

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, May 25, 2007** **No. 42**
Contains: Reports and Amendments for May 31, Hearings, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, May 31st at 10:00 a.m. The House will also meet on Wednesday, June 6th at 10:00 a.m., Wednesday, June 13th at 10:00 a.m., and Wednesday, June 27th at 10:00 a.m.
I am pleased to recognize State Troopers Chris LaPorte and Scott Phillips for all of their hard work and professionalism in serving the members of the House.
Links to House Bills amended by the Senate and a list of Chaptered Bills are now available on the House home page.
As regular committee work decreases and the temperatures increase, please restrict your legislative scheduling to Tuesdays, Wednesdays and Thursdays.
Please note that Committee of Conference procedures are found elsewhere in this Calendar.

Terie Norelli, Speaker

NOTICE

Governor Lynch invites all legislators and staff to celebrate this year’s legislative session with a barbeque at 5:00 p.m. (or following session) on Wednesday, **June 6th** at the Bridges House on Mountain Road in Concord.
Terie Norelli, Speaker

NOTICE

HOUSE CONTINUING EDUCATION
and
FRESHMEN LIAISON COMMITTEE
An ongoing program to enhance your legislative skills

Next Program:
Tuesday, May 29, 2007
Rooms 201-203, LOB
12:00 - 1:30 p.m.

Committees of Conference
The hows and whys of compromise

Terie Norelli, Speaker

NOTICE

There will be a meeting of Chairmen and Vice Chairmen **Tuesday, May 29th** at **8:30 a.m.** in Room 201 of the Legislative Office Building.

Terie Norelli, Speaker

There will be a Democratic Caucus on Thursday, **May 31st at 9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Thursday, **May 31st at 9:00 a.m.** in Rooms 306-308, Legislative Office Building.
Rep. Michael D. Whalley, Republican Leader

NOTICE

All requests for Proclamations and Eagle Scout Certificates must be received, in writing, at least five business days before a Representative wishes to present them. For more information, please contact the House Information Officer in SH 309.
Terie Norelli, Speaker

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

HOUSE DEADLINES

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

LAID ON TABLE

HB 92, decriminalizing marijuana. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)
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 amendment.)

HB 674, extending the veterans’ property tax credit to all honorably discharged veterans. (No pending question.)

HB 745, relative to the use of secret databases. (No pending question.)

HR 12, affirming revenue estimates for fiscal years 2007, 2008, and 2009. (Pending question is adoption of the motion of Ought to Pass)

SB 73-FN-A, relative to lottery prizes and administration by the lottery commission. (Pending question is adoption of the majority committee report of Inexpedient to Legislate)

HOUSE BILLS AMENDED BY THE SENATE

HB 32, establishing a commission to study voter registration cards. (House Concurred 05/16/07)

HB 42, relative to resource protection sections of local master plans. (House Concurred 05/02/07)

HB 53, relative to school health personnel. (House Concurred 05/02/07)

HB 56, relative to the definition of agritourism. (SJ 05/10/07)

HB 71, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk’s office. (House Concurred 05/16/07)

HB 86, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. (SJ 05/10/07)

HB 103, establishing a commission to study the sate highway trust fund. (House Concurred 05/16/07)

HB 104-FN, relative to renewal of drivers’ licenses by certain national guard members. (SJ 04/18/07)

HB 122, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin. (House Concurred 05/02/07)

HB 126, relative to the definition of school. (House Concurred 05/16/07)

HB 142, relative to the sale of out-of-state animals. (SJ 05/17/07)

HB 153, relative to standards for bridge and highway construction. (House Concurred 05/02/07)

HB 187, establishing that sheriffs’ departments have sole jurisdiction to enforce civil orders. (05/03/07)

HB 188, excluding certain watercraft from the definition of ski craft. (SJ 05/10/07)

HB 198-FN, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties. (House Concurred 05/02/07)

HB 202, relative to a point system for automobile dealer and inspection station violations. (SJ 04/18/07)

HB 207, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program. (SJ 05/10/07)

HB 217, establishing a committee to study the New Hampshire park and ride program. (House Concurred 05/16/07)

HB 218, relative to chief firewards, engineers, or fire chiefs. (SJ 05/17/07)

HB 226, relative to the investment of trust funds. (SJ 05/17/07)

HB 227, relative to identity theft. (House Concurred 05/16/07)

HB 247, allowing surviving spouses to retain temporarily special number plates for veterans. (SJ 05/10/07)

HB 249, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process. (House Concurred 05/16/07)

HB 256, relative to the duties and powers of town treasurers. (SJ 05/17/07)

HB 292, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities. (House Concurred 05/16/07)

HB 293, allowing municipalities to establish agricultural commissions. (SJ 05/17/07)

HB 303, repealing the restrictions on Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. (SJ 05/17/07)

HB 362, relative to the director of the division of vital records. (House Concurred 05/16/07)

HB 426, relative to workers’ compensation rates and resolution of disputes relative to classification of employees or independent contractors. (SJ 05/10/07)

HB 428, prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris. (House Concurred 05/16/07)

HB 466-LOCAL, relative to removal of vehicles from state park and ride lots. (SJ 05/17/07)

HB 468, relative to establishing the freedom’s way heritage area and commission. (House Concurred 05/02/07)

HB 482, adding the song “Live Free or Die” as an official state song. (SJ 05/10/07)

HB 542, establishing a study committee to study the approval process of nursing education programs. (House Concurred 05/16/07)

- HB 543**, establishing a commission to study the licensing process for licensed alcohol and drug counselors. (SJ 05/03/07)
- HB 551**, allowing cities to use capital reserve funds for debt replacement. (SJ 05/03/07)
- HB 609-FN**, relative to disclosure of campaign contributions in local elections. (House Concurred 05/02/07)
- HB 611**, relative to payment of wages by automated pay card. (SJ 05/17/07)
- HB 636-FN**, relative to physician credentialing under the managed care law. (House Concurred 05/16/07)
- HB 648**, establishing a commission to develop a comprehensive flood management plan. (SJ 05/17/07)
- HB 657**, authorizing the executive director of fish and game to issue moose hunting adventure permits. (House Concurred 05/02/07)
- HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. (SJ 05/17/07)
- HB 718-FN**, regulating privatization contracts for public service. (SJ 05/17/07)
- HB 727-FN**, establishing a commission to study health insurance coverage in the construction industry. (House Concurred 05/16/07)
- HB 782-FN**, relative to reinsurance intermediaries and conduct of examinations. (SJ 05/17/07)
- HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives. (SJ 05/10/07)
- HB 898**, relative to the use of sled dogs and the training of sled dogs on state trails. (SJ 05/17/07)
- HB 921-FN**, making technical changes in the insurance laws. (SJ 05/10/07)
- HB 926-FN**, relative to the regulation of pharmacies and pharmacists. (SJ 05/17/07)

2007 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

- The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will recommend that the House concur, non-concur, or non-concur and request a Committee of Conference.
- When a committee requests that the bill be sent to a Committee of Conference, the Chairman will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees as determined by the Speaker. Chairmen should recommend only those members from their policy committees. The Speaker shall make the final decision of Conference committee members.
- The **first named House member shall serve as Chairman of the House Conferees**. For House bills in Committee of Conference, the House Conferee Chairman shall set the time and place of the first meeting and shall chair each meeting of the Committee of Conference. **Each meeting shall be posted in the Clerk’s Office and outside the committee room at least 24 hours in advance.** [House Rule 43 (c)]. If a Committee of Conference meeting recesses, the reconvening time shall be posted in the Clerk’s office and outside the committee room.
- The House and Senate Conferees on a bill shall meet jointly but vote separately while in conference.
- The Committee of Conference may not change the title of the bill. The Committee also may not add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill. [House Rule 49 (g)]
- The sponsor of a bill that is in Committee of Conference shall, upon request, be provided an opportunity to be heard.
- A unanimous vote of both the House and Senate Conferees, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.
- **Reports** of all Committees of Conference **must be filed with the Office of Legislative Services by the deadline adopted by the House in Rule 64 (Thursday, June 21, 2007).** All Committee of Conference members must sign their reports in the Office of Legislative Services.
- The **first-named House member on all bills in Committee of Conference must prepare an analysis of the report.** This “blurb” should contain a complete explanation of all changes made to the bill since it was passed by the House and must be submitted to the House Clerk for printing in the calendar.
- All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. [House Rule 49 (f)].
See House Rule 49 for more information

THURSDAY, MAY 31
CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 168-FN, establishing tuition waivers for foster children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jane B. Johnson for Children and Family Law: This bill as amended establishes tuition waivers for foster children at any public postsecondary institution in the state of New Hampshire. The postsecondary education commission is tasked with establishing eligibility, rules, creation of application form and deadline, and provisions for continuing eligibility. No more than 20 tuition waivers shall be granted to those children with greatest financial need. The Division of Children, Youth and Families shall submit an annual report to the Health and Human Services Oversight Committee and the House Children and Family Law Committee detailing the status of the tuition waiver program. **Vote 14-0.**

COMMERCE

SB 70-FN, relative to external review for disability income policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce: This bill would have duplicated the external review process for disputed disability insurance claims that is currently used in the health insurance dispute process. Unfortunately, the two types of disputes are not readily comparable. A health insurance claim dispute is generally a case of whether a procedure or medicine is medically necessary and is a discreet one-time decision. A disability claim dispute may be ongoing and may change over the life of the claimant. At the current time, these disputes are generally resolved either by the Department of Insurance in cases such as a minor delay of payment or for more complicated disputes through litigation. External review for these cases could mean the parties would keep going to review every year or every time progress on the case is reviewed for the duration of the disability. The committee believes that litigation should be a last resort and that third party mediation is generally a good idea. However this particular solution did not fit with the substantially more complicated issues faced in disability claims the way that it works for claims of medical necessity for health insurance disputes. **Vote 14-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 76-FN-L, establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill establishes a commission to study who should pay the costs for transporting convicted persons and identify ways to reduce those costs. Current technologies are in limited use to allow video arraignments and certain court procedures. More use of these might eliminate some costs. This commission could examine items such as this. The amendment deletes the first paragraph which contains the conclusion that the Department of Corrections should bear the cost and reimburse the officers for that service beginning July 1, 2009. The committee felt the commission could make that judgment and added a county attorney and the Attorney General or designee to the commission. **Vote 15-0.**

SB 128-FN, establishing an enhanced penalty for injuring another as a result of resisting arrest. **OUGHT TO PASS.**

Rep. William V. Knowles for Criminal Justice and Public Safety: It is currently a misdemeanor when a person knowingly or purposely physically interferes with a law enforcement officer seeking to effect an arrest. This bill makes it a Class B felony to cause serious bodily injury to another while resisting arrest. **Vote 14-2.**

EDUCATION

SB 53, relative to membership of the board of trustees of the regional community-technical colleges. **OUGHT TO PASS.**

Rep. Judith T. Reeve for Education: This bill establishes a non-voting, ex-officio position for the Commissioner of the Department of Employment Security on the Board of Trustees of the Community Technical College System. Employment Security brings to the table 70 years of knowledge and experience in the workforce development system. In today's world an effective educational system must be closely linked with the work force needs of employers and workers. Educational curriculums must offer training in high demand occupations and in growth industries to ensure job opportunities for graduates.

Vote 14-0

SCR 4, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS.**

Rep. Nancy F. Stiles for Education: As stated this Resolution urges the President and Congress, prior to spending any surplus in the federal budget, to fund 40% of the average per pupil expenditure in public elementary and secondary schools as promised in the Individuals with Disabilities Education Act (IDEA). Currently New Hampshire receives less than 17% of those costs, which places the financial responsibility on the local school district. IDEA has given children the opportunity to reach their greatest potential. Now the promised federal funding needs to follow. **Vote 17-0.**

ELECTION LAW

SB 159-FN-L, relative to polling place arrangement and accessibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to modify the requirements for accessible voting booths, bringing them into compliance with the New Hampshire Building Codes and the American with Disabilities Act of 1990. Also established are minimum requirements for number of voting booths and authorizes the bill table top voting screens. **Vote 17-1.**

ENVIRONMENT AND AGRICULTURE

SB 207, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire. **OUGHT TO PASS.**

Rep. J. David Knox for Environment and Agriculture: The committee agreed that there is a need to adequately fund first responders to hazardous materials incidents, but many in the regulated community still seem to have concerns, issues and questions regarding this funding. After hearing testimony from all of the stakeholders, we agreed that there is a need for more study to analyze the funding needs and potential funding sources, and, therefore, believe the study committee should be continued another year. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 46, requiring criminal conviction record checks of all applicants to practice medicine in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Executive Departments and Administration: This bill requires criminal background checks for all applicants for licensure or reinstatement before the Board of Medicine and the Board of Nursing. The bill was requested by both the Board of Medicine and the Board of Nursing. The cost of this requirement will be borne by the applicant. This is an addition to the licensure elements intended to protect the public. **Vote 17-0.**

SB 81, relative to the state building code. **OUGHT TO PASS.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill updates the state building code and was requested by the State Building Code Board. The code is updated to remain current with the international code. **Vote 17-0.**

SB 231, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. **OUGHT TO PASS.**

Rep. John Reagan for Executive Departments and Administration: This bill reinstates the authority of the Department of Corrections commissioner to promulgate rules regulating the behavior of inmates. The commissioner's authority would be established under RSA 541-A:21 I. Lacking this authority, each protest of prison rules would have to be heard at a level higher than prison authorities at great added expense to an already overburdened legal expense in the Department of Corrections.

