subparagraph (a)-(b).

IV. The penalties provided for in this section shall be in addition to any other penalties, fines, or enforcement provisions or other requirements of law.

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

AMENDED ANALYSIS

This bill:

- I. Establishes an agricultural exemption from the alteration of terrain permitting requirements.
- II. Establishes a penalty for site development.

2007-0954h

Amendment to HB 791-FN

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT establishing a commission to study the legal and social effects of permitting same gender marriage.

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

- 1 Commission Established. There is established a commission to study the legal and social effects of permitting same gender marriage.
- 2 Membership and Compensation.
 - I. The members of the commission shall be as follows:
 - (a) Four members of the house of representatives, at least 2 of whom shall be members of the judiciary committee, appointed by the speaker of the house of representatives.
 - (b) Four members of the senate, appointed by the president of the senate.
 - (c) One representative of the governor's office, appointed by the governor.
 - (d) Four public members, 2 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the president of the senate.
 - (e) An attorney who specializes in family law, appointed by the New Hampshire Bar Association.
 - II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.
 - 3 Duties. The commission shall study the legal and social effects of permitting same gender marriage. The commission shall compile information on the legal and social effects of legislative acts and judicial decisions to permit same gender marriage. The commission's study shall include, but not be limited to, the collection and analysis of data to determine the legal and societal changes which have occurred in other jurisdictions as a result of permitting same gender marriage.
 - 4 Chairperson; Quorum; Hearing and Meetings.
 - I. The commission shall choose a chairperson, vice-chairperson, and clerk at its first meeting. The clerk shall keep a complete record of the proceedings of the commission and may call upon the resources of the legislature for assistance.
 - II. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. A majority of the members of the commission shall constitute a quorum.
 - III. The commission shall hold no fewer than 3 public hearings in different parts of the state. Notice of all commission meetings and hearings shall be printed in the house and senate calendars. Commission meetings and hearings shall be open to the public and shall be subject to the requirements of RSA 91-A:2.
 - 5 Report. The commission shall make a final report to the speaker of the house of representatives and the senate president on or before December 1, 2008.
 - 6 Effective Date. This act shall take effect June 30, 2007.

AMENDED ANALYSIS

This bill establishes a commission to study the legal and social effects of permitting same gender marriage.

2007-1011h

Floor Amendment to HB 791-FN
Proposed by Rep. Wendelboe

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

AN ACT relative to marriage.

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

- 1 New Section; Legally Recognized Marriage. Amend RSA 457 by inserting after section 2 the following new section:
457:2-a Legally Recognized Marriage. A marriage between one man and one woman shall be the only legal marriage that shall be valid or recognized in this state.
- 2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes that a marriage between one man and one woman shall be the only legal marriage that shall be valid or recognized in this state.

2007-0847h

Amendment to HB 866
Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to the right-to-know law application to public utilities commission matters.

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

- 1 New Section; Public Utilities Commission. Amend RSA 363 by inserting after section 17-b the following new section:
363:17-c Meetings of the Commission. The commission's deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A and investigations held pursuant to its authority under Title 33 shall be privileged and exempt from the public meeting, notice, and disclosure provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings and investigations shall be publicly available but only after they have been announced at a public meeting or hearing of the commission or reduced to writing, signed by a majority of the commission and served upon the parties. Discussions and actions by the commission concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.
- 2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies certain administrative procedures of the public utilities commission with respect to RSA 91-A.

2007-0857h

Amendment to HB 873-FN-LOCAL
Proposed by the Committee on Science, Technology and Energy - R