Vote 17-1.

SB 260-FN, relative to the location and budget practices of the lottery commission. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: Currently the Lottery Commission must have its office in Concord which places it in a difficult position when negotiating a lease. This bill does two things: 1) it allows the commission to have its office in Concord or any surrounding community; 2) it requires the commission to submit an operating budget to the General Court. Currently, salaries and expenses are paid as long as sufficient monies are available. This will bring the Lottery Commission in line with other state agencies. **Vote 17-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 129-FN, requiring interpretation services upon request for persons receiving medical treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill would require that any patient admitted to a hospital could speak with an appropriate bilingual clinician, or, if one is unavailable, have access to a qualified medical interpreter or a telephonic or televiewing interpreter service. The bill also specifies the qualifications of a "qualified medical interpreter." Federal statute and related guidance covers assistance to individuals with limited proficiency in English. It was the belief of the committee that the federal law deals with this issue comprehensively and with appropriate flexibility, and that this bill is not necessary and would reduce the flexibility needed to serve patients for whom interpretation may be needed.

Vote 16-0.

SB 139-FN, relative to the asset transfer penalty in Medicaid. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill clarifies the undue hardship section regarding an asset transfer penalty in Medicaid. The federal government has not supported the imposition of asset transfer penalties when an undue hardship exists. This bill adds language to the existing statute that clearly represents the longstanding federal law requirement. The committee unanimously supported this important clarification of the undue hardship section of existing law. **Vote 17-0.**

SB 153, establishing a committee to study changing statutory references to "mental retardation." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Evalyn S. Merrick for Health, Human Services and Elderly Affairs: This bill, as amended, establishes a commission which now includes representation from those organizations whose people are being served and are most directly affected by a change to the reference "mental retardation." The committee felt that decreasing the number of legislators gave added voice to the constituent populations. A very important part of establishing the study committee is to examine how, and if, the meaning of related statutes might change as a result of changing the references to mental retardation. It was also acknowledged that, although the intent of the bill is to change how individuals with mental challenges are perceived, and the goal of the committee is to that end, any new reference, although very positive in theory, is still a label. **Vote 16-0.**

SB 182, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill establishes a committee of two members of the Senate and three members of the House of Representatives to study the confidentiality of health records in abuse and neglect proceedings. Specifically, the committee will study a health provider's responsibility and obligation to provide or withhold records from a parent or a guardian during an investigation where abuse or neglect has been alleged. There is a sensitive issue that does merit serious study. **Vote 16-0.**

SB 184-FN, relative to residential home care services providers. **OUGHT TO PASS.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill expands the pilot residential home care program to allow people to stay in their home community. It is cost efficient. There is a need for respite beds; simply it will be faster to place people and couples could go to the same home. The supervising agency is involved in developing a care plan and maintaining oversight. This is a voluntary program. **Vote 16-0.**

JUDICIARY

SB 30, combining the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund. **OUGHT TO PASS.**

Rep. Bette R. Lasky for Judiciary: This bill combines the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund. Both are lapsing funds and lately the benefit adjustment account has been used up with money left in the salary adjustment fund where it isn't needed. Merging the two funds will allow the money in both funds to be better utilized. The Administrative Department is in favor of this bill and there will be no fiscal impact **Vote 18-0.**

SB 107, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases. **OUGHT TO PASS.**

Rep. Lucy McV. Weber for Judiciary: Bail commissioners are currently used to fix and receive bail in criminal cases. This bill extends the practice, when needed, in civil or family division cases. Examples of the use of bail commissioners would be when there is an issue of non-appearance of a party, or non-payment of a judgment. **Vote 14-0.**

SB 109, relative to emergency powers of the supreme court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gail C. Morrison for Judiciary: This bill as amended allows the judicial branch a process to respond to a public emergency by ordering a suspension of time deadlines and rules of procedure in the courts for up to twenty-one days. There is a procedure for renewal of the suspension order. The order may be terminated by a majority vote of both houses of the legislature. **Vote 18-0.**

SB 113-FN, relative to the position of special justice in the district court. **OUGHT TO PASS.**

Rep. Stephen J. Shurtleff for Judiciary: This bill, through attrition, will eliminate the position of "Special Justice" of the District Court. The duties currently performed by the Special Justices will be performed by the full and part-time District Court judges. The bill does allow for the appointment of a Special Justice in the future, but only if the Supreme Court certifies in writing to the Governor the justification for such an appointment. The Administrative Office of the Courts supports this bill, feeling that this position is no longer needed. **Vote 16-0.**

SB 170-FN, establishing an office of mediation and arbitration within the judicial branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R. Lasky for Judiciary: This bill establishes an Office of Mediation and Arbitration within the judicial branch. The purpose of this office will be to develop and implement dispute resolution processes which will increase citizen satisfaction with the legal system, provide affordable justice, shorten litigation time and contention, empower participants to make their own decisions regarding personal matters and enhance court efficiency. SB 170 also combines the probate court mediation fund and the court mediation funds established by RSA 490:27 II and RSA 503:4 II into a separate fund known as the Mediation and Arbitration Fund which shall be used to help fund paid mediation and arbitration in the judicial branch and support the Office of Mediation and Arbitration. Lastly court rules deal with the participant's ability to "opt out" of the mediation process and they can do so. **Vote 16-0.**

SB 208, relative to court review of certain planning and zoning decisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: This bill was intended to amend the standard for court review of planning and zoning decisions. Subsequent to the public hearing, the Supreme Court handed down its decision in the case of Kalil v Town of Dummer (2006-381) which addressed this issue. Based on this decision, the committee unanimously agreed that SB 208 was no longer required. **Vote 14-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 162, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jason M. Bedrick for Labor, Industrial and Rehabilitative Services: This bill establishes a citizens trade policy commission to evaluate the impact of existing and proposed international trade agreements on the ability of the state of New Hampshire and its municipalities to pass laws and ordinances regarding public health and safety, environmental protection, labor

standards, state and local procurement, and the provision of public services. Testimony indicated that ground water issues are of particular concern. The amendment adds a member of the business community active in a managerial capacity to the commission and directs the commission to include the labor commissioner and chairman of the House State-Federal Relations and Veterans Committee as recipients of it's annual report. **Vote 15-1.**

SB 244, relative to employers withholding from employees' wages for certain purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill adds voluntary payment for an employee's use of an on-site fitness center to the list of items that can be deducted from an employee's paycheck. The amendment expands the opportunity to allow voluntary deductions when an employee contracts with a private health and fitness facility that offers discounted memberships of 50% or more to all employees of the employer. **Vote 16-0.**

SB 265-FN, relative to the state apprenticeship council and the regulation of apprenticeship programs. **OUGHT TO PASS.**

Rep. Larry Converse for Labor, Industrial and Rehabilitative Services: This bill moves the state apprenticeship program to the Office of Apprenticeship at the US Department of Labor. This move will enable the apprenticeship program to hire additional staff with federal funds. The state Apprenticeship Advisory Council, made up of employers, employees and the NH Commissioner of Labor or designee, retains oversight and authority for job training program standards. **Vote 14-3.**

LEGISLATIVE ADMINISTRATION

SB 106, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cynthia J. Dokmo for Legislative Administration: The original bill corrects an oversight of last session's ethics legislation the effect of which was to cause the resignation of valuable volunteers from certain committees established by the judicial branch. The amendment, which also corrects last year's ethics legislation, incorporates a bill passed by the House this session, which bill has been tabled by the Senate. The committee feels that it is critical to enact these corrections this year. **Vote 9-1.**

SB 258, relative to reliance on ethics committee advisory opinions. **OUGHT TO PASS.**

Rep. Michael J. Reuschel for Legislative Administration: The committee voted unanimously OTP on this bill. The bill allows for the advisory opinion of the legislative ethics committee to be an absolute defense in any complaint when the person complained against relies on this advisory opinion. It is the judgment of the committee that these advisory opinions are given in good faith and that there should not be any criminal prosecution for this good faith effort. **Vote 10-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 119, establishing a committee to study the oversight of municipal capital reserve funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: This bill would create a committee to look at one specific type of funding – capital reserve funds. Upon hearing testimony, the committee was informed that the real objective was to answer a taxpayer's concern over an alleged misuse of a municipal electric "enterprise" fund by one local governing body. The committee felt that if the taxpayer's concern had been voiced to the governing body an explanation would have been received. A full accounting of all capital expenditures of any type of accounting method is reviewed by the Department of Revenue Administration, the local auditor and bond counsel. The committee felt that the current oversight was adequate and that another study committee was not needed at this time. **Vote 13-0.**

SB 247, establishing a committee to study the adjudication of land use issues and ordinance violations. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F. Simon for Municipal and County Government: The sponsor of this bill advised the committee that it was introduced at the request of the City of Manchester based on problems that they are having enforcing city ordinances. This bill is not necessary. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

SB 56, relative to Old Drewsville Road in the town of Walpole. **OUGHT TO PASS.**

Rep. Gene G. Chandler for Public Works and Highways: This bill would transfer a section of Old Drewsville Road in Walpole from the state to the town upon completion of an upgrade of the road by the state at a cost of approximately \$130,000 while the committee felt that the cost and advantage to the state could be debated but, it was felt that since negotiations had been going on since 2002 it was only fair to treat this project like many others before it, and unanimously agreed to approve the measure.

The committee notes and the Department of Transportation agrees that in the future these types of projects would be looked at with more scrutiny to make sure that any upgrades would not be at a higher standard than a municipality would do. These projects can be a win, win, for the state and municipalities, but we need to be increasingly vigilant with the use of our highway funds. **Vote 16-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 224-FN-A, relative to the telecommunications planning and development advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Kaelin for Science, Technology and Energy: This bill extends the duration of the telecommunications planning

and development advisory committee and broadens the scope of the committee to include broadband infrastructure. The intent of the bill is to improve economic opportunity in New Hampshire by increasing access to high-speed telecom infrastructure. Specific duties include assessing availability of broadband in underserved areas, identifying and applying for federal funds, coordination of efforts of various private and government entities, preparing an inventory of the state's broadband infrastructure, facilitating educational programs and public awareness, and providing a final report. **Vote 13-0.**

SB 241, relative to availability of cable television in manufactured housing parks. **OUGHT TO PASS.**

Rep. Thomas R. Fargo for Science, Technology and Energy: This bill amends RSA 53-C to establish certain responsibilities of cable television operators when they extend facilities to manufactured housing dwellings and also sets minimum standards for agreements between the park owner and the cable television operator. The bill was introduced to resolve conflicts which prevented residents of a specific park from receiving cable television service, particularly local access programming that affects the resident's ability to participate in local governmental activities. The committee unanimously agreed that the lack of access to local cable television programming may limit the democratic process. While the intent of the bill was to provide park residents with cable television service, the committee recognized that these service connections could also enhance resident's access to high-speed internet, voice over internet telecommunications, and the economic opportunities associated with such connectivity. **Vote 13-0.**

WAYS AND MEANS

SB 95, relative to bingo games conducted by senior citizens' organizations. **OUGHT TO PASS.**

Rep. William Butynski for Ways and Means: This bill provides flexibility to senior citizen organizations to allow persons down to age 55 to play bingo. (In the past bingo was open only to persons age 60 or older.) Also, since the prize level had not been raised for many years, senior citizens' organizations will be allowed to award up to \$500 in prizes per day of bingo played. Finally, "persons under 55 years of age who are assisting persons 55 years of age or older may be allowed on the premises."

Vote 11-0.

THURSDAY, MAY 31
REGULAR CALENDAR

COMMERCE

SB 42-FN, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for the **Majority** of Commerce: This bill amends the indoor smoking act to prohibit smoking in restaurants and cocktail lounges. The committee recognizes the serious health dangers of secondhand smoke. Second hand smoke causes a variety of serious and frequently fatal illnesses including lung cancer, emphysema and chronic bronchitis. These are collectively referred to as chronic obstructive pulmonary diseases (COPD). There are approximately 24 million Americans with COPD according to the National Institute of Health's National Heart, Lung and Blood Institute. COPD is rising in the United States, particularly among young people and women and is the fourth ranked killer in the United States. The total annual cost is estimated to be \$40 billion annually, including \$21 billion in direct medical costs. One-half of those diagnosed with COPD die within 10 years of diagnosis. Smoking in restaurants and cocktail lounges subjects not only the patrons but also the restaurant and cocktail lounge workers to sustained exposure to heavy concentrations of smoke and the toxins it contains. The committee heard testimony from young people, students, and women, including single moms who need the part time work and flexible hours available by working in restaurants. If they need a job, particularly in a small community, they often have no choice but to work in a restaurant which permits smoking. All too often they have to subject themselves to the very real risks of second hand smoke in order to obtain work. That is not right. The committee also heard testimony concerning the risks to young children who are taken into restaurants where smoking is permitted - children who are at high risk and who have no choice. The risks of second hand smoke are real and serious. Approximately 79 per cent of the citizens of New Hampshire have indicated their desire to have no smoking in restaurants and cocktail lounges. As legislators we should listen to the overwhelming wishes of our constituents including those who own and operate restaurants, restaurant workers and patrons. **Vote 11-7.**

Rep. Edward A. Butler for the **Minority** of Commerce: The Minority believes that our energies and effort would be better spent continuing to educate the public about the dangers of smoking tobacco and of second-hand smoke. In the case of public smoking the marketplace has already effectively segregated smokers to only a few public venues. The Minority on this bill believes it goes too far in its effort to control what should be the rights of business owners to define the parameters of their product and service and also too much restricts the rights of those who choose to smoke.

SB 52, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S. Houde for Commerce: This bill, requested by the attorney general's office, would: enable the attorney general to bring actions for violations of combination and monopolies laws (e.g., price-fixing) as *parens patriae* on behalf of natural persons residing in the state - whether the injured person dealt directly or indirectly with the defendant; allow recovery of actual damages, legal fees, and between two to three times actual damages for willful violations; and allow the state and individuals who were indirectly injured to bring suit (the existing law only allows the attorney general's office and an individual consumer to sue for violations if they were injured directly). The majority of the committee supported SB-52 since it provided a necessary tool for the attorney general to protect consumers (the bill would allow the attorney general to join other states' litigation efforts); however, the majority also thought the bill should be amended by deleting the provision that allowed individuals who were indirectly injured to bring suit as that provision would potentially increase litigation involving innocent entities (i.e., the entity in between the defendant and injured consumer in the chain of commerce). **Vote 11-6.**

SB 135, establishing a commission to study lowering costs of health insurance for small businesses. **OUGHT TO PASS.**

Rep. Stephen P. Spratt for Commerce: This bill establishes a commission to create a report identifying approaches and products targeted at lowering the cost of health insurance for small businesses. The intent of the bill is to provide relief for small businesses, creating a shortened window for legislative action by requiring the commission to report its findings and recommendations on or before November 1, 2007. Support for the bill included, among others, the Business and Industry Association, the NH Medical Society, the Citizen's Health Initiative and the Nashua Chamber of Commerce. The bill received no opposition in the public hearing. **Vote 12-2.**

SB 183-FN, requiring health insurance plans for family coverage to extend to dependent under age 26. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce: This is the Senate version of the expansion of health insurance for 18 - 26 year olds. The committee worked diligently on the House version of this legislation which passed the House with a strong bi-partisan vote. It then passed the Senate with only minor revision. Therefore the majority feels (as does the Senate sponsor) that this Senate bill is now duplicative and is therefore inexpedient to legislate. **Vote 10-7.**

SB 220, establishing a commission to study the feasibility of establishing a public review board for health insurance rate increase requests. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce: This bill would create a commission to study creating a public review board to review health insurance rate increase requests. On the face of it, it may sound like an appealing idea; but what are the consequences? For a private business to ask for permission to raise its prices, that flies in the face of the idea of a free market. A fast food restaurant does not need to consult anyone before changing its prices; this allows the industry to stay competitive. Laying more bureaucracy onto the health insurance industry can only result in it passing the cost of compliance onto our constituents through higher premiums something we all want to avoid. **Vote 9-8.**

SB 254, relative to legal representation during contract negotiations. **OUGHT TO PASS.**

Rep. Matthew S. Houde for Commerce: This bill clarifies a provider's right to legal representation during contract negotiations with a health carrier. The bill was introduced in response to health carriers' practice of refusing to negotiate with counsel selected by the provider during contract negotiation sessions unless counsel agreed to sign a confidentiality agreement with the carrier. The majority of the committee believed that requiring counsel for the provider to enter into a confidentiality agreement with the carrier was not only unnecessary (since attorneys are required by their rules of professional conduct to maintain the confidentiality of information obtained in the course of representation) but also could create a potential conflict of interest for counsel. Moreover, the majority of the committee believed the playing field between providers and health carriers during contract negotiations (over reimbursement rates, etc) should be level, and having counsel for providers fully present and able to engage in the negotiations is the best way to assure this. **Vote 9-4.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 41, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for the **Majority** of Criminal Justice and Public Safety: This bill resolves a misinterpretation of a 2006 passed statute which prohibits surveillance on public ways by state or political subdivisions of the state to determine ownership of a motor vehicle through the use of cameras or other imaging devices, etc. An interpretation of this language has resulted in several DWI cases to be dismissed as the judge determined that law enforcement officers were not in compliance with the law by checking the license plate number using a radio or in the cruiser computer. The judge thought the officers should have been charged. This bill re-instates the practice of checking plate numbers by law enforcement officers to identify stolen vehicles, locate lost persons and in some cases identify a vehicle that may be registered to a person that may have a restraining order or pending warrant or for some other general crime detention purposes. The majority amendment clarifies that the system used to capture the image of a license plate of a toll violator at an E-Z Pass toll gate is allowable. **Vote 14-1.**

Rep. Jeffrey P. Fontas for the **Minority** of Criminal Justice and Public Safety: The minority is in agreement with many components of this bill. It understands the need for law enforcement to be able to execute queries of license plates during traffic

stops and when an officer is suspicious of commitment of a particular offense. However, the minority feels that, as with all legislation, authority should be given with rational consideration of all its consequences. It recommends that license plate queries should be subject to at least some guideline or restriction, and not void of any restraint whatsoever. Limiting the scope of this authority would increase the efficiency of law enforcement while eliminating the unforeseen potential for abuse. The minority asks that the House give due consideration to the amendment proposed by the minority.

EDUCATION

SB 57, requiring a course in civics for high school graduation. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for Education: This bill would include an additional requirement for high school graduation by taking away one half credit of social studies and replacing it with civics. The committee strongly agreed with the bill's sponsor that all New Hampshire students should receive a civics education. New Hampshire's social studies frameworks and assessment requirements have a strong focus on civics education. Testimony provided showed that school districts across the state are either teaching a stand alone class or integrating civics into other social studies/history classes. Since this is already being done, the majority of the committee believes it is inappropriate to micromanage school districts in this subject area. **Vote 13-4. SB 245**, relative to the New Hampshire college tuition savings plan. **OUGHT TO PASS.**

Rep. Charles B. Yeaton for Education: This bill makes minor revisions to bring our tuition savings plan into compliance with federal laws. New Hampshire's tremendously successful program is a model for other states and is used by many people both in New Hampshire and throughout the United States. **Vote 17-0.**

ELECTION LAW

SB 91, relative to political contributions by corporations, partnerships, and labor unions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Splaine for Election Law: The committee spent considerable time discussing the way that contributions and expenditures by corporations, businesses, partnerships, and unions are made to candidates or used to influence political decisions, as well as how those contributions and expenditures are reported. The committee recommends this bill as amended because it preserves important core elements of current New Hampshire law. New Hampshire has had prohibitions of direct contributions by corporations since 1911, and in 1955 added the prohibition by unions. This has helped prevent political corruption and excessive influence-peddling in the political process of our state. A court decision in 1999 declared outright prohibition of corporate donations to be unconstitutional, thus creating an imbalance since now corporations can contribute directly from their treasury, but unions cannot. In an effort to truly level the field, this bill as amended continues our traditional prohibition of donations by corporations, businesses, partnerships and unions but allows those organizations to create a political action committee. This guarantees their right to participate in the democratic process while also ensuring full disclosure to the Office of Secretary of State of their expenditures and contributions. Therefore, passage of SB 91 as amended will accomplish two goals: 1 - level the field for the constitutional right of business organizations and unions to participate in the political process; and, 2 - provide full disclosure reporting for transparency of their expenditures and donations, so the voters will know to whom they are giving funding, and other ways that they are attempting to influence political decision-making.

Vote 17-0.

SB 98, relative to party access to voter information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F. Weed for Election Law: This bill enables the sale of the statewide voter list by the secretary of state to official state parties. The list includes voter's name, street address, mailing address, town or city, gender, birth year, voter history, and party affiliation. This list may be used only for "political" purposes; the penalty for selling the lists for other purposes is a misdemeanor and for buying it, a felony. **Vote 13-5.**

ENVIRONMENT AND AGRICULTURE

SB 71, relative to setback requirements for new landfills located near designated rivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F Powers for Environment and Agriculture: Fourteen of New Hampshire's 189 rivers and major streams have been designated by the legislature as protected, because of their outstanding natural and cultural resources. About 93% of New Hampshire's waterways are not designated, and would not be affected by SB 71. This bill as amended decreases the chance of pollution from new or expanded landfills entering these waterways due to flooding. Present law specifies that new landfills shall not be permitted "within the corridor of the designated river." This bill keeps that language but adds, "or less than 100 feet from the landward extent of the 500 year flood plain, whichever distance is greater." This bill's language for defining the permitted expansion of existing landfills is essentially the same as in current law. There are two types of designated rivers: natural rivers and rural rivers; the bill (like current law) applies to both. There is an exception to allow expansion of the Waste Management landfill in Rochester within the river corridor. This exception is important to meet the landfill requirements of the state. **Vote 12-2.**

FINANCE

SB 35-FN-A, making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Linda T. Foster for Finance. This bill provides funds to address flood damage sustained by communities in the May 2006 floods. The \$2,200,000 represents the required state match under the formula that has been traditionally applied that requires local municipalities to pay 12.5 percent of eligible costs. The bill also appropriates \$1,500,000 to be used as the state match for FEMA eligible projects resulting from the April 2007 floods. These funds are intended to address early projects that may be submitted prior to the legislature reconvening in January 2008 at which time it is expected that the Department of Safety, Bureau of Emergency Management will have a more comprehensive inventory of projects and their costs. The funds will be expended utilizing the traditional formula of 75% federal, 12.5% state and 12.5% local. Finally, the bill establishes a committee to study the distribution of financial disaster assistance and establishes a deadline of November 01, 2007 for its work. **Vote 18-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 149, relative to the 2 family support councils for the developmentally disabled serving Lebanon and Claremont. **INEXPEDIENT TO LEGISLATE.**
Rep. Susan Emerson for Health, Human Services and Elderly Affairs: In 2005 the Department of Health and Human Services merged four area agencies and made one Northern Region and one Southwest Region which is Claremont and Lebanon. The North Country merger went well. They picked one delegate to send to the State Family Support Council with one vote. The Southwest Region wants two voting delegates. Lebanon asked the Department of Health and Human Services for a waiver to continue sending its own delegate and was denied. This is why this legislation was brought forward and is unnecessary. There is a danger this could be setting a precedent which we would later regret. **Vote 10-5.**

JUDICIARY

SB 33-FN, equalizing the pay of administrative judges in the judicial branch. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Frances D. Potter for the **Majority** of Judiciary: In the Senate this bill was supported unanimously in committee and in the entire body. The fiscal note indicates that the total cost for the two administrative judges affected would be a bit over \$20,000 (using current salary figures). The bill was presented on the basis of the Court's belief that "we're all in this together" thus the Superior Court administrative judge should not receive more than administrative judges in other courts. **Vote 12-4.**
Rep. Nancy J. Elliott for the **Minority** of Judiciary: This bill increases the pay for administrative judges in the Family Division and Probate Courts over the salary of the other sitting judges in these courts. The chief of the Supreme and Superior court are statutory posts appointed by the Governor and Council, the administrative judges are established by court rule and the judges appointed by the chief justices. The judge appointed as an administrative judge will take time from his or her duties sitting on the bench and not additional time. The pay should be the same as all judges in these courts.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 216, relative to certification of employee organizations to represent public employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Jeffrey P. Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: The bill allows a bargaining unit to request certification of its representative through a petition accompanied by the signatures of a majority of the bargaining unit members. Technical corrections were made in addition to a compromise on the time period of the gathering of employee signatures. **Vote 9-7.**
Rep. Gary L. Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority opposes SB 216 because: (a) there was no testimony that it was needed – the current system is working fine; (b) the passage of this bill strips public employees of their right to vote through secret ballots; (c) there was testimony that the AFL-CIO has called pledge cards “unreliable”; (d) the 180-day timeframe needed for the proposed process is inappropriate and significantly exceeds the 45 days or less that the current process now takes; (e) the proposed process removes the safeguards that now exist for the certification process; and (f) the bill provides no mechanism for ensuring that employees (who may have signed a card six months earlier) have not changed their mind before submission of the cards for certification. For these reasons the minority believes that the legislature should not disrupt a process that has been working well, to the benefit of our public employees.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

SCR 3, urging preservation of traditional powers of state and local governments under international trade agreements. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Kris E. Roberts for the **Majority** of State-Federal Relations and Veterans Affairs: As pertaining to the New Hampshire Constitution the purpose of SCR 3 is to ensure the governor of New Hampshire retains the opportunity to use the authority granted 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. SCR 3 tells our local congressional delegation that we as citizens desire that they withhold their final votes until the governor has had his/her input. The committee believes this resolution sends a timely message. **Vote 10-3.**

MINORITY

SCR 3, urging preservation of traditional powers of state and local governments under international trade agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for the Minority of State-Federal Relations and Veterans Affairs: This bill is one of the most meaningless pieces of Legislation to come before the Legislature this year. It requests, since resolutions are non-binding by nature that the United States Trade Representative consult with state officials when negotiating trade agreements. The bombast of this resolution gets worse when it "instructs" the US Trade Representative to exempt New Hampshire from the trade agreements unless the state is the deciding partner. This resolution assumes that the Federal Government is trying to erode the rights of the state, but the statements in this resolution ignore something called the US Constitution: Article VI, paragraph 2 to be exact, a statement known as the Supremacy Clause. Our Constitution states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof: and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land." Whatever trade negotiations are made and adopted are done so by the authority that the people have vested in the Federal Government.