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

- 1 Findings. The general court finds that:
 - I. New Hampshire's electric utility restructuring policy principles in RSA 374-F:3, IX recognize that increased use of renewable resources can provide environmental, economic, and energy security benefits.
 - II. In 2005, 2.3 million megawatt hours of electricity was generated from renewable energy facilities, including hydroelectric, biomass, and landfill gas power plants, with a combined generating capacity of 576 megawatts. This equaled 10 percent of the total electricity generation and 20 percent of the total retail electricity sales in New Hampshire in 2005.
 - III. The 2002 state energy plan prepared by the governor's office of energy and community services pursuant to 2001, 121 recommended establishing a renewable portfolio standard to support indigenous renewable energy sources such as wood and hydroelectric, to encourage investments in new renewable power generation in the state, and to allow New Hampshire to benefit from the diversity, reliability, and economic benefits that come from clean power.
 - IV. The state energy policy commission, established by 2006, 257:1 identified in its December 1, 2006 interim report principles that the governor and general court should use to evaluate any new energy policy initiative. One principle is to increase the state's fuel diversity by reducing the fossil fuel component of the state's energy mix and promoting use of renewable energy resources to buffer against global instability.
 - V. The energy planning advisory board established by 2004, 164:2 received extensive comments supporting establishment of a state renewable portfolio standard during a stakeholder forum on energy policy held June 23, 2006.
 - VI. Governor Lynch has committed New Hampshire to a goal of meeting 25 percent of the state's energy needs from renewable energy resources by 2025. Enactment of a renewable portfolio standard in New Hampshire will be an important step in meeting this goal.
- 2 New Chapter; Electric Renewable Portfolio Standard. Amend RSA by inserting after chapter 362-E the following new

chapter:

CHAPTER 362-F
ELECTRIC RENEWABLE PORTFOLIO STANDARD

362-F:1 Purpose. Renewable energy generation technologies can provide fuel diversity to the state and New England generation supply through use of local renewable fuels and resources that serve to displace and thereby lower regional dependence on fossil fuels. This has the potential to lower and stabilize future energy costs by reducing exposure to rising and volatile fossil fuel prices. The use of renewable energy technologies and fuels can also help to keep energy and investment dollars in the state to benefit our own economy. In addition, employing low emission forms of such technologies can reduce the amount of greenhouse gases, nitrogen oxides, and particulate matter emissions transported into New Hampshire and also generated in the state, thereby improving air quality, public health, and mitigating against the risks of climate change. It is therefore in the public interest to stimulate investment in low emission renewable energy generation technologies in New England and, in particular, New Hampshire, whether at new or existing facilities.

362-F:2 Definitions. In this chapter:

I. "Begun operation" means the date that a facility, or a capital addition thereto, for the purpose of repowering to renewable energy is first placed in service for purposes of the implementing regulations of the Internal Revenue Code of 1986, as amended.

II. "Biomass fuels" means plant-derived fuel including clean and untreated wood such as brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips or pellets, shavings, sawdust and slash, agricultural crops, biogas, or liquid biofuels, but shall exclude any materials derived in whole or in part from construction and demolition debris.

III. "Certificate" means the record that identifies and represents each megawatt-hour generated by a renewable energy generating source under RSA 362-F:6.

IV. "Commission" means public utilities commission.

V. "Customer-sited source" means a source that is interconnected on the end-use customer's site of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer.

VI. "Default service" means electricity supply that is available to retail customers who are otherwise without an electricity supplier as defined in RSA 374-F:2, I-a.

VII. "Department" means the department of environmental services.

VIII. "Eligible biomass technologies" means generating technologies that use biomass fuels as their primary fuel, provided that the generation unit:

(a) Has a quarterly average nitrogen oxide (NOx) emission rate of less than or equal to 0.075 pounds/million British thermal units (lbs/Mmbtu), and an average particulate emission rate of less than or equal to 0.02 lbs/Mmbtu as measured and verified under RSA 362-F:12; and

(b) Uses any fuel other than the primary fuel only for start-up, maintenance, or other required internal needs.

IX. "End-use customer" means any person or entity that purchases electricity supply at retail in New Hampshire from another person or entity but shall not include:

(a) A generating facility taking station service at wholesale from the regional market administered by the independent system operator (ISO-New England) or self-supplying from its other generating stations; and

(b) Prior to January 1, 2010, a customer who purchases retail electricity supply, other than default service under a supply contract executed prior to January 1, 2007.

X. "Historical generation baseline" means:

(a) The average annual electrical production from a facility other than hydroelectric, stated in megawatt-hours, for the 3 years 2004 through 2006, or for the first 36 months after the facility began operation if that date is after December 31, 2001; provided that the historical generation baseline shall be measured regardless of whether or not the emissions from the facility during the baseline period meets emissions requirements of the class.