TRANSPORTATION

SB 75-FN, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. O'Brien for the **Majority** of Transportation. This bill will establish a rail transit authority that will have the responsibility for developing and providing commuter rail and public rail transportation services in New Hampshire. This idea has been discussed before by members of this body, but has fallen short due to the complexities of the issue. Indeed, numerous studies have been conducted with regard to commuter rail service by various public committees, including the House. One only needs to consider traffic, sprawl and escalating fuel prices to cause us to wonder if we are already behind the times in providing an economic alternative to our commuting public. Nashua has led the way with grants and studies showing a commuter rail venture would be a viable means of transportation. Notwithstanding the leadership of the Gate City in this area, the matter is clearly one of statewide importance and the amendments supplied by the committee broaden the rail authority to include the entire state. This bill, as amended, will provide an authority concerned with rail transportation and is the result of a recommendation of a task force created by the Governor to begin the consequential work of augmenting our transportation system.

When the bill appeared before the committee it was presented as a rail system between Nashua and Lowell and it was proposed as the "South Central New Hampshire Rail Authority." Our committee realized a Nashua to Lowell rail system is a priority; however the Authority should be more inclusive of other areas of our state and to contain existing rail ventures, it was renamed the "New Hampshire Rail Authority".

The New Hampshire Rail Authority will consist of a delegation of elected officials or their designees. It shall also include members of local regional planning commissions and the Department of Transportation. The Senate and House delegation to the Authority shall consist of the chair of the Senate and House Transportation Committee, and the ranking minority member of both committees.

The committee heard substantial testimony regarding the bill and carefully crafted amendments to respond to issues regarding the bonding authority, the land and rights of way process together with the need of stakeholders such as the Manchester-Boston Airport to be included within the authority. **Vote 12-4.**

Rep. Sherman A. Packard for the **Minority** of Transportation: The minority of the committee opposes this legislation because it is flawed. We fully support the introduction of passenger rail service in NH. This bill establishes a Rail Transit Authority with absolute autonomy.

The bill creates a 25 member board of directors – four of whom are legislative members. That is not legislative oversight. Powers that are granted to the authority include employing assistants, attorneys, experts, inspectors and other employees or consultants the board deems necessary.

Acquire property by eminent domain if it follows the procedure set forth by the laws of the State of NH, our Constitution and a resolution of the General Court.

There are four resolutions defined in House rules, a joint resolution has the effect of law and there is a CACR. Are we to assume that a simple resolution could suffice as approval of the legislation?

Issue bonds for any project, including taking property by eminent domain and paying employee salaries. Conduct or pay to be conducted any studies the authority deems necessary.

What must be considered the most egregious part of the bill is the power given to the authority to allow officers, agents or employees the ability to enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations it determines necessary. Such entry shall not be deemed a trespass. The authority shall not be subject to regulation by the public utilities commission. It will take hundreds of millions of dollars to re-institute train service in the State of NH. Passenger rail service must be subsidized by local, state and federal funds to be successful. To believe that this authority can be anything but an avenue to waste millions of dollars without a commitment by the state to help pay for the reintroduction of a successful rail service is a complete fallacy. Until a commitment to a funding method to support alternative means of transportation is established this authority will be unable to complete its stated mission.

WAYS AND MEANS

SB 144-FN, relative to the permissible sales commission on the sale of lottery tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael G. Marsh for Ways and Means: This bill deals with four different aspects of the operation of the lottery and other games of chance: it authorizes the lottery commission to increase the commission paid to lottery agents from a maximum of 5% of sales to 6%; it repeals the restriction on sales from mobile units by sellers other than employees of the lottery commission; it allows the lottery commission to increase sales by offering, at its discretion, incentive awards of up to \$500 to agents meeting or exceeding their sales targets and up to \$30,000 to agents selling a jackpot ticket; and it increases the maximum payout percentage for the Tri-State lotto game so we are consistent with the other two states that offer the game. All of these changes were requested by the lottery commission so that it could meet its goal of increasing the sales of scratch and Tri-State lotto tickets, and the committee voted on a bi-partisan basis to accept the recommendations of the commission with small changes. The latter two items in the bill were contained in SB73, tabled by the House in the last session, and the committee added them back to SB144 because they are important to help the Lottery commission meet its revenue goals. **Vote 11-1.**

COMMITTEE MEETINGS

TUESDAY, MAY 29

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Full committee work session.

COMMERCE, Room 302, LOB

12:30 p.m. Subcommittee work session on **SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation.

12:50 p.m. Subcommittee work session on **SB 188**, relative to unfair claim settlement practices by insurers.

12:55 p.m. Subcommittee work session on **SB 189**, relative to medical benefits under motor vehicle insurance.

1:00 p.m. Executive session on **SB 188**, relative to unfair claim settlement practices by insurers, **SB 189**, relative to medical benefits under motor vehicle insurance, **SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation, **SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer, and **SB 262**, establishing a committee to study certain prohibitions on smoking.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on **SB 201**, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody, **SB 185**, relative to photo identification for persons released from correctional facilities and establishing a commission to study the services needed to help chronically homeless children in New Hampshire, and **SB 229**, relative to restitution ordered against an inmate.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on retained **HB 666-FN**, establishing a license fee for the sale of animal vaccines.

11:00 a.m. Subcommittee work session on retained **HB 924-FN**, relative to the deconstruction of buildings.

1:00 p.m. Subcommittee work session on retained **HB 76-FN**, creating an environmental policy for New Hampshire.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Subcommittee work session **SB 178-FN**, relative to the judicial retirement plan .

10:00 a.m. Executive session on **SB 31**, adding the chief justice of the supreme court or designee to the advisory council on emergency preparedness and security, **SB 125-FN**, relative to certificates for architect business organizations, **SB 178-FN**, relative to the judicial retirement plan, **SB 209**, requiring the board of trustees of the judicial retirement plan to study the inclusion of service of all judges who are not members of the judicial retirement plan, and **SB 243-FN**, relative to regulating home contractors.

12:45 p.m. Subcommittee work session on retained **HB 908-FN**, relative to the licensure and regulation of massage

therapists and registration of somatic and bodywork practitioners.

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. Subcommittee work session on **SB 263**, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **CACR 18**, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education, **SB 18-FN**, raising the age of required attendance of children in school, **SB 60-FN**, relative to compensations for injuries and illnesses suffered by national guard members on state active duty, **SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor, **SB 68-FN-A**, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan, **SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system, **SB 93-FN**, relative to insurance coverage for children's early intervention therapy services, **SB 101**, relative to payment of costs for certain students attending alternative education programs, **SB 117-FN**, relative to fireworks display permits and the position of permissible fireworks inspector, **SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor, **SB 169-FN-A**, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty, **SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards, **SB 191-FN-A**, relative to the nongame species account in the fish and game fund, **SB 192-FN**, establishing an outreach program in the children's health insurance program, **SB 204-FN-A**, relative to collection of debts owed the state, **SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board, **SB 215-FN-A**, making an appropriation for AIDS services, **SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program, **SB 222-FN**, relative to health insurance for national guard members, **SB 226-FN**, relative to the temporary assistance to needy families (TANF) program and **SB 242-FN**, establishing the intellectual property business loan development program.

JUDICIARY, Room 208, LOB

11:00 a.m. Full committee work session on Senate amendments.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:00 a.m. Executive session on **SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution, **SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status, **SB 154**, relative to the workers' compensation compliance statement, and **SB 237**, establishing a council on employment issues affecting veterans.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Members to meet in the LOB lobby for departure at 9:45 a.m. for Good Roads tour. Return about 3:30 p.m.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Executive session on **SB 123**, relative to pole attachments, and **SB 140**, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation.

**TASK FORCE TO STUDY COUNTY GOVERNMENT (SB 319, Chapter 221:1, Laws of 2006),
Meeting Room, Moultonborough Town Hall, Moultonborough**

6:30 p.m. Public forum.

Basement Committee Room, Merrimack Administration Office, 4 Court Street, Concord
6:30 p.m. Public forum.

Belknap County Complex, Parade Road, Laconia
6:30 p.m. Public forum.

WAYS AND MEANS, Room 202, LOB

10:30 a.m. **SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones).

WEDNESDAY, MAY 30

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Executive session on **SB 97**, relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development, **SB 133-FN**, relative to the escrow fund for court facility improvements, **SB 134-FN-A**, establishing a research and development credit against business taxes, **SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones), and SB 235-FN-A, relative to milk support for dairy farmers.

1:00 p.m. Full committee work session on Revenue Estimates.

THURSDAY, MAY 31

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.

FRIDAY, JUNE 1

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

9:00 a.m. Continued meeting.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 307, LOB

12:00 p.m. Regular meeting.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 205,LOB

10:00 a.m. Regular meeting.

MONDAY, JUNE 4

COMMISSION TO DEVELOP A COMPREHENSIVE STATE MENTAL HEALTH PLAN (HB 691-FN-L, Chapter 175:15, Laws of 2005), Room 205, LOB

10:00 a.m. Subcommittee work session on Corrections.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 103, State House

1:00 p.m. Regular meeting.

STATE ENERGY POLICY COMMISSION (HB 1146. Ch 257, Laws of 2006), Room 304, LOB

2:00 p.m. Wind Siting subcommittee work session.

TUESDAY, JUNE 5

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on retained **HB 632-FN**, relative to the penalty for death resulting from the trafficking of controlled drugs.

11:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment , and **HB 595-FN**, establishing a sentence reduction method for state prisoners.

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

10:00 a.m. Full committee meeting.

TRANSPORTATION, Room 203, LOB

10:00 a.m. Subcommittee work session on retained **HB 901**, relative to requirements for non-driver identification cards.

1:00 p.m. Subcommittee work session on retained **HB 781-FN**, relative to the duties of the department of safety.

2:00 p.m. Subcommittee work session on retained **HB 729**, relative to prohibitions on reproducing drivers' licenses and identification cards and copying information in motor vehicle records.

THURSDAY, JUNE 7

EDUCATION, Room 207, LOB

10:00 a.m. Subcommittee work session on retained **HB 678-FN**, revising the special education program approval and monitoring process.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Land Use (Group A) subcommittee work session on retained **HB 255**, establishing a committee to study the implementation and use of growth management ordinances, **HB 331**, relative to the withholding of building permits in certain cases, **HB 335**, defining “unnecessary hardship” for purposes of zoning variances, and **HB 717**, allowing municipalities to establish local community services and care planning boards.
- 10:00 a.m. Exemptions (Group B) subcommittee work session on retained **HB 270**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person’s principal place of residence, **HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities, and **HB 617-FN-LOCAL**, establishing a property tax relief program and fund and making an appropriation therefor.
- 10:00 a. m. Assessing (Group C) subcommittee work session on retained **HB 294-FN**, relative to current use taxation of certain farm buildings, **HB 310**, allowing municipalities to regulate wind turbines used for home energy production, **HB 445-FN-LOCAL**, relative to the assessment of open space land, and **HB 734**, establishing a committee to study requiring certain nonresidential property owners to submit income and expense information for determining property value for tax purposes.
- 10:00 a.m. Governance (Group D) subcommittee work session on retained **CACR 9**, relating to registers of probate. Providing that the requirement that registers of probate be elected be removed, **HB 208**, relative to the definition of swine as a nuisance, and **HB 315**, relative to criminal background checks of municipal employees through the New Hampshire state police.

FRIDAY, JUNE 8

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

9:30 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

MONDAY, JUNE 11

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

1:00 p.m. Regular meeting.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

9:00 a.m. Regular meeting.

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2) and EXECUTIVE BRANCH ETHICS COMMITTEE (RSA 21-G:29), The Attorney General’s Office, Room 302, 33 Capitol Street, Concord

10:00 a.m. Joint meeting.

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.

TUESDAY, JUNE 12

EDUCATION, Room 207, LOB

1:30 p.m. Subcommittee work session on retained **CACR 14**, relating to cherishing public schools. Providing that state aid to public schools cannot decrease unless the number of students decreases.

2:00 p.m. Subcommittee work session on retained **HB 916**, relative to nonpublic or private schools receiving public funds.
2:45 p.m. Subcommittee work session on retained **HB 919**, relative to the high school curriculum for New Hampshire history.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Subcommittee work session on retained **HB 823-FN**, relative to state and municipal contracting practices for public works.

FRIDAY, JUNE 15

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

9:00 a.m. Regular meeting.

MONDAY, JUNE 18

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

2:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

FRIDAY, JUNE 22

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

9:30 a.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.

TUESDAY, JUNE 26

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

3:00 p.m. Regular meeting.

THURSDAY, JUNE 28

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

9:00 a.m. Regular business.

FRIDAY, JUNE 29

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

9:00 a.m. Continued meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICES

The **Hillsborough County Executive Committee** will be meeting on Tuesday, **May 29th at 9:00 a.m.** at the Department of Corrections to review the F/Y 08 Budget.

Rep. David E. Essex, Chairman
Hillsborough Executive Committee

Open Enrollment for the State of New Hampshire group health and dental plans will be held from **June 8 through June 22, 2007**. All legislators and their dependents are eligible to join the health and/or dental plans at their own expense. Legislators currently enrolled may change plan types and add or remove dependents during open enrollment. More information will be mailed to each of you from the Office of Legislative Accounting by the end of the month. Information and enrollment/change

forms are available through Joyce Phinney, Legislative Accounting, State House, Room 113 or 271.5685.

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 2, 25, 43, 46, 64, 74, 95, 102, 118, 173, 198, 228, 239, 243, 256, 272, 273, 283, 385, 407, 417, 426, 440, 451, 471, 472, 488, 493, 498, 501, 502, 504, 523, 547, 553, 561, 566, 568, 571, 567, 572, 574, 576, 577, 579, 580, 581, 582, 584, 585, 588, 589, 590, 591, 592, 593, 595, 596, 597, 598, 599, 601, 602, 604, 608, 613, 614, 615, 616, 618, 619, 622, 624, 626, 627, 628, 629, 630, 631, 632, 635, 636, 637, 638, 641, 642, 643, 644, 645, 646, 653, 656, 657, 661, 663, 669, 677, 678, 679, 696, 704, 714, 718, 726, 727, 733, 740, 752, 755, 760, 765, 771, 776, 777, 778, 779, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 793, 799, 805, 813, 815, 820, 824, 826, 828, 834, 838, 843, 857, 861, 864, 865, 867, 870, 872, 873, 874, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 889, 890, 891, 892, 893, 894, 895, 897, 899, 903, 904, 905, 907, 908, 911, 912, 913, 921, 922, 924, 925, 927. SBs 35, 65, 67, 68, 74, 82, 92, 93, 98, 101, 128, 131, 134, 148, 166, 168, 169, 170, 178, 179, 183, 191, 200, 217, 219, 226, 232, 243, 263.

Karen O. Wadsworth, Clerk of the House

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

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.

We will be collecting used cell phones for soldiers in the anteroom. These phones will for the most part be recycled and used to buy phone cards for our troops overseas. So far we have donated over 60,000 minutes of phone cards. Last session we collected over 100 phones. We would invite you to ask others in your community to bring them to you, so you may bring them to the donation box.

Rep. Ken Hawkins

As part of New Hampshire's observation of Memorial Day, the following events will occur at the New Hampshire Veterans Cemetery in Boscawen on **Wednesday, May 30th**.

9:00 a.m. – 10:00 a.m. Marine Corps League will conduct a ceremony at the Marine Monument in honor of the New Hampshire Marines who have lost their lives in Iraq.

11:00 a.m. – noon The American Legion and the Veterans Cemetery staff will host the Memorial Day ceremony.

Following the ceremony there will be a dedication of the Korean War Monument (estimated time 12:30 p.m. – 1:15 p.m.)

Rep. Franklin T. Tilton

Main Street Republicans will meet **Thursday, May 31st** at 8:00 a.m. at the Upham Walker House. All Republicans are welcome to discuss pertinent issues. Join us for some lively and informative debate.
Rep. David H. Kidder

New Hampshire Healthy Kids is hosting a legislative luncheon at St. Paul’s on Thursday, **May 31st** Learn about the policy steps that are needed to meet the Governor and Legislature’s goal to enroll 10,000 more children in the Healthy Kids program. The session will also highlight what’s happening on the federal level with SCHIP reauthorization. A strong reauthorization is critical to maintaining the federal financial partnership that New Hampshire depends on for the Healthy Kids program.
Rep. Mary Jane Wallner

The Legislative Caucus for Young Children (LCYC) will meet on Monday, **June 4th** at 1:00 p.m. in Room 206, LOB. The agenda will include a wrap-up of the session’s bills and activities, and planning an educational seminar and the 10th Legislative Roundtable for the Fall.
Rep. Mary Stuart Gile

It is with great honor and respect that we invite you to the naming ceremony of the Epsom Traffic Circle in memory of fallen police officers Jeremy T. Charron and Michael L. Briggs on Monday, **June 4th** at 10:00 a.m. on the grounds of the Epsom Traffic Circle located at the intersection of Routes 4 and 28 in Epsom. All legislators and members of the public are invited to attend.
Reps. Beauchesne, Carole M. Brown, Porter and Yeaton

On Wednesday, **June 6th**, a group of middle school students from New London will make a presentation to legislators on “The Penny Project”, a community based effort to highlight youth poverty in New Hampshire. The presentation is scheduled for lunch time and will be held on the State House plaza. The Governor has been invited.
Rep. Robert A. Foose

Osteoporosis Education Prevention - The annual education, prevention, snack celebration will be held on Wednesday, **June 6th**, from 11:00 a.m. to 1:00 p.m. Hopefully, bone density of the foot will be done. Everyone is welcome. Come join the fun in Room 103, State House.
Rep. Barbara C. French

The New Hampshire Electric Cooperative will be holding its 68th Annual Meeting on Tuesday, **June 12th** at the Silver Center for the Arts on the campus of Plymouth State University, Plymouth. Refreshments and entertainment begin at 9:00 a.m. and the Business Meeting starts at 10:00 a.m. For additional details, please call Cindy McCormack at 603-536-8713.
Rep. Thomas L. Buco

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

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 **May & June 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, therefor 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>
May 29	9:30	St. Mary's School – Claremont	4/19
May 29	10:30	Mtn. Shadows School – Dublin	6/15
May 29	12:00	St. Elizabeth Seton School-Rochester	4/35
May 30	9:30/11:00 SH/HM	Green Acres School- Manchester	4/90
May 30	12:15	Maude Trefethan School – New Castle	3&4/18
May 31	9:30	Wentworth Elementary School	4/24
May 31	10:30/12:30 SH/Planet	Lakeway Elementary School – Littleton	4/80
May 31	12:00	Claremont Christian Academy	(3-12)/15
June 1	10:00	Nashua Christian Academy	4/10
June 1	10:00	Lighthouse Christian Academy – Brentwood	(3/4)/11
June 1	11:00/12:00 SH/SC	Riddle Brook School- Bedford	4/55
June 4	8:30	Florence Rideout Elementary School – Wilton	4/52
June 4	10:15/11:30 SH/HM	Pelham Elementary School	4/100
June 4	12:45	Lyndeborough Central School	5/9
June 5	10:15/11:30 SH/HM	Pelham Elementary School	4/100
June 5	12:00	Estabrook School – West Lebanon	(3 rd -6 th)/10
June 6	9:30/10:30	Raymond Elementary School	4/100
June 6	11:00/12:30 SH/HM	Maple Street School – Contoocook	4/80
June 7	8:00	St. Joseph Junior High School – Manchester	8/65
June 7	10:00	Kensington Elementary School	4/30
June 7	12:00	Ed Fenn School- Gorham	4/40
June 8	8:00	St. Joseph Junior High School – Manchester	8/65
June 8	10:00	Ray School – Hanover	4/40
June 8	11:00	Ben Franklin School – Keene	4/30
June 11	10:00	Jonathan Daniels Elementary School – Keene	4/30
June 11	12:00	Plymouth Elementary School	4/52
June 12	10:00	Nashua Children's Home	5&6/10
June 12	10:00/11:30 SH/HM	Ray School – Hanover	4/60
June 13	10:00	Rivendell Academy – Orford	6/48
June 14	9:30	John Fuller School – North Conway	4/32
June 20	1:15	New Hampshire State Grange	25
June 22	9:30	Boy's State	HS/60

THURSDAY, MAY 31
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2007-1697h

Amendment to SB 35-FN-A
Proposed by the Committee on Finance - R

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

AN ACT making an appropriation for disaster relief assistance in response to the May 2006 and April 2007 floods and establishing a committee to study the distribution of financial disaster assistance.

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

□ Appropriation; State Matching Funds for May 2006 Disaster Assistance Grants. In response to flood damage sustained by communities in May 2006, a sum not to exceed \$2,200,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency (FEMA). With prior approval of the fiscal committee, the department

of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2009.

2] Appropriation; State Matching Funds for April 2007 Disaster Assistance Grants. In response to flood damage sustained by communities in April 2007, a sum not to exceed \$1,500,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, as the required state match for federal disaster assistance funds from FEMA. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act for payment of claims in the order in which they were filed, to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2009.

3] Committee to Study the Distribution of Financial Disaster Assistance Established.

I. There is established a committee to study the distribution of financial disaster assistance to local communities. The committee shall be comprised of 3 members, one of whom shall be appointed by the governor, one of whom shall be appointed by the senate president, and one of whom shall be appointed by the speaker of the house of representatives.

II. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate appointee. The first meeting of the committee shall be held within 30 days of the effective date of this section.

III.(a) The committee shall study policies relative to state and local matching funds required for federal disaster assistance from FEMA. The committee 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 1, 2007.

(b) The committee also shall study policies relative to state payment for private property damaged by disaster, as well as state payment for municipal expenses in municipalities, such as Dorchester and Colebrook, that have not been declared disaster areas by FEMA. The committee 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 1, 2007.

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

AMENDED ANALYSIS

This bill appropriates state matching funds to the department of safety, bureau of emergency management, for disaster assistance to the communities that sustained flood damage in May 2006 and April 7. The bill also establishes a committee to study the distribution of disaster assistance to local communities.

2007-1343h

Amendment to SB 41

Proposed by the Majority of the Committee on Criminal Justice and Public Safety - R

Amend RSA 261:75-b as inserted by section 1 of the bill by replacing it with the following:

261:75-b Use of Automated Number Plate Scanning Devices Prohibited. The use of automated number plate scanning devices is prohibited except as provided in RSA 236:130.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2] Highway Surveillance Prohibited; Exceptions. Amend RSA 236:130, III(d)-(e) to read as follows:

(d) Is incidental to the monitoring of a building or other structure under the control of the state or a political subdivision of the state; ~~or~~

(e) *Is undertaken for purposes of operation of the E-Z Pass system.*

(f) Is undertaken for the security of the following bridges and approach structures: I-95 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth.

AMENDED ANALYSIS

This bill clarifies the authority of law enforcement officers to obtain through electronic query from the department of safety the registration information on number plates for official purposes.

This bill also prohibits the use of automated number plate scanning devices, with certain exceptions.

2007-1680h

Amendment to SB 41

Proposed by the Minority of the Committee on Criminal Justice and Public Safety - R

Amend RSA 261:75-a as inserted by section 1 of the bill by replacing it with the following:

261:75-a Number Plate Checks by Law Enforcement. A duly sworn state, county, or local law enforcement officer in the performance of his or her duties may obtain, through electronic query from the department of safety, the registration information on a particular number plate and plate type or number plate validation decal for any official purpose, whether the inquiry relates to a particular offense; provided that the inquiry is based upon an articulable suspicion that a crime may be detected or prevented and provided that a record is kept regarding such inquiry. The information so obtained shall only be used for valid law enforcement purposes and shall not be disclosed to any unauthorized person for any purpose. The commissioner of safety may further limit the release of such information at his or her discretion.

2007-1431h

Amendment to SB 42-FN

Proposed by the Minority of the Committee on Commerce - R

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

1 Indoor Smoking Act; Definition of “Restaurant.” Amend RSA 155:65, XIV to read as follows:

XIV. “Restaurant” means any room or enclosed place used and kept open on a regular basis and in a bona fide manner for the serving of meals to guests for compensation. ***“Restaurant” shall include any such room or place in resorts, hotels, and motels.***

2 Indoor Smoking Act; Smoking Prohibited. RSA 155:66 is repealed and reenacted to read as follows:

155:66 Smoking Prohibited.

I. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:

(a) Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

(b) Hospitals and other acute care facilities.

(c) Grocery stores by customers.

(d) Elevators, tramways, gondolas, and other such public conveyances.

(e) Public conveyances.

(f) Except as provided in paragraph III, restaurants.

(g) Cocktail lounges.

(h) Enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public, except in fully enclosed rooms. Purposes for which such places may be open to the general public may include, but not be limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

II. Smoking may be permitted in enclosed places of public access and publicly-owned buildings and offices, including workplaces, other than those listed in paragraph I, in effectively segregated smoking-permitted areas designated by the person in charge. Smoking shall be totally prohibited in any such enclosed place, if smoking cannot be effectively segregated. The person in charge may declare any facility non-smoking in its entirety.

III. Smoking may be permitted in fully enclosed rooms, as defined in RSA 155:65, VI-a, in dining rooms at restaurants and enclosed places under subparagraph I(h).

3 New Paragraph; Definition Added. Amend RSA 155:65 by inserting after paragraph VI the following new paragraph:

VI-a. “Fully enclosed room” means a structurally enclosed room within an existing enclosed place. Such room shall be enclosed with a floor, ceiling, and 4 solid walls, partitions, or windows, inclusive of doors for exit and entry and shall meet all necessary health and safety codes. Such room shall have a ventilation system which is separate from the ventilation system used for areas where smoking is prohibited. The size and location of the fully enclosed room shall be designed, designated, or juxtaposed so that the smoke, or smell of smoke, does not intrude into the areas where smoking is prohibited. A fully enclosed room shall not contain a service bar or workstation.