(b) The average annual production of a hydroelectric facility from the later of January 1, 1986 or the date of first commercial operation through December 31, 2005. If the hydroelectric facility experienced an upgrade or expansion during the historical generation baseline period, actual generation for that entire period shall be adjusted to estimate the average annual production that would have occurred had the upgrade or expansion been in effect during the entire historical generation baseline period.

XI. "Methane gas" means biologically derived methane gas from anaerobic digestion of organic materials from such sources as yard waste, food waste, animal waste, sewage sludge, septage, and landfill waste.

XII. "New England control area" means the term as defined in ISO-New England's transmission, markets and services tariff, FERC electric tariff no. 3, section II.

XIII. "Primary fuel" means a fuel or fuels, either singly or in combination, that comprises at least 90 percent of the total energy input into a generating unit.

XIV. "Provider of electricity" means a distribution company providing default service or an electricity supplier as defined in RSA 374-F:2, II.

XV. "Renewable energy source," "renewable source," or "source" means a class I, II, III, or IV source of electricity or electricity displacement by a class I source under RSA 362-F:4, I(g). An electrical generating facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4, shall not be considered a renewable source.

XVI. "Year" means a calendar year beginning January 1 and ending December 31.

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customer that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	2008	2009	2010	2011	2012	2013	2014	2015	2025	
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%		16%(*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%	
Class III	3.5%	4.5%	5.5%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%	
Class IV	0.5%	1%	1%	1%	1%	1%	1%	1%	1%	

* Class I increases an additional one percent per year from 2015 through 2025. Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

362-F:4 Electric Renewable Energy Classes.

I. Class I (New) shall include the production of electricity from any of the following, provided the source began operation after January 1, 2006, except as noted below:

- (a) Wind energy.
- (b) Geothermal energy.
- (c) Hydrogen derived from biomass fuels or methane gas.
- (d) Ocean thermal, wave, current, or tidal energy.
- (e) Methane gas.
- (f) Eligible biomass technologies.

(g) The equivalent displacement of electricity, as determined by the commission, by end-use customers, from solar hot water heating systems used instead of electric hot water heating.

(h) Class II sources to the extent that they are not otherwise used to satisfy the minimum portfolio standards of other classes.

(i) The incremental new production of electricity in any year from an eligible biomass or methane source or any hydroelectric generating facility licensed or exempted by Federal Energy Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical generation baseline, provided the commission certifies demonstrable completion of capital investments attributable to the efficiency improvements, additions of capacity, or increased renewable energy output that are sufficient to, were intended to, and can be demonstrated to increase annual renewable electricity output. The determination of incremental production shall not be based on any operational changes at such facility but rather on capital investments in efficiency improvements or additions of capacity.

(j) The production of electricity from a class III or IV source that has begun operation as a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and equipment, but not its property and intangible assets, is derived from capital investment directly related to restoring generation or increasing capacity including department permitting requirements for new plants. Such production shall not qualify for class III or IV certificates.

II. Class II (New Solar) shall include the production of electricity from solar technologies, provided the source began operation after January 1, 2006.

III. Class III (Existing Biomass/Methane) shall include the production of electricity from any of the following, provided the source began operation prior to January 1, 2006:

- (a) Eligible biomass technologies having a gross nameplate capacity of 25 MWs or less.
- (b) Methane gas.

IV. Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy, provided the source began operation prior to January 1, 2006, has a gross nameplate capacity of 5 MWs or less, has installed upstream and downstream dianadromous fish passages that have been required and approved under the terms of its license or exemption from the Federal Energy Regulatory Commission, and when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.

V. For good cause, and after notice and hearing, the commission may accelerate or delay by up to one year, any given year's incremental increase in class I or II renewable portfolio standards requirement under RSA 362-F:3.

VI. After notice and hearing, the commission may modify the class III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent and 95 percent of the reasonably expected potential annual output of available eligible sources after taking into account demand from similar programs in either states.

362-F:5 Commission Review and Report. Commencing in January 2011, 2018, and 2025 the commission shall conduct a review of the class requirements in RSA 362-F:3 and other aspects of the electric renewable portfolio standard program established by this chapter. Thereafter, the commission shall make a report of its findings to the general court by November 1, 2011, 2018, and 2025, respectively, including any recommendations for changes to the class requirements or other aspects of the electric renewable portfolio standard program. The commission shall review, in light of the purposes of this chapter and with due consideration of the importance of stable long-term policies:

- I. The adequacy or potential adequacy of sources to meet the class requirements of RSA 362-F:3;
- II. The class requirements of all sources in light of existing and expected market conditions;
- III. The potential for addition of a thermal energy component to the electric renewable portfolio standard;
- IV. Increasing the class requirements relative to classes I and II beyond 2025;
- V. The possible introduction of any new classes such as an energy efficiency class or the consolidation of existing ones;
- VI. The timeframe and manner in which new renewable class I and II sources might transition to and be treated as existing renewable sources and if appropriate, how corresponding portfolio standards of new and existing sources might be adjusted;
- VII. The experience with and an evaluation of the benefits and risks of using multi-year purchase agreements for certificates, along with purchased power, relative to meeting the purposes and goals of this chapter at the least cost to consumers and in consideration of the restructuring policy principles of RSA 374-F:3; and
- VIII. Alternative methods for renewable portfolio standard compliance, such as competitive procurement through a centralized entity on behalf of all consumers in all areas of the state.

362-F:6 Renewable Energy Certificates.

I. The electric renewable portfolio standard program established in this chapter shall utilize the regional generation information system (GIS) of energy certificates administered by ISO-New England and the New England Power Pool (NEPOOL) or their successors. If the regional GIS certificate tracking program administered by the ISO-New England is no longer operational or accessible, the commission shall develop an alternative certificate program, after public notice and hearing, designed to provide at least the same information on the type and generation of renewable energy resources as the GIS certificate tracking program.

II. The commission shall establish procedures by which electricity production not tracked by ISO-New England from customer-sited sources, including behind the meter production, may be included within the certificate program, provided such sources are located in New Hampshire. The procedures may include the aggregation of sources and shall be compatible with procedures of the certificate program administrator. The production shall be monitored and verified by an independent entity designated by the commission, which may include electric distribution companies.

III. The commission shall designate in a timely manner New Hampshire eligible renewable sources together with any conditions pursuant to this chapter to the certificate program administrator under paragraph I, with such sources being the recipient of all certificates issued for purpose of this chapter.

IV.(a) Certificates issued for purposes of complying with this chapter shall come from sources within the New England control area unless the source is located in a control area adjacent to the New England control area and the energy produced by the source is actually delivered into the New England control area for consumption by New England customers. The delivery of such energy from the source into the New England control area shall be verified by:

(1) A unit-specific bilateral contract for sale and delivery of a source's electrical energy to the New England control area is in place for the time period during which renewable certificates are generated;

(2) Confirmation from ISO-New England that the sale of the renewable energy was actually settled in the ISO market system; and

(3) Confirmation through the North American Electric Reliability Corporation tagging system that the import of energy into the New England control area actually occurred.

(b) The commission may impose such other requirements as it deems appropriate, including methods of confirming actual delivery of the electrical energy into the New England control area.

362-F:7 Sale, Exchange, and Use of Certificates.

I. A certificate may be sold or otherwise exchanged by the source to which it was initially issued or by any other person or entity that acquires the certificate. A certificate may only be used once for compliance with the requirements of this chapter. It may not be used for compliance with this chapter if it has been or will be used for compliance with any similar requirements of another non-federal jurisdiction, or otherwise sold, retired, claimed, or represented as part of any other electrical energy output or sale. Certificates shall only be used by providers of electricity for compliance with the requirements of RSA 362-F:3 in the year in which the generation represented by the certificate was produced, except that unused certificates of the proper class issued for production during the prior 2 years or the first quarter of the subsequent year may be used to meet up to 30 percent of a provider's requirements for a given class obligation in the current year of compliance.

II. Certificates from behind-the-meter distributed generation shall be initially issued to the owner of the customer-sited source or their designee, regardless of whether the source has received assistance from the renewable energy fund established in

RSA 362-F:10.

362-F:8 Information Collection. By July 1 of each year, each provider of electricity shall submit a report to the commission, in a form approved by the commission, documenting its compliance with the requirements of this chapter for the prior year. The commission may investigate compliance and collect any information necessary to verify and audit the information provided to the commission by providers of electricity.

362-F:9 Purchased Power Agreements.