4 New Paragraph; Written Policies. Amend RSA 155:68 by inserting after paragraph IV the following new paragraph:

V. Written policies shall state that no employee shall be required to work in fully enclosed rooms where smoking is permitted under RSA 155:66, III. Employers shall require all employees working in fully enclosed rooms where smoking is permitted to sign a form which clearly states the potential dangers of inhaling second-hand smoke and that the employee chooses to work in such area. Such forms shall be kept on file with the employee’s records. Any employer who fails to comply with this paragraph shall be subject to the penalty under RSA 155:76, IV.

5 New Paragraph; Rulemaking Added. Amend RSA 155:71 by inserting after paragraph V the following new paragraph:

VI. Forms and procedures for smoking permitted areas under RSA 155:68, V.

6 Applicability. Amend RSA 155:72, II to read as follows:

II. ***Except as provided in RSA 155:68, V***, nothing in this subdivision shall be construed to authorize an employee to refuse to discharge his ***or her*** ordinary and customary duties in the workplace, including, but not limited to, entering a

smoking-permitted area in the discharge of such duties.

- 7 New Paragraph; Penalty Added. Amend RSA 155:76 by inserting after paragraph III the following new paragraph:
IV. Any employer who violates the provisions of RSA 155:68, V shall be guilty of a violation.
- 8 Repeal. The following are repealed:
 - I. RSA 155:67, VIII, relative to an exemption for certain restaurants.
 - II. RSA 155:67, IX, relative to an exemption for cocktail lounges.
- 9 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill:

- I. Prohibits smoking in cocktail lounges.
- II. Prohibits smoking in dining rooms in restaurants and certain enclosed places, except in fully enclosed rooms.
- III. Clarifies the smoking prohibited section of the indoor smoking act.

2007-1797h

Amendment to SB 46

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT requiring criminal history record checks of all applicants to practice medicine in New Hampshire, and revising the criminal history record checks under the nurse practice act.

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

1 New Section; Physicians and Surgeons; Applicants; Criminal History Record Checks. Amend RSA 329 by inserting after section 11 the following new section:

329:11-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board of medicine a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

2 Qualifications and Licensees; Subparagraph Added. Amend the introductory paragraph of RSA 329:12, I(c) to read as follows:

(c) **Submit a complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 329:11-a.**

(d) Demonstrate to the reasonable satisfaction of the board that the applicant:

3 Action on Applications. Amend RSA 329:14, I to read as follows:

I. The board shall make no final decision concerning the qualifications of a new or reinstatement applicant until it has received the results of all required examinations, **criminal history record checks**, and all third-party certifications required to be submitted with the license application, and the time periods specified by RSA 541-A:29 shall be calculated from the date the last of the required documents is received by the board.

4 New Section; Physician Assistants. Amend RSA 328-D by inserting after section 3 the following new section:

328-D:3-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

- III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.
- IV. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.
- V. The applicant shall bear the cost of a criminal history record check.
- 5 New Subparagraph; Physician Assistants; Conditions of Licensure. Amend RSA 328-D:3, I by inserting after subparagraph (d) the following new subparagraph:
- (e) Submit a complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-D:3-a.

- 6 Nurse Practice Act; Criminal History Record Check. RSA 326-B:15 is repealed and reenacted to read as follows:
- 326-B:15 Criminal History Record Checks.
- I. Every applicant for initial licensure shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the board.
- II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.
- III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board. The board shall maintain the confidentiality of all criminal history records information received pursuant to this section.
- IV. The applicant shall bear the cost of a criminal history record check.
- 7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires all physician and physician assistant applicants for licensure or reinstatement before the board of medicine to submit to a criminal history records check.

The bill also revises the authority for criminal history records check under the nurse practice act.

2007-1436h

Amendment to SB 52
Proposed by the Committee on Commerce - R

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

2007-1786h

Amendment to SB 71
Proposed by the Committee on Environment and Agriculture - R

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

- 1 Natural Rivers Protection. Amend the introductory paragraph of RSA 483:9, VI and RSA 483:9, VI (a) and (b) to read as follows:
- VI. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, ~~IX~~ **IX** shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:
- (a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment, **or less than 100 feet from the landward extent of the 500 year floodplain, whichever distance is greater, and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;**
- (b) **Expansion of** existing~~[-permitted and secure]~~ solid waste landfills shall not ~~[be expanded]~~ **occur** within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact.
- 2 Rural River Protection; Landfill Setback. Amend RSA 483:9-a, VII to read as follows:
- VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and **shall be** screened with a vegetative or other natural barrier to minimize visual impact, except:
- (a) New solid waste landfills shall not be permitted within ~~[the 500 year floodplain of a designated rural river or~~

~~segment and any new solid waste landfill located within~~ the corridor of a designated rural river or segment ~~[shall be set back a minimum of]~~ **or less than** 100 feet from the landward extent of the 500 year floodplain, **whichever distance is greater**, and **shall be** screened from the river with a vegetative or other natural barrier to minimize visual impact.

(b) New solid waste landfills may be permitted within the city of Rochester within the corridor of the segment defined in RSA 483:15, XIV(c), and if located in the river corridor shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;

(c) Expansion of existing solid waste landfills shall not occur within the 500 year floodplain of a designated rural river or segment, and any expansion of such a landfill shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;

~~[(b)]~~**(d)** Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

~~[(c)]~~**(e)** An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

~~[(d)]~~**(f)** The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

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

2007-1496h

**Amendment to SB 75-FN
Proposed by the Committee on Transportation - R**

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

AN ACT relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

1 New Chapter; New Hampshire Rail Transit Authority. Amend RSA by inserting after chapter 238 the following new chapter:

**CHAPTER 238-A
NEW HAMPSHIRE RAIL TRANSIT AUTHORITY**

238-A:1 Definitions. In this chapter:

I. "Authority" means the New Hampshire rail transit authority.

II. "Government agency" includes any department, agency, commission, public corporation, bureau, authority, instrumentality, or political subdivision of:

- (a) The United States of America.
- (b) The state of New Hampshire.
- (c) Any state adjacent to New Hampshire.

III. "Municipality" means town as defined in RSA 21:5.

IV. "Regional planning commission" means any commission formed pursuant to RSA 36:46.

V. "Railroad lines" means railroad rights-of-way and any tracks, track appurtenances, ties, ballast, bridges, stations, yards, facilities, and other appurtenant structures located thereon or adjacent thereto.

238-A:2 Authority Established. There is hereby established the New Hampshire rail transit authority which shall be a body both corporate and politic in the state established for the general purpose of developing and providing commuter rail or other similar forms of passenger rail service. It is declared that the purposes of this chapter are public and that the authority shall be regarded as performing an essential governmental function in carrying out this chapter.

238-A:3 Duties. The authority shall take all actions that are reasonably necessary to establish regularly scheduled commuter rail or other similar forms of passenger rail service between points within the state of New Hampshire and points within and adjacent to the state of New Hampshire. These actions may include, but are not limited to:

I. The acquisition, lease, possession, use, operation, repair, renewal, construction, reconstruction, rehabilitation, modernization, rebuilding, relocation, maintenance, and disposition of:

- (a) Railroad lines and related facilities.
- (b) Railroad rolling stock, machinery, and equipment.
- (c) Real and personal property of any kind.

II. The acquisition, lease, license, possession, use, and disposition of any rights in or related to such property, including trackage, operating, maintenance, dispatching, and other contractual rights and services from railroad companies, other transportation service providers, public utilities, private persons, and government agencies including the Massachusetts Bay

Transportation Authority.

238-A:4 Membership.

I. The governing body of the authority shall be a board of directors. The board of directors shall have the following members:

- (a) The commissioner of the department of transportation or designee.
- (b) The mayor of the city of Nashua, or designee.
- (c) A designee of the town of Merrimack town council.
- (d) A designee of the town of Bedford town council.
- (e) The mayor of the city of Manchester or designee.
- (f) A designee of the Nashua regional planning commission.
- (g) A designee of the southern New Hampshire planning commission.
- (h) Three members appointed by the governor, one of whom resides in the service area of the authority as established in RSA 238-A:5, I, and 2 of whom are recognized as experts in railroad matters.
- (i) The chair of the house transportation committee.
- (j) The ranking minority member of the house transportation committee.
- (k) The chair of the senate transportation and interstate cooperation committee.
- (l) The ranking minority member of the senate transportation and interstate cooperation committee.
- (m) The mayor of the city of Concord, or designee.
- (n) A designee of the central New Hampshire regional planning commission.
- (o) The chair of the Manchester-Boston regional airport board or designee.
- (p) The mayor of the city of Dover, or designee.
- (q) A designee of the town of Durham town council or university of New Hampshire.
- (r) A designee of the town of Exeter board of selectmen.
- (s) A designee of the Rockingham planning commission.
- (t) A designee of the Strafford regional planning commission.
- (u) A designee of the town of Claremont board of selectmen.
- (v) A designee of the Upper Valley Lake Sunapee regional planning commission.
- (w) A designee of the lakes region planning commission.
- (x) The mayor of the city of Franklin or designee.
- (y) The mayor of the city of Berlin, or designee.

II. The members of the board of directors appointed by the governor shall serve for a term of 2 years and until a successor has been designated.

238-A:5 Service Area of the Authority.

I. The service area of the authority shall include any town or city in the state of New Hampshire through which commuter rail or other similar forms of passenger rail service operates or may operate.

II. The board of directors shall determine when to expand the service area of the authority. Upon approval of a resolution to expand the service area of the authority, after a properly noticed public hearing, the board of directors shall notify eligible cities, towns, or regional planning commissions of the determination to expand the service area of the authority. A city, town, or regional planning commission may petition the authority to support the development and establishment of commuter rail and related public transportation services within its jurisdiction. The board of directors shall have sole discretion to accept or reject any such petition. When considering an expansion of the service area of the authority the board of directors shall consider support for the proposed passenger or commuter rail project by affected towns, cities, and regional planning commissions, and the completion of an alternatives analysis or major investment study.

III. When the service area of the authority is expanded as identified in RSA 238-A:5, II new members will be added to the board of directors as follows:

- (a) One designee for each town or city added to the service area that is not represented on the board of directors.
- (b) One designee for each regional planning commission added to the service area that is not represented on the board of directors.

238-A:6 Meetings.

I. The board of directors shall, at the initial meeting of the authority, elect a chairperson and vice-chairperson of the board. The board of directors shall also designate a secretary, treasurer, or other officer as may be necessary to carry out the functions of the board.

II. The authority shall conduct an annual meeting. At such meeting the board of directors shall approve an annual report the authority and elect a chairperson and vice-chairperson of the board.

III. The board of directors may exercise all the powers of the authority in a lawful meeting. A majority of directors then in office shall constitute a quorum. Regular meetings of the board of directors may be established by bylaws.

238-A:7 Conflict of Interest.

I. A director, officer, or employee of the authority shall not acquire any interest, direct or indirect, in any contract or proposed contract of the authority. A director, officer, or employee of the authority shall not participate in any decision on any contract entered into or to be entered into by the authority if that individual has any interest, direct or indirect, in any firm, partnership, corporation, or association that will be party to such a contract or financially involved in any transaction with the authority.

II. The prohibition in paragraph I shall not apply to:

(a) The execution of agreements by banking institutions for the deposit or handling of authority funds in connection with any contract.

(b) Utility services, for which rates are fixed or controlled by a government agency.

(c) Contracts with the department of transportation, a regional planning commission, or any other government agency.

III. The authority shall not:

(a) Employ a person or firm to promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or to promote or oppose, directly or indirectly, any action by the governor, governor and council, or any agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state.

(b) Employ or remunerate in any fashion any member of the legislature.

238-A:8 Powers. The authority may:

I. Sue and be sued to the same extent as a town or city under New Hampshire law.

II. Have a seal and alter the seal.

III. Adopt and amend bylaws covering procedure and rules for the purposes of this chapter, develop and adopt rules in accordance with the laws of the state of New Hampshire, publish bylaws and rules as necessary or advisable, and cause records of its proceedings to be kept.

IV. Employ such assistants, attorneys, experts, inspectors, and such other employees and consultants as the board of directors considers necessary for its purposes.

V. Utilize the services and resources of the department of transportation that are available and expedient. All charges for services provided by the department may be paid to it by the authority as mutually agreed upon.

VI. Utilize the services of the Nashua regional planning commission or other regional planning commissions that are available and expedient. All charges for services provided by such commission may be paid to it by the authority as mutually agreed upon.

VII. Acquire any property or property rights through purchase, lease, lease-purchase, gift, contract, devise, or otherwise. In making these acquisitions the authority may exercise the power of eminent domain following the same procedure set forth for similar government agencies under the laws of the state of New Hampshire, provided it is consistent with the purposes established under the New Hampshire constitution and approved by a resolution of the general court.

VIII. Accept gifts, grants, or loans of money or other property, and enter into contracts or other transactions with any federal or state agency, or any other public entity.

IX. Enter into and fulfill any contracts or agreements with public or private transportation operators, government agencies, or other entities for management, operation, or support of public transit services or as the board of directors otherwise deems necessary.