I. Upon the request of one or more electric distribution companies and after notice and hearing, the commission may authorize such company or companies to enter into multi-year purchase agreements with renewable energy sources for certificates, in conjunction with or independent of purchased power agreements from such sources, to meet reasonably projected renewable portfolio requirements and default service needs to the extent of such requirements, if it finds such agreements or such an approach, as may be conditioned by the commission, to be in the public interest.

II. In determining the public interest, the commission shall find that the proposal is substantially consistent with the following factors:

(a) The efficient and cost-effective realization of the purposes and goals of this chapter;

(b) The restructuring policy principles of RSA 374-F:3;

(c) The extent to which such multi-year procurements are likely to create a reasonable mix of resources, in combination with the company's overall energy and capacity portfolio, in light of the energy policy set forth in RSA 378:37 and either the distribution company's integrated least cost resource plan pursuant to RSA 378:37-41, if applicable, or a portfolio management strategy for default service procurement that balances potential benefits and risks to default service customers;

(d) The extent to which such procurement is conducted in a manner that is administratively efficient and promotes market-driven competitive innovations and solutions; and

(e) Economic development and environmental benefits for New Hampshire.

III. The commission may authorize one or more distribution companies to coordinate or delegate procurement processes under this section.

IV. Rural electric cooperatives for which a certificate of deregulation is on file with the commission shall not be required to seek commission authorization for multi-year purchased power agreements or certificate purchase agreements under this paragraph.

362-F:10 Renewable Energy Fund.

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. The moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall only be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court.

II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the extent sufficient certificates are not otherwise available at a price below the amounts specified in this paragraph, an electricity provider may, at the time of report submission for that year under RSA 362-F:8, make payment to the commission at the following rates for each megawatt-hour not met for a given class obligation through the acquisition of certificates:

(a) Class I- \$57.12.

(b) Class II - \$150.

(c) Class III - \$28.

(d) Class IV - \$28.

III. Beginning in 2008, the commission shall adjust these rates by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor.

IV. The commission shall make an annual report by October 1 of each year, beginning in 2009, to the legislative oversight committee on electric utility restructuring under RSA 374-F:5 detailing how the renewable energy fund is being used and any recommended changes to such use.

362-F:11 Application.

I. The commission, in a non-adjudicative process, shall certify the classification of an existing or proposed generation facility by issuing a determination within 45 days of receiving from an applicant sufficient information to determine its classification. The application shall contain the following:

(a) Name and address of applicant.

(b) Facility location, ISO-New England asset identification number, and NEPOOL GIS facility code, if available.

(c) Description of the facility, including fuel type, gross generation capacity, initial commercial operation date, and,

in the case of a biomass source, NOx and particulate matter emission rates and a description of pollution control equipment or practices proposed for compliance with applicable NOx and particulate matter emission rates.

(d) Such other information as the applicant may provide to assist in determining the classification of the generating facility.

II. The commission shall certify applications of customer-sited sources in a manner that is compatible with the procedures established for recognizing such production under RSA 362-F:6, II.

III. Biomass facilities otherwise meeting the requirements of a source shall be conditionally certified by the commission subject to compliance with the applicable NOx and particulate matter emission standards. Within 10 days of verification of compliance with emissions standards from the department, as provided in RSA 362-F:12, III, the commission, in a non-adjudicative process, shall designate the facility as eligible pursuant to RSA 362-F:6, III.

362-F:12 Verification of Emissions From Biomass Sources. Any source seeking to qualify using an eligible biomass technology shall verify emissions in accordance with the following methods:

I. For nitrogen oxide emissions, the source shall install and operate a continuous emissions monitor that meets departmental standards as codified in rules.

II. For particulate matter emissions, the source shall conduct an annual stack test in accordance with methods approved by the department. Upon completion of 3 annual tests which demonstrate compliance, the source may request of the department for a decrease in the frequency of testing, but to not less than once every 3 years.

III. Each such source shall file with the department and the commission within 45 days of the end of each calendar quarter an affidavit and documentation attesting to the source's average NOx emission rate for such quarter and the most recent particulate matter stack test results. For purposes of initial certification under RSA 362-F:6, the results of a stack test may be filed with the department at any time to demonstrate compliance with both the particulate matter and nitrogen oxide emissions standards. Within 30 days of a filing, the department shall provide verification of the emissions reported in the filing to the commission.

362-F:13 Rulemaking. The commission shall adopt rules, under RSA 541-A to:

I. Administer the electric renewable portfolio standard program including the development of an alternative to the regional generation information system to the extent necessary.

II. Ascertain, monitor, and enforce compliance with the program to the extent not addressed in the department's rules.

III. Include within the program electric production not tracked by ISO-New England from eligible customer-sited sources.

IV. Administer the renewable energy fund and make expenditures from the fund.

V. Establish procedures for the classification of existing or proposed generation facilities, including a provision for a preliminary designation option, and to verify the completion of capital investments required of certain class I resources.

VI. Define when a repowered generation unit qualifies as a new class I source under RSA 362-F:4.

VII. Otherwise discharge the responsibilities delegated to the commission under this chapter.

3 New Subparagraph; Application of Receipts; Renewable Energy Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 252 the following new subparagraph:

(253) Moneys deposited in the renewable energy fund established under RSA 362-F:10.

4 Default Service. Amend RSA 374-F:3, V(c) to read as follows:

(c) Default service should be designed to provide a safety net and to assure universal access and system integrity. Default service should be procured through the competitive market and may be administered by independent third parties. ***Any prudently incurred costs arising from compliance with the renewable portfolio standards of RSA 362-F for default service or purchased power agreements shall be recovered through the default service charge.*** The allocation of the costs of administering default service should be borne by the customers of default service in a manner approved by the commission. If the commission determines it to be in the public interest, the commission may implement measures to discourage misuse, or long-term use, of default service. Revenues, if any, generated from such measures should be used to defray stranded costs.

5 Competitive Electricity Supplier Requirement. Amend RSA 374-F:7, III to read as follows:

III. The commission is authorized to assess fines against, revoke the registration of, and prohibit from doing business in the state, any competitive electricity supplier which violates the requirements of this section ***or RSA 362-F.***

6 Thermal Renewable Study; Statement of Purpose.

I.(a) Thermal renewable energy technologies provide fuel diversity to New Hampshire and New England energy supply through use of local renewable fuels and resources and have the potential to lower and stabilize future energy costs by helping to minimize regional dependence on imported fossil fuels such as natural gas, propane, and oil for heating and cogeneration.

(b) The increased use in New Hampshire and New England of thermal energy generated using low emission, renewable energy technologies will help to reduce the amount of nitrogen oxide, sulfur dioxide, particulate matter, and greenhouse gas emissions transported into New Hampshire and also generated in the state, thereby improving air quality and public health.

(c) In addition to benefits stated above, it is in the public interest to stimulate economic development by investment in low emission thermal renewable energy technologies in New England and in particular, New Hampshire.

II.(a) The office of energy and planning in consultation with the energy planning advisory board established by 2004, 164 shall study, evaluate, and make recommendations including potential legislation on:

(1) A thermal renewable portfolio standard and other incentives or mechanisms that will promote the use of high efficiency low emission thermal renewable energy technology and fuels in residential, commercial, and industrial applications;

(2) Regulatory, technological, or other impediments to the rapid deployment of thermal renewable energy systems; and

(3) Recommendations to the state and local governments on programs and actions that can be implemented to encourage residential, commercial, and industrial use of thermal renewable energy.

(b) The office of energy and planning shall solicit advice and expertise from members of the public representing thermal energy technology and fuels and may solicit the advice and expertise of any individual, state agency or organization, or state employee.

(c) The office of energy and planning 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 on or before November 30, 2008.

7 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Establishes minimum electric renewable portfolio standards.

II. Requires the commission to make reports to the general court.

III. Requires the use of renewable energy certificates.

IV. Requires the office of energy and planning to conduct a study of incentives to promote thermal renewable energy.

2007-1033h

Floor Amendment to HB 873-FN-LOCAL

Proposed by Rep. Harvey

Amend the introductory paragraph of RSA 362-F:9, II as inserted by section 2 of the bill by replacing it with the following:

II. In determining the public interest, the commission shall find that the proposal is, on balance, substantially consistent with the following factors:

2007-0921h

Amendment to HB 882-FN

Proposed by the Majority of the Committee on Judiciary - R

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

1 Limit of Liability. Amend RSA 507-B:4, I to read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to ~~[\$150,000]~~ **\$1,000,000**. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to ~~[\$500,000]~~ **\$3,000,000**.