X. Lease the passenger rail system or part thereof, or contract for the use of the passenger rail system or any part thereof with any operator as may be required for operation of the passenger rail service.

XI. Receive and disburse funds for authority purposes. The authority shall have the power to deposit any monies of the authority, in accordance with the provisions of the general laws of the state of New Hampshire governing the deposit of public monies in such bank or banks or investment deposit pools as may be authorized to receive deposits of public funds.

XII. Issue bonds for the implementation of any project of the authority, including the acquisition of property, or paying off of any debt or obligation of the authority. The authority may issue such types of bonds as may be determined by the board of directors, including certificates on which principal and interest are payable:

(a) Exclusively from income or revenue from the operation of the authority financed with the proceeds of such bonds or together with such proceeds and grants from any instrumentality or other person or corporation in aid of such projects.

(b) Exclusively from income and revenues of certain designated projects.

(c) From general revenues of the authority. Any such bond may be additionally secured by mortgage of the passenger rail system or any part thereof constituting real or personal property of the authority.

XIII. Conduct or cause to be conducted any studies that the authority determines necessary.

XIV. Enter into agreements, contracts, and compacts with any government agency, Pan Am Railways, Massachusetts Bay Transportation Authority, and any other person or entity, public or private, as may be required to develop, establish, and provide passenger rail transportation services, including but not limited to property owners and developers of property adjacent

to or incidental to the railroad lines and related facilities.

XV. In conjunction with the Massachusetts Bay Transportation Authority or any other government agency with a vested interest in such matters, fix equitable fares or charges and other rules and regulations for passenger rail services developed or established in whole or in part by the authority.

XVI. Take all lawful action necessary and incidental to effectuate the purposes set forth in this chapter.

238-A:9 Funding. The authority shall seek, apply for, accept for its use, and use funds necessary for the implementation of this chapter.

I. Such funds shall be spent first to develop and initiate, at the earliest practicable time, regularly scheduled commuter rail service between Lowell, Massachusetts and Manchester, New Hampshire.

II. The authority shall seek and use funds to extend regularly scheduled commuter rail or other similar forms of passenger rail service, to the extent practicable, to other points within the state of New Hampshire.

III. The authority shall seek and expend funds as necessary to coordinate with other government agencies providing public transportation services that support or complement regularly scheduled commuter or other form of passenger rail service identified in paragraphs I and II.

IV. The authority shall use any revenues it receives from the operation of the passenger rail service and any ancillary support facilities and services established under this chapter, including fares, fees, rents, royalties, and other revenues, to pay the operational expenses of that service. The authority shall seek and use funds necessary to pay all operational expenses of its passenger rail service that are not met by fares and other authority funds or revenues. For the purposes of this section, "operational expenses" include, but are not limited to, all ongoing capital expenses necessary to maintain the passenger rail service.

V. The authority may take all actions, consistent with this chapter, that are necessary to apply for, qualify for, accept, and disburse any money that the federal government may grant or loan to the authority to fund any actions the board of directors deems necessary under this chapter.

VI. Any government agency may allocate money and take other actions that may aid in the implementation of this chapter. The authority may provide funds, including loans and matching grants, to government agencies in order to encourage their participation in implementing this chapter.

VII. The authority shall use its best efforts to ensure that fares for passenger rail service established under this chapter be set at reasonable levels to encourage use of this service.

VIII. The authority shall obtain all additional funds, through borrowing, revenues, or other means, necessary to satisfy operating deficits arising from expenses, including capital expenditures, necessary to ensure the continuation of passenger rail service established pursuant to this chapter.

238-A:10 Bonds.

I. The authority shall have the power and is hereby authorized to issue its bonds and notes in such principal amount as the authority shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes. Neither the directors of the authority nor any person executing bonds on behalf of the authority shall be personally liable thereon by reason of the issuance thereof.

II. Bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption, with or without premium, as such resolutions, its trust indenture, or mortgage may provide. In case any of the directors or officers of the authority whose signatures appear on any bond or coupon shall cease to be such directors or officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes. All bonds may be signed on behalf of the authority by, or with the facsimile signatures of, such persons as at the actual date of such execution shall be the proper officers authorized by resolution of the authority to execute said bonds, notwithstanding the fact that on the day said bonds are dated, or on the date of the delivery thereof, any such person shall not have been such officer.

III. Obligations of the authority other than certificates shall be payable from general funds of the authority and shall at no time be a charge against any special fund allocated to the payment of bonds except upon payment of current annual maturities and reserves thereof.

IV. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority under this chapter, when such bonds or other obligations are secured by rentals or other monies to be paid by the United States of America or any department or agency thereof, and such bonds and other obligations shall be authorized security for all public deposits, it being

the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this section shall be construed as relieving any person, firm, or corporation from any applicable duty of exercising reasonable care in selecting securities.

V. The authority may obligate itself for the payment of bonds and other debts incurred in the furtherance of its public purposes by the state of New Hampshire, or by any county, municipality, political subdivision, or public corporation.

VI. The authority shall determine the time, form, and manner of the issuance of its bonds and the specific provisions for, and references to such time, form, and manner set forth in this chapter are illustrative of its powers and are not in limitation thereof. The authority may designate a bank or trust company, qualified to do business in this state, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

238-A:11 Expenses and Obligations. All expenses incurred in carrying out this chapter shall be paid solely from funds provided to or obtained by the authority under this chapter. Any notes, obligations, or liabilities under this chapter shall not be deemed to be a debt of the state or a pledge of the faith and credit of the state; but those notes, obligations, and liabilities are payable exclusively from funds provided to or obtained by the authority under this chapter. The records and correspondence relating to negotiations, trade secrets received by the authority, and estimates of costs on projects to be put out to bid are confidential.

238-A:12 Annual Report and Audit.

I. Beginning one year after the establishment of the authority and on an annual basis thereafter, the authority shall present an annual report to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house and representatives having jurisdiction over transportation matters. The report shall include a description of the authority's activities for the preceding fiscal year, including a report of its receipts and expenditures from all sources. All administrative costs shall be identified. A copy of the report shall be made available to any interested person.

II. The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year. After certification of the audit by the board of directors copies shall be provided to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house and representatives having jurisdiction over transportation matters.

238-A:13 Property of the Authority.

I. All property owned or leased by the authority under this chapter is exempt from levy and sale by virtue of any execution. An execution or other judicial process is not a valid lien upon its property held under this chapter. The authority may use its property only for the purposes set forth in this chapter.

II. The authority and its authorized officers, agents, and employees may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations it determines necessary under this chapter. Such entry shall not be deemed a trespass. The authority shall not be liable for the discovery during any such entry of any form of waste or environmental contamination.

III. Any county, municipality, or other political subdivision, any public agency or commission of the state, and any public service corporation or district, notwithstanding any contrary provisions of law, may lease, lend, grant, or convey to the authority, upon its request and upon such terms and conditions as the proper authorities of the political subdivision, agency, commission, public corporation, or district determine reasonable and fair, any real or personal property or rights in the property that are necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights in the property already devoted to public use.

238-A:14 Exemption from Taxes. Because the accomplishment by the authority of the authorized purpose of this chapter is for the benefit of the people of the state and for the improvement of their commerce and prosperity and is the performance of essential governmental functions, the authority shall not be required to pay any taxes or assessment on any property acquired or used by it for the purposes of this chapter, except that service facilities leased or rented by the authority to business entities are subject to taxation and assessments shall be made against the tenant in possession based upon the value of the leasehold interest, both real and personal. The authority shall not be required to pay any tax upon its income except as may be required by the laws of the United States.

238-A:15 Public Utilities Commission. The authority shall not be subject to regulation by the public utilities commission.

238-A:16 Review of Rail Transit Authority. The general court shall review the scope of the rail transit authority during the 2012 legislative session, giving particular attention to expanding the jurisdiction and membership of the governing body of the authority.

238-A:17 Open Meetings and Records. The authority shall be subject to all requirements of RSA 91-A:2.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

2007-1369h

Amendment to SB 76-FN-LOCAL

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

Amend the bill by replacing section 1 with the following:

¶ Findings and Purpose. The general court finds that the costs of transporting persons convicted of felonies are high and will become excessive. Technologies exist which can reduce those costs, through teleconferencing and other forms of high speed communication. Therefore, it shall be state policy to establish, by January 1, 2010, technological infrastructure which will minimize the physical transportation of convicted persons.

Amend paragraph I of section 3 of the bill by replacing it with the following:

- 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) The attorney general, or designee.
 - (d) The commissioner of the department of corrections, or designee.
 - (e) Two members representing the judicial branch, appointed by the chief justice of the supreme court.
 - (f) One criminal defense attorney, appointed by the governor.
 - (g) One member appointed by the county attorneys affiliate of the New Hampshire Association of Counties.

2007-1721h

Amendment to SB 91

Proposed by the Committee on Election Law - R

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

AN ACT relative to permissible campaign contributions by business organizations and labor unions.

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

¶ New Paragraph; Political Expenditures and Contributions; Definitions; Segregated Accounts. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Segregated account" means an account funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

¶ Political Expenditures and Contributions; Prohibited Political Contributions; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates as a separate entity from the business organization, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals. The provisions of this section shall not apply to sole proprietorships.

¶ Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization. ***This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates as a separate entity from the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals.***

¶ Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

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

AMENDED ANALYSIS

This bill permits business organizations and labor unions to establish political committees.

2007-1587h

Amendment to SB 98

Proposed by the Committee on Election Law - R

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

¶ New Section; Party Access to Voter Information. Amend RSA 654 by inserting after section 45 the following new section:

654:46 Party Access to Voter Information.

I. Notwithstanding any other provision of law, the secretary of state shall, upon request, provide to a party, as defined in RSA 652:11, a list of the name, street address, mailing address, town or city, gender, year of birth, voter history, and party affiliation, if any, of every registered voter in the state. In this section, "voter history" means the elections at which the voter voted. The secretary of state may charge a fee of up to \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the list provided under this section. The secretary of state may provide lists as prescribed in this section on paper, computer disk, computer tape, electronic transfer, or any other form. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d.

II. No party shall use or permit the use of voter information provided by the secretary of state under paragraph I for commercial purposes as defined in RSA 654:31, I(b). Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

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

AMENDED ANALYSIS

This bill requires the secretary of state to provide certain information about registered voters to political parties. The bill also prohibits the parties from using the voter information provided for any commercial purpose.

2007-1761h

Amendment to SB 106

Proposed by the Committee on Legislative Administration - C

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

AN ACT allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch, and relative to lobbyist registration and statements and regulation of volunteer public service.

Amend the bill by replacing all after section 1 with the following:

2 Lobbyist Registration; Registration Required. RSA 15:1, I is repealed and reenacted to read as follows:

I.(a) The following persons shall register as lobbyists with the secretary of state:

(1) Any person who works as an independent contractor or who provides services for a fee for another to represent the other for the purposes specified in paragraph II including, but not limited to, an attorney, or a legislative or government relations representative;

(2) Any person who is an employee of any other person or employer, and who works in a representative capacity exclusively for the purposes specified in paragraph II; and

(3) Any person who is an employee of any other person or employer, who is employed for purposes in addition to or other than the purposes specified in paragraph II, and who spends more than 200 hours in a calendar year working in a representative capacity for the purposes specified in paragraph II.

(b) Each person described in subparagraphs (a)(1) and (2) shall register prior to engaging in the activities specified in paragraph II. Each person described in subparagraph (a)(3) shall register no later than one week following completion of 200 hours of such work. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as a lobbyist.

3 Lobbying; Registration Required. Amend RSA 15:1, II(b) to read as follows:

(b) To promote or oppose, directly or indirectly, any action by the governor~~[- or governor and council[-or any state agency, as defined in RSA 15-A:2]~~, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraphs III and IV.

4 Expiration Date. Amend RSA 15:1, IV to read as follows:

IV. All registrations required under this section shall expire on December ~~[±]~~ **31**.

5 New Paragraph; Exclusions From Requirements. Amend RSA 15:1 by inserting after paragraph IV the following new paragraph:

V. The following communications are excluded from the regulation imposed by this chapter and shall not be considered in a determination of whether a person is required to register and report as a lobbyist:

(a) Public testimony before a legislative committee or sub-committee;

(b) Public testimony before any entity subject to RSA 91-A, the right-to-know law;

(c) A written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(d) Communication made by a public official acting in the public official's official capacity;

(e) Communication made by a representative of a media organization if the purpose of the communication is gathering or disseminating news and information to the public;

(f) Communication made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, the internet, or other medium of mass communication; and

(g) Communication made in writing which becomes a public record subject to the provisions of RSA 91-A, the right-to-know law, provided in response to a written request by a legislative or executive branch official.

6) Lobbyist Statements. Amend RSA 15:6 to read as follows:

15:6 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work.

(b) All expenditures made from lobbying fees, including by whom paid or to whom charged.

(c) Any ~~[honorarium or]~~ expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional ~~[or personal]~~ capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer ~~[or by a family member of the lobbyist]~~. The statements shall be open to public inspection. ~~[For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.]~~

II. Lobbyists shall file statements no later than the second Friday of each ~~[month]~~ **January, April, July, and October** covering all fees received and expenditures~~[- contributions, honorariums,]~~ or expense reimbursements made ~~[during the previous month,]~~ **since the last required filing**, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

~~[IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.]~~

~~V.]~~ **IV.** The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

(a) The full name of each lobbyist covered by the report.