2 Limitation on Action and Claims. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed ~~[\$250,000]~~ **\$1,000,000** per claimant and ~~[\$2,000,000]~~ **\$3,000,000** per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter.

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

AMENDED ANALYSIS

This bill increases the cap for tort liability of governmental units.

2007-1002h

Floor Amendment to HB 882-FN

Proposed by Reps. Lasky, Kurk and G. Richardson

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

1 Limit of Liability. Amend RSA 507-B:4, I to read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to [~~\$150,000~~] **\$275,000**. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to [~~\$500,000~~] **\$925,000**. ***Beginning January 1, 2009, each of the limits stated above shall be increased or decreased annually by an amount that represents the percentage increase or decrease in the consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor, since the last adjustment of such limits. The state treasurer shall determine the adjustment provided for herein on or before January 1 of each year and shall transmit it to the director of the administrative office of the courts. The limits so established shall take effect on January 1 and remain in effect through December 31 of the same year. The limits applicable to any action shall be the limits in effect at the time of judgment.***

2 Limitation on Action and Claims. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed [~~\$250,000~~] **\$475,000** per claimant and [~~\$2,000,000~~] **\$3,750,000** per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter. ***Beginning January 1, 2009, each of the limits stated above shall be increased or decreased annually by an amount that represents the percentage increase or decrease in the consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor, since the last adjustment of such limits. The state treasurer shall determine the adjustment provided for herein on or before January 1 of each year and shall transmit it to the director of the administrative office of the courts. The limits so established shall take effect on January 1 and remain in effect through December 31 of the same year. The limits applicable to any action shall be the limits in effect at the time of judgment.***

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

AMENDED ANALYSIS

This bill increases the cap for tort liability of governmental units and ties further increases or decreases to the consumer price index.

2007-0855h

Amendment to HB 898

Proposed by the Majority of the Committee on Resources, Recreation and Development - R

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

1 New Paragraphs; Definitions. Amend RSA 215-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Mushing" means the activity of using sled dogs to pull motorized or non-motorized devices.

XXII. "Sled dogs" means teams of dogs driven by a person or persons pulling sleds, a skier, wheeled rigs, and other motorized and non-motorized devices used to train or control the teams.

2 New Subparagraph; Sled Dog Trails. Amend RSA 215-A:42, I by inserting after subparagraph (d) the following new subparagraph:

(e) A management plan exists that specifically allows the operation of sled dogs and training devices used to train or control sled dogs on the property.

3 New Subparagraph; Sled Dog Trails; Evaluation Process. Amend RSA 215-A:43, II by inserting after subparagraph (cc) the following new subparagraph:

(dd) The bureau has consulted the New Hampshire Musers Association about the use of sled dogs and training equipment on the trails.

4 Use of Statewide Trail System; Mushing Added. Amend RSA 216-F:2, I to read as follows:

I. The trails within the system shall be held, developed and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing, snowmobiling, **mushing**, and off highway recreational vehicles and the natural scenic beauty thereof shall be preserved insofar as is practical; provided, however, that the commissioner may permit uses of trails and land acquired hereunder, by the owner of adjoining land or others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trails. ***Any trail designated as a sled dog training area shall be posted as such on each end of the trail during the training season.***

5 Multi-Use Statewide Trail System; Advisory Committee. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, for the purposes of advising the director of parks and recreation on matters related to the New Hampshire statewide trail system. The members shall equally represent the different trail interests involved and the general public. This committee shall include, but not be limited to, representation from the following: the bureau of trails; department of fish and game; office of energy and planning;

department of transportation; governor's commission on disability; New Hampshire Snowmobile Association; a representative of Granite State ATV Association; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection of New Hampshire Forests; the New Hampshire Heritage Trail; the New Hampshire Farm Bureau Federation; the New Hampshire Horse Council, Inc.; *the New Hampshire Mushers Association*; a representative of landowners; and the bicycle trail coordinator from the department of transportation.

6 New Section; Exception to Use of ATVs on Public Land. Amend RSA 215-A by inserting after section 3-a the following new section:

215-A:3-b Exception to Use of ATVs on Public Land.

I. The use of ATVs for sled dog training shall be prohibited on non-motorized trails on public lands except those listed below:

- (a) Rockingham Recreational Rail Trail, Fremont Branch from Route 107 in Fremont to Route 25 in Epping.
- (b) Ashuelot Recreational Rail Trail, in the towns of Hinsdale, Winchester, Swanzey, and Keene.
- (c) Northern Branch Recreational Rail Trail, in the towns of Lebanon, Enfield, Canaan, Grafton, Danbury, and

Andover.

- (d) Rochester Branch Recreational Rail Trail, in the towns of Rochester and Farmington.
- (e) Presidential Recreational Rail Trail, in the towns of Gorham, Randolph, and Jefferson.
- (f) Bear Brook state park, roads and road-width trails, in the towns of Allenstown, Deerfield, Candia, and Hooksett.
- (g) Pawtuckaway state park, roads and road-width trails, in the towns of Deerfield and Nottingham.

II. The use of all trails is subject to the conditions of the Federal Highway Administration for trails funded through the Transportation Enhancement Program.

7 Repeal. RSA 215-A:3-b, relative to exception to use of ATVs on public land, is repealed.

8 Effective Date.

I. Section 7 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect 60 days after its passage.

2007-1004h

Floor Amendment to HB 898
Proposed by Rep. D. Russell

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

1 New Paragraphs; Definition; Mushing; Sled Dogs. Amend RSA 215-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Mushing" means the activity of using sled dogs to pull motorized or non-motorized devices.

XXII. "Sled dogs" means teams of dogs driven by a person or persons pulling sleds, a skier, wheeled rigs, and other motorized and non-motorized devices used to train or control the teams. When a team of sled dogs is physically attached to the front of an ATV, as defined in this section, for the sole purpose of sled dog training, it shall not be classified as an OHRV.

2 New Subparagraph; Sled Dog Trails. Amend RSA 215-A:42, I by inserting after subparagraph (d) the following new subparagraph:

(e) A management plan exists that specifically allows the operation of sled dogs and training devices used to train or control sled dogs on the property.

3 New Subparagraph; Sled Dog Trails; Evaluation Process. Amend RSA 215-A:43, II by inserting after subparagraph (cc) the following new subparagraph:

(dd) The bureau has consulted the New Hampshire Mushers Association about the use of sled dogs and training equipment on the trails.

4 Use of Statewide Trail System; Mushing Added. Amend RSA 216-F:2, I to read as follows:

I. The trails within the system shall be held, developed and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing, snowmobiling, *mushing*, and off highway recreational vehicles and the natural scenic beauty thereof shall be preserved insofar as is practical; provided, however, that the commissioner may permit uses of trails and land acquired hereunder, by the owner of adjoining land or others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trails. *Any trail designated as a sled dog trail area shall be posted as such on each end of the trail during the training season.*

5 Multi-Use Statewide Trail System; Advisory Committee. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, for the purposes of advising the director of parks and recreation on matters related to the New Hampshire statewide trail system. The members shall equally represent the different trail interests involved and the general public. This committee shall include, but not be limited to, representation from the following: the bureau of trails; department of fish and game; office of energy and planning; department of transportation; governor's commission on disability; New Hampshire Snowmobile Association; a representative of Granite State ATV Association; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection

of New Hampshire Forests; the New Hampshire Heritage Trail; the New Hampshire Farm Bureau Federation; the New Hampshire Horse Council, Inc.; ***the New Hampshire Mushers Association***; a representative of landowners; and the bicycle trail coordinator from the department of transportation.

6 New Paragraph; Bureau of Trails; Bureau Responsibilities. Amend RSA 215-A:3 by inserting after paragraph X the following new paragraph:

XI. The New Hampshire bureau of trails shall adopt administrative rules relative to approved trails for off season sled dog training. The New Hampshire bureau of trails shall also maintain a list of approved trails for off season sled dog training. Updated lists shall be sent to the chair of the house resources, recreation and development committee and the New Hampshire statewide trails advisory committee when trails are added or removed from the list.

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