(b) The name of the lobbyist partnership, firm, or corporation, if any.

(c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.

(d) For each lobbying client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each ~~[honorarium or]~~ expense reimbursement made, that is reportable pursuant to RSA 15-B:

(1) The name of the client on whose behalf the expense reimbursement ~~[or honorarium]~~ was made, if any.

(2) The name of the person receiving the ~~[honorarium or]~~ expense reimbursement.

(3) A brief description of the event to which the ~~[honorarium or]~~ expense reimbursement relates.

(4) The value of the ~~[honorarium or]~~ expense reimbursement.

(f) ~~[For each political contribution made that is reportable pursuant to RSA 664:~~

~~(1) The name of the candidate.~~

~~(2) The office the candidate is seeking.~~

~~(3) The value of the contribution.~~

~~(4) If the contribution is an in-kind contribution, a brief description of the contribution.~~

~~(g)]~~ For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

~~[(h)]~~ **(g)** The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15~~[- RSA 15-B, and RSA 664]~~ and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." ~~[This statement shall be made under oath before a notary public or justice of the peace.]~~

~~[V.]~~ **V.** The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

7 Gifts; Exclusion From Definition. Amend RSA 15-B:2, V(c)(5) and (6) to read as follows:

(5) Objects *or services* which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or an intangible thing *or service* of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or intangible thing *or service* of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

8 New Subparagraph; Definition of Gift; Exclusion Added. Amend RSA 15-B:2, V(c) by inserting after subparagraph (12) the following new subparagraph:

(13) Information or advice concerning any state law or rule, any legislation pending or proposed before the general court, or any pending or proposed administrative rule.

9 Executive Branch; Code of Ethics; Volunteer Service. RSA 21-G:25 is repealed and reenacted to read as follows:

21-G:25 Ethical Standards for Volunteer Public Service. Volunteers shall not use public service for an executive branch agency, directly or indirectly, and whether for themselves or for their employers or business associates:

I. To obtain economic benefit; or

II. To advance personal or pecuniary interests through non-public communications with executive branch officials for the purpose of influencing the performance of their duties.

10 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill allows lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

This bill changes the registration requirements for lobbyists and the frequency and content of the statements required to be filed. The bill also repeals the restriction on simultaneous employment and public service.

2007-1764h

Amendment to SB 109

Proposed by the Committee on Judiciary - C

Amend RSA 490:6-a as inserted by section 1 of the bill by replacing it with the following:

490:6-a Emergency Powers.

I. The chief justice of the supreme court or, if the chief justice is unavailable, the most senior associate justice available, shall have the power, upon the request of the governor, attorney general, or the chief judge of any court, or on his or her own motion, in the event of a state of emergency, as defined in RSA 21-P:35, VIII, to enter such order or orders as may be appropriate to suspend, toll, or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure for a period of up to 21 calendar days, including, without limitation, those affecting speedy trial procedures in criminal and juvenile proceedings, all civil process and proceedings, and all appellate time limitations. Such order or orders may be renewed by a majority of the justices of the supreme court as justice may require; provided, however, that any such renewal with respect to applicable statutes shall be effective only upon the concurrence of the governor or, in the governor's absence, the attorney general.

II. The general court may terminate any order entered pursuant to paragraph I of this section to the extent that it deals with applicable statutes by concurrent resolution adopted by a majority vote of each chamber. The justices' authority to renew such an order to the extent that it deals with applicable statutes shall terminate upon the adoption of a concurrent resolution under this paragraph.

2007-1678h

Amendment to SB 144-FN

Proposed by the Committee on Ways and Means - R

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

AN ACT relative to lottery ticket sales and revenue.

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

1 Lottery Sales; Commissions. Amend the introductory paragraph of RSA 284:21-h, II(d) to read as follows:

(d) May be sold by or for the lottery commission at designated locations, other than grounds and campuses of public and private schools, colleges, and universities, by persons, whether natural, associate, or corporate, authorized to sell such tickets on a ~~[uniform]~~ **minimum** 5 percent commission basis for services rendered~~[-, which sum shall be the sole compensation paid to the principal for such ticket selling].~~ **The commission may establish higher sales commission rates no greater than 6 percent and other sales incentives deemed necessary to increase lottery sales.** All sales shall be subject to the rules and regulations of the commission provided:

2] Repeal. RSA 284:21-h, II(d)(1), relative to requiring that sales from mobile units be limited to sales by lottery commission employees, is repealed.

3] Modification of Incentive Caps. RSA 284:21-s is repealed and reenacted to read as follows:

284:21-s Incentive Awards for Ticket Sellers. The lottery commission is authorized to pay cash incentives, at a rate established by the commission but not to exceed \$30,000 for a jackpot winning ticket, or not to exceed \$500 for each incidence of meeting or exceeding lottery commission established sales goals, as an inducement to servants and agents, authorized to sell tickets pursuant to RSA 284:21-h, II(d).

4] Elimination of Payment Restriction. Amend RSA 287-F:9, II to read as follows:

II. Within one week after a tri-state lotto drawing has been held, the party state commission shall pay to the commission, who in turn shall promptly pay to an account known as the tri-state lotto prize account, moneys as are necessary for the payment of prizes, less actual prizes paid by the respective party state in the preceding week [~~but not to exceed 50 percent of the total amount for which tickets have been sold~~].

5] Elimination of Payment Restriction. Amend RSA 287-F:3 to read as follows:

287-F:3 Purpose. This compact is enacted to implement the operation of tri-state lotto, for the purpose of raising additional revenue for each of the party states. Tri-state lotto is not intended to replace any existing lottery game in the party states, but, rather, to be run in addition to these games. Tri-state lotto tickets shall be sold in each of the party states and processed in a central area to be determined by the tri-state lotto commission. [~~Fifty percent~~] **A percentage** of the gross sales from each state shall be aggregated in a common prize pool, and operating costs shall be charged proportionally to the party states. The remaining revenues generated within each state shall remain in that particular state.

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

AMENDED ANALYSIS

This bill modifies sales incentive caps for jackpot prizes and eliminates some restrictions on payments to the tri-state lotto commission.

This bill eliminates the set 5 percent commission rate on lottery ticket sales and allows the lottery commission to increase the retailer commission rate and establish sales incentives. This bill also repeals the restriction on sales from mobile units by sellers other than employees of the lottery commission.

2007-1397h

Amendment to SB 153

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

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

AN ACT establishing a commission to study changing statutory references to “mental retardation.”

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

1] Commission Established. There is established a commission to study changing statutory references to “mental retardation.”

2] 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) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The executive director of People First of New Hampshire, or designee.
- (e) The head of the bureau of special education, department of education.

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 feasibility and consequences of changing statutory references to “mental retardation.” The commission shall consider specific alternative language and shall consider how such a change may be implemented so as not to jeopardize any relevant program eligibility standards.

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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

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

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

AMENDED ANALYSIS

This bill establishes a commission to study changing statutory references to “mental retardation.”

2007-1640h

Amendment to SB 159-FN-LOCAL

Proposed by the Committee on Election Law - C

Amend RSA 658:9, IV-V as inserted by section 1 of the bill by replacing it with the following:

IV. In addition to the voting booths described in paragraphs II and III, each polling place shall have table-top voting screens available for use in an election. Each voting screen shall consist of 3 panels, to be positioned on a table or similar surface so that when a voter is marking a ballot he or she is provided privacy. Each panel of the screen shall be at least 17 inches high and 15 inches wide.

V.(a) Each polling place shall have available for use in an election at least 2 of the voting booths described in paragraph II, one of the voting booths described in paragraph III, and 2 of the voting screens described in paragraph IV.

(b) The minimum number of voting booths and screens that shall be erected for an election shall be as follows:

(1) For a general election where votes will be cast for president, one for every 100 voters on the checklist. This requirement may be modified with the approval of the secretary of state and the attorney general for specific polling places, if conditions within the polling place will not permit the required number of voting booths. Under no circumstances shall the required number of voting booths drop below one booth for every 125 voters for a general election where votes will be cast for president.

(2) For a general election where votes will not be cast for president, one for every 125 voters on the checklist.

(3) For all other elections, including the state primary election, one for every 150 voters on the checklist.

(c) The minimum requirements established in subparagraph (b) may be satisfied with any combination of booths or screens, provided that no more than 50 percent of the minimum requirement is satisfied by voting screens and that the requirements of subparagraph (a) are also met. The moderator may require that booths or screens exceeding the minimum number be erected or available at the polling place. This section shall not be interpreted to mandate the erection of voting screens if there are sufficient booths to satisfy the requirements of subparagraph V(b).

2007-1592h

Amendment to SB 162

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

Amend RSA 19-L:1, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Four public members as follows: one member who is active in the organized labor community, one member of a nonprofit human rights organization, one member of a nonprofit environmental organization, and one member who is active in the business community in a managerial capacity, appointed by the speaker of the house of representatives.

Amend RSA 19-L:4 as inserted by section 1 of the bill by replacing it with the following:

19-L:4 Annual Report. The commission shall issue an annual report, describing the activities of the commission and the issues raised at public hearings, beginning on November 1, 2008 to the governor, the speaker of the house of representatives, the president of the senate, the labor commissioner, the chairman of the house standing committee having jurisdiction over state-federal relations and veterans affairs, the New Hampshire congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Trade Representative, and the state library.

2007-1699h

Amendment to SB 168-FN

Proposed by the Committee on Children and Family Law - C

Amend RSA 188-D:43, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) Eligible individuals interested in a tuition waiver shall annually apply to the postsecondary education commission on a form provided by the commission and within the deadlines established by the commission. No more than 20 tuition waivers per year shall be granted. The postsecondary education commission shall adopt rules, pursuant to RSA 541-A, relative to the development of eligibility criteria designed to give the children with the greatest financial need first priority in the tuition waiver program, the creation of an application form, application deadlines, and provisions for continuing eligibility which require continued full-time enrollment as provided in this section and maintaining satisfactory academic progress as defined by the institution.

(b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the division of children, youth and families shall submit a report to the health and human services oversight committee, established in RSA 126-A:13, and the

house children and family law committee, or their successor committees, detailing the status of the tuition waiver program.

2007-1514h

Amendment to SB 170-FN
Proposed by the Committee on Judiciary - C

Amend RSA 490-E:4, I(a) as inserted by section 2 of the bill by replacing it with the following:
(a) All moneys collected pursuant to RSA 490:27, II and RSA 503:4, II.

2007-1322h

Amendment to SB 216
Proposed by the Committee on Labor, Industrial and Rehabilitative Services - R

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

1 New Paragraph; Public Employee Labor Relations; Definition. Amend RSA 273-A:1 by inserting after paragraph XI the following new paragraph:

XII. “Written majority authorization” means writings signed and dated by employees in the form of authorization cards, petitions, or such other written evidence as the public employee labor relations board under RSA 273-A:10 shall find suitable, in which a majority of employees in an appropriate bargaining unit designate an employee organization as their representative for the purpose of collective bargaining. Current employee signatures must be dated within the 6 months preceding the date on which the writings are offered to establish majority and exclusive representative status.

2 New Paragraph; Public Employee Labor Relations; Elections. Amend RSA 273-A:10 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any other provision of this section, the board shall certify and the public employer shall recognize as the exclusive representative an employee organization which has received a written majority authorization for the purpose of collective bargaining of all the employees in the bargaining unit. This rule shall apply only when no other employee organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. When an employee organization offers evidence that it has received a written majority authorization, the employee organization and the public employer shall agree on a neutral party to conduct a confidential inspection of the evidence of written majority authorization. If within 10 days the employee organization and the public employer do not agree upon a neutral party, the board shall act as the neutral party. The neutral party shall verify the employee organization’s majority support within the appropriate bargaining unit and report the results of such inspection in writing to the parties and, if the verification was conducted by an agreed neutral party, to the board, which shall in turn certify the results to the parties in writing. The board shall establish rules and procedures for the prompt verification of evidence of written majority authorization, including safeguards to protect the privacy of individual employee choice, and shall provide that, absent exceptional cause, the verification procedure shall not last longer than 10 days from the appointment of the neutral party or from assumption by the board of the duties of the neutral party.

2007-1579h

Amendment to SB 224-FN-A
Proposed by the Committee on Science, Technology and Energy - C

Amend the introductory paragraph and subparagraph (a) of RSA 12-A:46, V as inserted by section 1 of the bill by replacing it with the following:

V. The telecommunications planning and development advisory committee shall assist the director in preparing an inventory of the state’s broadband infrastructure. This inventory shall include recommendations to:

(a) Promote access to affordable and reliable broadband service to all state citizens and businesses.

2007-1427h

Amendment to SB 244
Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend the introductory paragraph of RSA 275:48, I(d)(6) as inserted by section 2 of the bill by replacing it with the following:

(6) Voluntary payments for the employee’s use of a health or fitness facility that is sponsored by the employer for the benefit of its employees and that is located within the employer’s facility or workplace, or operated by a private health and fitness facility that offers discounted memberships of 50 percent or more to all employees of the employer, as evidenced by a document that includes the following: