

# State of New Hampshire

# HOUSE RECORD

## First Year of the 160<sup>th</sup> General Court

## Calendar and Journal of the 2007 Session

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|----------------|-------------------|-----------------------------|---------------|
| <b>Vol. 29</b> | <b>Concord NH</b> | <b>Friday, June 1, 2007</b> | <b>No. 43</b> |
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Contains: Reports and Amendments for June 6 and 7, Hearings, Meetings and Notices

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### HOUSE CALENDAR

**MEMBERS OF THE HOUSE:**

The House will meet in session on Wednesday, June 6<sup>th</sup> at 10:00 a.m., and in the likely event that we don't finish the Calendar, the House will meet on Thursday, June 7<sup>th</sup> at 10:00 a.m. The House will also meet on Wednesday, June 13<sup>th</sup> at 10:00 a.m., and Wednesday, June 27<sup>th</sup>, at 10:00 a.m.

Please note that Committee of Conference procedures are found elsewhere in this Calendar.

I would like to recognize Virginia Drew and Caitlin Daniuk in the Visitor's Center for respectfully conducting tours of the State House and for serving the members of the House and the public.

Please keep in mind that legislative activity will be restricted to Tuesdays, Wednesdays and Thursdays during the months of July and August.

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 6<sup>th</sup>** at the Bridges House on Mountain Road in Concord.

Terie Norelli, Speaker

### NOTICE

There will be a meeting of Chairmen and Vice Chairmen **Tuesday, June 5<sup>th</sup> at 8:30 a.m.** in Room 201 of the Legislative Office Building.

Terie Norelli, Speaker

### NOTICE

There will be a Democratic Caucus on **Tuesday, June 5<sup>th</sup> at 1:30 p.m.** in Representatives Hall, and on **Wednesday, June 6<sup>th</sup> at 9:15 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

### NOTICE

There will be a Republican Caucus on **Wednesday, June 6<sup>th</sup> 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.** 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

|                               |                                                    |
|-------------------------------|----------------------------------------------------|
| 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 |

## LAIID 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 43**, relative to the procedure for establishing Medicaid reimbursement rates; relative to reimbursement rates for hospital-based physician and outpatient services; and establishing a committee to study Medicaid payments for hospital-based physician and outpatient services. (House Concurred 05/31/07)

**HB 46-FN-A-I**, making an appropriation to fund kindergarten programs in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts. (SJ 5/24/07) (House Concurred 05/31/07)

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

**HB 54**, establishing a commission to study automobile recycling issues. (SJ 5/24/07)

**HB 56**, relative to the definition of agritourism. (House Concurred 05/31/07)

**HB 64-FN**, relative to driving a commercial motor vehicle while violating an out-of-service order (House Concurred 05/31/07)

**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 83**, relative to the deliberations of the board of tax and land appeals under the right-to-know law. (SJ 5/24/07)

**HB 86**, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. (House Concurred 05/31/07)

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

**HB 104-FN**, relative to renewal of drivers' licenses by certain national guard members. (House Concurred 05/31/07)

**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. (House Concurred 05/31/07)

**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. (House Concurred 05/31/07)

**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. (House Concurred 05/31/07)

**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. (House Concurred 05/31/07)

**HB 226**, relative to the investment of trust funds. (House Concurred 05/31/07)

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

**HB 247**, allowing surviving spouses to retain temporarily special number plates for veterans. (House Concurred 05/31/07)

**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. (House Concurred 05/31/07)

**HB 273-FN**, relative to special needs trusts. (House Concurred 05/31/07)

**HB 286**, relative to a Medicaid waiver for family planning services. (House Concurred 05/31/07)

**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. (House Concurred 05/31/07)

**HB 306**, establishing a task force on work and family. (SJ 05/24/07)

**HB 337**, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund. (SJ 05/24/07)

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

**HB 397**, relative to restricted drivers' licenses. (SJ 05/24/07)

**HB 426**, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors. (House Concurred 05/31/07)

**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-L**, relative to removal of vehicles from state park and ride lots. (House Concurred 05/31/07)

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

**HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. (SJ 05/24/07)

**HB 482**, adding the song "Live Free or Die" as an official state song. (House Concurred 05/31/07)

**HB 495-FN**, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS). (House Concurred 05/31/07)

**HB 499**, relative to the innovation research center. (House Concurred 05/31/07)

**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. (House Concurred 05/31/07)

**HB 551**, allowing cities to use capital reserve funds for debt replacement. (House Concurred 05/31/07)

**HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department. (House Concurred 05/31/07)

**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law. (SJ 05/24/07)

**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. (House Concurred 05/31/07)

**HB 653**, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system. (SJ 05/24/07)

**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 661-FN-A**, establishing an executive planning commission on special education. (SJ 05/24/07)

**HB 685**, prohibiting New Hampshire from participating in a national identification card system. (SJ 05/24/07)

**HB 718-FN**, regulating privatization contracts for public service. (SJ 05/17/07)

**HB 719**, relative to the statute of limitations for fire code violations. (House Concurred 05/31/07)

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation. (SJ 05/24/07)

**HB 727-FN**, establishing a commission to study health insurance coverage in the construction industry. (House Concurred 05/16/07)

**HB 731**, relative to the use of vehicle information or location tracked by an electronic toll collection system. (SJ 05/24/07)

**HB 735**, relative to the form of the presidential primary election ballot. (SJ 05/24/07)

**HB 767**, relative to insurance for volunteer drivers. (SJ 05/24/07)

**HB 782-FN**, relative to reinsurance intermediaries and conduct of examinations. (House Concurred 05/31/07)

**HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives. (House Concurred 05/31/07)

**HB 876-FN-L**, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system. (SJ 05/24/07)

**HB 882-FN**, relative to limitations on tort liability of government units. (SJ 05/24/07)

**HB 895-FN**, relative to licensure of court reporters. (SJ 05/24/07)

**HB 898**, relative to the use of sled dogs and the training of sled dogs on state trails. (SJ 05/17/07)

**HB 914-L**, establishing a committee to study issues related to cooperative school districts. (SJ 05/24/07)

**HB 921-FN**, making technical changes in the insurance laws.

**HB 926-FN**, relative to the regulation of pharmacies and pharmacists. (House Concurred 05/31/07)

## 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

## WEDNESDAY, JUNE 6

### CONSENT CALENDAR

#### COMMERCE

**SB 188**, relative to unfair claim settlement practices by insurers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Martin for Commerce: This bill, as amended, significantly increases the authority of the insurance department to address and correct unfair trade practices in the insurance industry. Specifically, it increases the penalty the commissioner may impose from \$2500 to \$25,000. In addition, where the commissioner has found an unfair claim settlement practice, he can order restitution to the aggrieved insured. Alternatively, the aggrieved insured can waive restitution and file suit in court. The committee believes that these increased penalties and remedies will give the insurance department the authority it needs to protect consumers from unfair practices. **Vote 19-0.**

**SB 189**, relative to medical benefits under motor vehicle insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Martin for Commerce: This bill, as amended, clarifies and codifies an Insurance Department Bulletin regarding the medical payment portion required in all auto insurance policies. The bill provides that the insured shall have the exclusive right to submit a claim for medical expenses under either medical payments coverage or a health insurance policy or both, as the insured elects. It also prohibits coordination of benefits against medical payments coverage and provides that the insured shall not receive duplicate payment from both medical payments coverage and a health insurance policy for the same medical expense. **Vote 19-0.**

#### CRIMINAL JUSTICE AND PUBLIC SAFETY

**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. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill mandates the county corrections to issue a non-driver photo ID to an inmate prior to release. The ID would be issued by the Department of Safety at the DOS facility pursuant to RSA 260:21 which states in part: "RSA 260:21, III. The identification card shall bear the name, address, social security number, date of birth, blood type (optional), picture and signature of the applicant...". While it may seem strange, occasionally persons may be convicted of a minor crime under an alias. The county and the Department of Safety could be issuing an official ID valid for 5 years for an inmate under an alias. The current practice in most, if not all, county correctional facilities is to issue a check to an inmate for unused funds in the inmate's commissary account. The check would be issued in whatever name is on the account and if needed a Temporary ID for the purpose of cashing such a check. It seems reasonable that a person upon release from the County House of Corrections could obtain a photo ID the same as any other citizen of the state without special treatment required in this bill that may violate the unfunded mandate prohibition in Part First, Article 28-a of the New Hampshire constitution. **Vote 14-2.**

**SB 229**, relative to restitution ordered against an inmate. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: Restitution ordered by the Department of Corrections for reimbursement due to destruction of corrections property is currently deposited in the general fund. The Department then goes to the fiscal committee to request the money. This bill allows the Department of Corrections to retain these funds to cover the damage. **Vote 16-0.**

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 31**, adding the chief justice of the supreme court or designee to the advisory council on emergency preparedness and security. **INEXPEDIENT TO LEGISLATE.**

Rep. James F. Headd for Executive Departments and Administration: The committee did not believe that adding the chief justice of the Supreme Court to the advisory council on emergency preparedness was the prudent way to advance the court's preparedness. The court has responsibilities that are clear. They should have a better way to ensure their preparedness rather than being a member of an advisory council. **Vote 11-3.**

**SB 125-FN**, relative to certificates for architect business organizations. **OUGHT TO PASS.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill seeks to protect the public by ending the illegitimate and misleading practice by some unlicensed businesses of purporting to provide architectural services without the actual involvement of a trained and licensed architect. The bill was unopposed and is supported by the Joint Board of Licensure and Certification of the State of New Hampshire. **Vote 15-0.**

**SB 178-FN**, relative to the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill makes a number of changes to the judicial

retirement system that was established in 2003. This bill eliminates the special account, allows one member of the board to be retired, changes the quorum from 5 to 4 members, but requires a unanimous vote if only 4 trustees vote. It also allows the trustees to give a COLA to retirees using up to \$50,000 without having to go to the fiscal committee. COLAs totaling more than \$50,000 would have to be approved by the fiscal committee and could not be given if the system was less than 90% funded. It also adds reporting functions from the trustees to the appropriate policy committees. **Vote 13-2.**

**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. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J. Sullivan for Executive Departments and Administration: This bill would have required the inclusion of the judicial retirement plan of judges who are otherwise not covered or who are not eligible for such benefits. A proposed amendment would have allowed certain judges who are not eligible to retire to terminate membership in the judicial retirement plan and withdraw their accumulated contributions, while continuing to work under "senior active" status. The committee felt this bill is meant to cater to a select few and was reluctant to craft legislation for just a couple of people. **Vote 15-0.**

**SB 243-FN**, relative to regulating home contractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Francis B. Sullivan for Executive Departments and Administration: This bill would create a dilemma as to enforcement and qualifications. The committee agrees that regulation of home contractors and protection of the consumer is of high priority but this bill is far too encompassing to be fair to everyone on both sides of the issue. There were a number of subcommittee meetings, revisions and discussions to attempt to arrive at an amendment that would be fair to all. After much work the committee found it impossible to reconcile all differences. **Vote 12-2.**

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**SB 237**, establishing a council on employment issues affecting veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marlene M. DeChane for Labor, Industrial and Rehabilitative Services: The committee agreed with the prime sponsor's intent that veterans should have the ability to find and maintain jobs. With many of our young veterans returning from the Middle East, the New Hampshire Veterans Commission will work with these folks on issues that are specific to them. The committee along with the sponsor agree this is a pro-active response to the of needs to our men and women returning home and who may have special needs due to the conditions they endured while serving our country. **Vote 15-0.**

## FINANCE

**SB 60-FN**, relative to compensations for injuries and illnesses suffered by national guard members on state active duty. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Finance: The purpose of this bill is to permit a National Guard member on state active duty who sustains an injury to receive state workers compensation benefits. This bill also requires a National Guard member who becomes ill while on active duty to be reimbursed the cost of any necessary medical treatments. The Adjutant General stated it would take effect on a rare occasion. **Vote 25-0.**

**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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter R. Leishman for Finance: This bill as originally proposed would have provided \$250,000 in FY2008 and \$250,000 in FY2009 to the Department of Environmental Services (DES) to partially restore cuts made by the U.S. Environmental Protection Agency (EPA) to the state's estuaries project's comprehensive conservation and management program (NHEP). The EPA cuts have reduced the available federal funds from \$735,000 to \$418,000 in FY2008. The committee agrees with the sponsors and the policy committee regarding the value of this very important program. However, state funding for this program is not presently available. The committee would strongly encourage the DES to include appropriate funding for this program in their next budget if federal funding has not been restored to a level necessary to protect this vital state resource. **Vote 24-1.**

**SB 191-FN-A**, relative to the nongame species account in the fish and game fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for Finance: Fish and Game Department has a program for the 400 species that are not hunted, trapped, or fished. It is called the Nongame and Endangered Wildlife Program. Since no licensee is taking these species, the normal revenue of the department cannot be used for the management of this program. In prior budgets, federal funds matched contributions three to one, and contributed 3.7 million dollars in six years to the program. The federal match has now changed to a one to one match. Committee members had lengthy discussions with the Fish and Game Department in the house budget review. There were discussions about revenue problems, and this program was also discussed. This bill and the change in funding match were never brought up by the department. This leaves us to believe that this is not a priority of theirs. We believe that this is an important program, but to add an additional \$300,000 of general funds would have caused problems in other parts of the budget. Conservation license plates, private charities, specific programs, like the Karner Blue Butterfly, and contributions from the public, provide the funds presently and amount to about \$300,000 per year. We believe more members of the public would respond if the department made a concerted effort. **Vote 24-1.**

**SB 215-FN-A**, making an appropriation for AIDS services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bonnie G. Mitchell for Finance: This bill replaces federal funds (\$1 million) lost in Ryan White. The original bill makes an appropriation to the human immunodeficiency virus prevention program to DHHS to provide grants to certain AIDS service

organizations. The original bill allocated a sum of \$500,000 ending June 2008. The amendment removes the dollar allocation to each AIDS service organization to one amount and leaves the appropriation to each program based on number of clients served. It also adds \$500,000 for FY2009. **Vote 25-0.**

**SB 222-FN**, relative to health insurance for national guard members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Benjamin C. Baroody for Finance: This bill will cover the states share of Tri-Care health insurance for members of the National Guard and their families who are on state active duty for more than 30 days. This would cover those members who do not have other health insurance and include the whole month in which the active duty ends. The Adjutant General could not state any occasion in 35 years when this would have been in effect. Tri-Care is a federally managed program in which the federal government pays 50% and the state would pay 50%. **Vote 25-0.**

**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. **INEXPEDIENT TO LEGISLATE.**

Rep. John DeJoie for Finance: This bill is relative to outpatient Medicaid billing, also known as Revenue Code 510. Since this bill is essentially the same as HB 43, which has been appropriately amended and passed by the Senate, this bill is no longer needed. **Vote 25-0.**

## MUNICIPAL AND COUNTY GOVERNMENT

**SB 206-FN-L**, relative to the investment authority of local government entities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bennett F. Moore for Municipal and County Government: As amended the bill permits a city to purchase the stock of a company, instead of only purchasing a company's physical assets. The City Of Nashua and the Pennichuck Corporation are in negotiations for Nashua's acquisition of the company's stock. The Municipal and County Government added the requirement that the Public Utilities Commission (PUC) make a public interest determination prior to any purchase. The granting of this authority is only one aspect of negotiations between the two parties and when passed will enable the parties to continue on the same track that is currently being taken. **Vote 15-0.**

## RESOURCES, RECREATION AND DEVELOPMENT

**SB 111**, permitting a dam to be constructed on Lake Ivanhoe in the town of Wakefield. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill will allow drainage of high water at Lake Ivanhoe to prevent flooding. The construction design would be of a storm drain culvert to pipe flood water to Great East Lake. This bill is for permitting only and the project would be privately funded. **Vote 15-0.**

**SB 157**, establishing a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks. **INEXPEDIENT TO LEGISLATE.**

Rep. David H. Russell for Resources, Recreation and Development: It was the unanimous feeling of the committee that this legislation is unnecessary. The likelihood of the bureau of trails pursuing another ATV park in the foreseeable future is very slim. The last thing we need at this time is another study committee for something that may never happen. **Vote 15-0.**

## WAYS AND MEANS

**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. **OUGHT TO PASS.**

Rep. Michael G. Marsh for Ways and Means: This bill changes the portion of the unemployment insurance tax that is applied to administrative fund from .1% to .2%, and uses these funds to pay no more than half of the cost of approved employee job training programs and to pay for unemployment services that were previously funded by the federal government for which the state is now responsible. The bill was supported by the BIA, the technical colleges, and DRED, who called it the single most important legislation for economic development this session. The committee heard testimony that the state's unemployment insurance trust fund is very solid, and the unemployment tax is the second lowest in the country. The funds used to support training will come from taxes imposed on businesses, and the benefit will go primarily to employees who will have enhanced skills as a result of the training. In a previous iteration, the fund assisted over 150 companies and 5000 workers at a cost to the state of less than \$2,000,000. The training program has been especially valuable as a tool for smaller companies. More than one third of the companies taking advantage of the program have fewer than 50 employees, while companies with more than 500 employees received only 7% of the grants. The committee determined on a unanimous basis that the program will be an important addition to our economic development activities. **Vote 16-0.**

**SB 133-FN**, relative to the escrow fund for court facility improvements. **OUGHT TO PASS.**

Rep. Christine C. Hamm for Ways and Means: Currently the court system deposits part of the entry fee charged to court users into an escrow fund for facility improvements/repairs that fall short of capital expenditures yet exceed ordinary maintenance, e.g. asbestos abatement, improved signage and carpet replacement. This bill repeals a \$20 surcharge currently assessed by the legislature and changes the amount of the escrow deposit from \$3 to 7 percent. Working in conjunction with the legislature, the judicial branch will increase certain filing fees, with a net overall effect of \$201,081 (\$188,180 for court facility improvements and \$12,901 for the general fund). **Vote 17-0.**

# WEDNESDAY, JUNE 6

## REGULAR CALENDAR

### COMMERCE

**SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for the **Majority** of Commerce: Approximately 15% of people who lose their health insurance coverage do so due to divorce. This bill acknowledges that an arbitrary court date does not mean that people are not still part of each others' family. Especially when there are children involved, divorced spouses are often still intertwined financially, by childcare responsibilities and emotionally. It allows that a divorced spouse may remain on the family health insurance plan for up to three years following the actual date of the divorce decree or until one spouse remarries. The benefits of this are numerous: it allows a primary childcare giver to make childcare arrangements and find employment; it allows an underemployed person the opportunity to seek job training skills; or it simply delays one more major life change until both parties are more stable. This is enabling legislation in that it does not require a spouse to continue coverage unless the divorce decree requires it. However for those with such a requirement, it saves the family the cost of an additional insurance plan when there was already one in place. Right now a family plan costs the same for one parent with kids or two parents with kids; however after a divorce the second parent is forced to find coverage elsewhere, even though the rest of the family is still covered under the original plan and the cost of that plan has not gone down. SB197 will help keep health insurance more affordable after the disruption of a divorce, lower the number of people who lose their health insurance coverage after a divorce and acts as a bridge for people at a difficult time in their lives. **Vote 13-6.**

Rep. John B. Hunt for the **Minority** of Commerce: Although the concept that just because a family gets divorced they don't stop being a family when it comes to health insurance coverage may seem reasonable, it does come with a cost. Even before a divorce many New Hampshire couples choose between their two employers for their family's health insurance. That decision takes in the quantity of benefits and the amount of cost sharing with the employer. After a divorce it is very tempting to require the employer to continue those richer benefits by court order. If only one spouse has an employer who offers health insurance, they may have fewer options but creating a new mandate on small employers will only drive employers to force families to pay a higher percentage of the premium. Unfortunately, this bill only effects small employers. The minority of the committee certainly appreciates that divorce can be very painful economically, but SB197 will certainly come at a cost for all small employers. If the divorced spouse moves away, then a health insurance company will have to pay higher out of state providers and therefore will require higher premiums for everyone. The reality is that by the time a couple finally gets the court-approved divorce, one of the spouses is remarried soon after which would eliminate the other spouse from taking advantage of this legislation. But most importantly it delays the potential of the divorcee who does not have insurance from going into the individual market where New Hampshire needs more purchasers, which will help to lower premiums in the struggling individual market.

**SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for the **Majority** of Commerce: The bill as it came from the Senate has two parts. The first part addresses a United States Supreme Court ruling that states who permit in-state vintners to sell directly to consumers may not deny that same right to out-of-state producers. Discrimination in interstate commerce is an unconstitutional trade barrier. This bill, with the amendment, contains a severability clause that will protect New Hampshire's liquor laws if some part was found invalid. The bill also addresses the one obvious discrimination where our current laws allow only New Hampshire microbrewers to self distribute. The committee amendment allows an out of state beverage vendor license to self distribute with the same restrictions as an in state beer manufacture. The second part of the bill was more controversial. Although stores can sell wine coolers or wine up to 24% alcohol, current law limits beer at 12% and flavored malt beverages or FMBs at 6% alcohol. The committee struggled with the Senate version that allowed for sales of both beer and FMB's to be sold up to 14%. The primary concern is that some believe that FMBs are targeted to underage drinkers. The committee's amendment creates a study committee to address whether FMBs with a higher alcohol level should be allowed in New Hampshire and at a different tax rate than beer. The amendment also allows beer over 12% to be sold in New Hampshire with the approval of the liquor commission. The commission already has an approval process to review new beers and insure that inappropriate products will not be permitted in the state. Finally, the committee amendment requires that any beer over 6% must have the alcohol percentage on the label on the bottle. **Vote 17-2.**

Rep. Joel F. Winters for the **Minority** of Commerce: Letting the liquor commission decide the alcohol content of specialty beers is a change from current laws, which set a maximum of 12 percent. Every specialty beer, from 15, 20 or up to 25 percent could be sold if the liquor commission allows. Vesting this power to the commission, instead of setting the percentage in statute, is

passing the buck. It is our responsibility as legislators to outline the policy that the various departments should follow. Let us continue to set that policy with the minority amendment. Specialty beers with up to 18% alcohol by volume would be permitted. **SB 262**, establishing a committee to study certain prohibitions on smoking. **INEXPEDIENT TO LEGISLATE**. Rep. James R. Martin for Commerce: This bill would create a committee to study smoking indoors, outdoors and every place in between. No one appeared before the committee or subcommittee to testify in favor of this bill. The committee believes that SB 42 expresses the will of the committee and the will of the people and that further study is not necessary. No reasons were suggested by anyone in favor of this bill. **Vote 13-5.**

**FINANCE**

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

Rep. Marjorie K. Smith for the **Majority** of Finance: The Committee amendment has three main components. First, it makes clear that the legislature has the responsibility, with regard to elementary and secondary education in the public schools, to define standards, determine the level of state funding and establish standards of accountability. Second it requires that every school district receive a reasonable share of state funds. Third it acknowledges that local communities have both rights and responsibilities for public education that differ from community to community and the state, in honoring the differences among local communities, may allocate state funds in order to mitigate local disparities in education opportunity and fiscal capacity. The committee amendment avoids the use of words which have no statutory or constitutional basis so as to avoid as much as possible future misunderstandings. **Vote 15-10.**

Rep. Neal M. Kurk for the **Minority** of Finance: The minority of the Committee respectfully disagrees with the majority amendment to CACR 18 and offers its own. While the two amendments share certain principles, they differ in other important aspects. The minority amendment: (1) uses the constitutional word “establish” to reaffirm that the legislature is the policy making branch of NH government, as stated in Part II, Article 5 of the Constitution, and more effectively states that the legislature shall “reasonably establish”, thereby making it more explicit that the appropriate level of judicial review shall be that of a rational basis; (2) makes clear that education is a “shared responsibility” with local communities, referring specifically to “local control”, knowing that local participation in the decision making process always produces the best results; and (3) ensures that every school district receives a reasonable share of funding on a per pupil basis, which guarantees a base amount while offering the possibility of targeting funds to mitigate local disparities and meet local needs. The minority believes that its amendment is more clear and specific, thereby reducing the possibility of misinterpretation and is written in a way that New Hampshire voters will understand and approve.

**SB 18-FN**, raising the age of required attendance of children in school. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K. Smith for the **Majority** of Finance: This bill raises the school leaving age to 18 while at the same time attempting to systematize a wide variety of program alternatives which can be utilized in a plan developed by the student, a parent or guardian, a guidance counselor and the principal. There is no funding in this bill, because the budget and other bills do provide additional funding. The Committee notes the economic benefit to the individual and the community directly related to an increase in the number of our citizens who earn a high school diploma. This bill is widely supported by the business community as well as law enforcement and social service agencies. The year's delay in implementation will give school districts time to assess the resources already in place and develop procedures to make sure every child is in the right place to do the best he or she can do to prepare to play a useful role in society. **Vote 13-12.**

Rep. Kenneth L. Weyler for the **Minority** of Finance: The narrow margin by which this bill passed is reflective of real concerns. The minority feels it is an unfunded mandate on local districts and could lead to large cost increases. Even though most of the bill has a 2009 deadline, the school districts have already passed next year's budgets, so there is only one year to make the changes required for compliance. Many districts have created drop out prevention programs. It is more appropriate to analyze these programs and find which ones are most successful and worthy of state support. Forcing unwilling students to remain in classrooms where their activities are often disruptive is a negative for the other students. We are not sure this bill will treat that problem.

**SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Larry A. Emerton for Finance: This bill implements the recommendations of the 17 member YDC Master Plan Task Force Committee which did an in-depth study of the entire property. SB 67-FN-A has two major parts: 1) It provides \$200,000 to subdivide two vacant properties on the far northeasterly portion of the 150 acres (-+) site in preparation for them to be placed for sale, to decommission three large buildings for possible future use and demolish and asbestos abate two buildings, the Sanders and East Cottage; 2) it instructs the department to sell two vacant homes (1165 & 1188 N. River Rd.) for no less than their appraised market value of \$420,000; with the proceeds to be deposited in the state general fund. **Vote 23-2.**

**SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: This bill continues a long term evolution for what started as a system of trade schools over 60 years ago. In the last ten years the system has evolved into Community Technical Colleges. This involved the offering of more liberal arts courses and a new type of accreditation. This new accreditation allows greater transferability of course credits to other colleges and universities. This has the consequence of making college more affordable for NH students. The bill allows more independence in the governance of what now will be named the Community College System of New Hampshire, but less than the University System. The Community College System will still be dependent on many state systems, including retirement, and auditing. The committee had concerns that are addressed by the amendment: 1) the concern that technical programs might be deemphasized was allayed by both a statement in the purpose paragraph and the addition of more specific designation of trustees; 2) oversight in the transfer of state employees added 'non-classified' to classified or unclassified was clarified; 3) eminent domain powers were removed from the colleges' authority; 4) a paragraph dealing with a 10% cap for administration spending was judged difficult and costly to apply. It was eliminated. This Community College System and its predecessor have proved dynamic and flexible in meeting both the needs of our state employers, and in providing many options for our state's students. **Vote 19-6.**

**SB 93-FN**, relative to insurance coverage for children's early intervention therapy services. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Martha McLeod for the **Majority** of Finance: The committee found no fiscal impact on the state's general fund from this bill. These services are already covered under the State Employees Health Plan and other major health plans. Early Intervention Services offer significant future savings to both the state and private providers. **Vote 16-8.**

Rep. Fran Wendelboe for the **Minority** of Finance: The minority believes that SB 93 puts an unfair mandate on insurance companies that will be passed down onto our citizens and business community. The fiscal note states that there will be an increase of approximately \$200,000 in insurance tax revenue to the state. This increase in tax represents a premium increase on individuals and companies of approximately \$19,000,000 (nineteen million dollars). It has been shown that for every increase in health care premiums there is an offsetting decrease in people who stay insured, either because they drop the coverage or their employers cease providing coverage. Insurance mandates work against encouraging new insurers to our market and increase the cost of coverage. While the majority argues that the state "makes money" on this, the minority believes that we must weigh the consequences to the individuals and businesses bearing the burden of this new mandate and tax increase

**SB 101**, relative to payment of costs for certain students attending alternative education programs. **OUGHT TO PASS.**

Rep. Linda T. Foster for Finance: This bill provides statewide access to alternate education for high school students at risk of dropping out. Tuition and transportation currently provides state reimbursement to regional vocational centers for 75% of the tuition of students coming from other high schools. It also pays \$.08 per mile to the sending districts for these students. SB 101 makes state tuition and transportation support available to students attending regional alternative education programs in either the vocational centers or an associate high school using the same formulas. This bill will assure that every 16 & 17 year old at risk of dropping out will be able to attend an alternative program, regardless of the size of their local school and the local opportunities available. It will also allow students in danger of dropping out to attend regional alternative & credit recovery programs, even if they elect not to participate in vocational courses. Whether a student is at risk and whether they will take part in an alternative education program located off site will be determined by the district. **Vote 18-7.**

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The committee amended this bill to correct the date in section 3 of the bill in RSA 171-A:1-d,I(a) to read January 1, 2009, to be consistent with the budget. The language about salary increases for SFY09 and parity with workers at NH Hospital was removed. Section 8, the appropriation, was deleted, as the budget contains this funding. **Vote 22-3.**

**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. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Finance: This bill known as "Michael's Law" in honor of Police Officer Michael Briggs who was shot in the line of duty requires that the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. It also establishes a committee to study the policies and methods for determining the eligibility for benefits. **Vote 17-7.**

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry A. Emerton for the **Majority** of Finance: The policy in this bill came to Finance after an over five hour hearing and considerable work in the House Health and Human Services Committee. Money for the implementation of this bill is in the budget passed by the House. The bill is effective in two parts: 1) the 25 member commission takes effect upon passage, 2) the

balance of the bill takes effect on July 01, 2008. The divided purpose of the bill is to allow the commission to suggest any possible changes that remain, after the commission's hearings and in time to be presented to the 2008 legislative session. **Vote 16-8.**

Rep. Fran Wendelboe for the **Minority** of Finance: The minority strongly believes in preventing lead poisoning in children. SB 176 goes too far in scope and places too broad of an impact on our older housing pool. The Department of Health and Human Services statistics show that there are 157,000 housing units in NH that pre-date 1950, the date when lead paint was most prevalent and at higher levels as a percentage of paint content. There were significant policies put in place in the last decade and lead paint exposures have been declining for years. The last two years of statistics show 24 and 23 over the 20dcl level (out of 157,000 units). Some of these elevated levels were in primary homes and some were in multi family housing. This legislation exempts all owner occupied residences and places the financial impact only on landlords. It appears that a number of the multi family elevated exposures were in immigrant families. The minority believes this indicates a failure on the part of those agencies assisting with housing to properly inspect the premises for these issues. Also, there is possibly a communication breakdown in that all tenants are given handbooks about lead paint. These cover what to look for (flaking and peeling paint) and how to prevent lead exposure. Another issue is hygiene with immigrant families who move here with different cultures of housekeeping and hand washing - both which greatly impact the potential accumulation of lead dust or exposure from lead dirt from years of cars using leaded gasoline. The minority feels that better education and closer attention to housing for immigrants would take care of many of these issues without creating an over broad impact on rental housing. This legislation, as drafted, could significantly affect the availability and affordability of rental housing in NH.

**SB 192-FN**, establishing an outreach program in the children's health insurance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The committee amended this bill in two places. Section I(d)(2) was a simple wording change from "providing" to "and provide"; Section I(d)(3) was changed to clarify that this enhanced reimbursement is for providing additional follow-up with applicants whose situations are more complex than most and therefore require additional time to accurately document their circumstances. This bill does not permit "double billing." **Vote 16-8.**

**SB 204-FN-A**, relative to collection of debts owed the state. **OUGHT TO PASS.**

Rep. Bernard L. Benn for Finance: This bill allows state agencies and departments to refer to the Attorney General any uncollected debt owed to the state for collection. The bill establishes procedures for agencies to attempt collection prior to referring the case to the Attorney General's office. The bill establishes a non-lapsing debt recovery fund into which all amounts collected shall be deposited. After deducting allowable expenses, a proportion of the debt collected will be returned to the agency accounts for which they were collected and a percentage will be retained in the fund for the purpose of all debt collection. The bill appropriates \$100,000 to the debt recovery fund for the purpose of start-up costs. The committee considers this bill fiscally neutral since it is expected that the appropriation will be offset with equal revenue from debt recovery within the biennium.

**Vote 23-1.**

**SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: This bill establishes a comprehensive plan for cancer prevention education and screening for New Hampshire citizens. The House has appropriated \$2 million each year in HB1 for this program. This bill represents the mechanics to make the program operational. The bill as amended removes the specified dollars, since the funding is in the budget. In place of actual dollars, the amendment includes figures for apportionment of the appropriation. This was done to preserve the effectiveness of the NH Cancer Plan as it was originally developed. **Vote 17-8.**

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program. **OUGHT TO PASS.**

Rep. Bernard L. Benn for Finance: This bill establishes a housing and conservation planning program in the Office of Energy and Planning. The committee heard testimony that the need for workforce/affordable housing exists in communities throughout New Hampshire. The bill is designed to help communities plan for workforce housing by awarding grants for technical assistance to municipalities to plan for growth and development strategies in 4 specific stages of activities. Each stage requires that municipalities address housing and conservation in an integrated manner. Grants are awarded for one stage at a time; subsequent grants depend on the completion of previous stages. The bill establishes a Housing and Conservation Planning Program Advisory Board. This program received a \$400,000 appropriation to the Office of Energy and Planning for "workforce housing grants" in the Governor's budget proposal and the budget passed by the House. **Vote 16-9.**

**SB 226-FN**, relative to the temporary assistance to needy families (TANF) program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John DeJoie for the **Majority** of Finance: The policy of this bill as approved by the House, allows additional options to TANF recipients to meet work requirements, as adopted under HB 1331, Chapter 325, Laws of 2006. These additional options are currently utilized by other states. While the fiscal note suggests "potential costs" these are not costs of the legislation. These are costs of not complying with federal TANF requirements. Since the House has endorsed the policy changes as being in compliance with federal requirements, these costs are not relevant to the fiscal determination of this bill. Since HHS adopted the costs associated with HB 1331, Chapter 325, Laws of 2006 from within their operating budget, it is the belief of the

committee that any costs associated with expanding work options, can also be borne by the department from their operating budget. **Vote 16-9.**

Rep. Fran Wendelboe for the **Minority** of Finance: Senate Bill 226 changes the intent of HB 1331, Chapter 325, Laws of 2006, of last session by eliminating/changing some of the work requirements as part of the Deficit Reduction Act. The state is required to meet a 50% work participation rate of welfare clients by October 1st of this year and these requirements/penalties have shown astonishing results. Prior to the enactment by the legislature in 2006, the percentage of welfare clients showing up to their scheduled meetings was only verified at 16%; now it is at 42%. This was verified as of March. This program is obviously working. The minority strongly believes that changing the existing language of HB 1331, Chapter 325, Laws of 2006 just by the decision of some commissioner in the future jeopardizes the state meeting the 50% participation rate and could mean the loss of several million dollars of federal funds. The legislature took a strong policy and financial position last year which has proven to be successful. Why do we want to change a program that shows great results before even letting it work for a full year? **SB 242-FN**, establishing the intellectual property business loan development program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Finance: This bill allows the Business Finance Authority (BFA) to add intellectual property loans - loans secured by patents or trade secrets, for example - are just beginning to be made. Allowing the BFA to guarantee these loans may help New Hampshire's business community, especially its high technology sector with its many start-up companies. The bill requires an appraisal of the intellectual property and limits the BFA's guarantee to 75% of the amount that may be borrowed but not more than \$250,000 per loan. The amendment further reduces the risk to the state by (a) limiting the total dollar amount of such loans to \$1 million and (b) requiring additional bad debt reserves equal to 50% of the guaranteed portion of the loans. The committee notes that the BFA has been guaranteeing loans for many years, has bad debt reserves of over \$6 million and has never had to ask the state to pay a nickel for guaranteed loans which have gone into default. **Vote 21-3.**

## JUDICIARY

**SB 27-FN**, relative to the display of the POW-MIA flag. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for the **Majority** of Judiciary: Under current law (RSA 3:3-a) the POW-MIA flag is flown above the State House in Concord. This bipartisan amended bill expands the locations where the flag is flown to all state facilities and National Guard armories and other state-owned facilities where the US flag is flown. The flag, which reads "POW-MIA You Are Not Forgotten" is a poignant symbol of the respect and gratitude all New Hampshire citizens owe to those men and women who served in our military and whose fate has not been resolved. We take the phrase as though it were chiseled in New Hampshire granite. **Vote 12-4.**

Rep. Philip Preston for the **Minority** of Judiciary: The minority believes that the legislature should not mandate the flying of any flag over courthouses other than the American and the New Hampshire flags because courts should hold no position on issues regardless of how universally or widely supported. It also believes that state facilities should be neutral territories over which no symbolic flags should be allowed or required. The minority supports the efforts of diverse groups to bring closure to those families and individuals whose relatives and friends remain missing as a result of combat operations, but it believes that the legislature should honor the impartiality and neutrality of state functions.

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John K. Knowles for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill does three things to increase balance in the public bargaining process: (1) allows, but does not require, safety issues to be brought up in negotiations; (2) makes collective bargaining more widely available by reducing the number of employees necessary to form a bargaining unit; and (3) for future agreements only (so there is no "28-A" issue), makes clear that agreed pay plans ("step increases") will continue in force in the event of bargaining impasse. In response to employer input, several provisions were changed by the committee: (1) retained "number of employees" as a management prerogative; (2) increased the minimum number of members for a bargaining unit from the federal standard of three to a compromise number of five; and (3) eliminated retroactivity for the "evergreen" provision. The committee majority feels this is a balanced approach to a fair bargaining process. **Vote 10-7.**

Rep. William J. Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill makes three major changes to RSA 273-A dealing with contracts between bargaining units and municipalities. The minority is concerned with all three changes however there are two that report the balance between how bargaining units and municipalities negotiates salaries and benefits. The bill reduces the number of employees needed to form a bargaining unit from ten down to five. The minority believes this will greatly increase the costs to municipalities and create large numbers of smaller bargaining units. There was no testimony that indicated that there were a significant number of groups that wanted this number decreased. Rather they wanted municipalities to have the ability to recognize smaller groups, an ability they currently do not have. Some members also argue this may be an unfunded mandate in violation of Section 28-A of the New Hampshire Constitution. This

bill was opposed by all municipalities that testified before the committee as well as the municipal association.

**SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: A version of this bill passed in the full house last session. This amendment, which has the approval of the prime sponsor, adds the purpose statement "...the need to protect employees from being improperly classified as independent contractors and thereby being denied worker's compensation and certain other benefits." The bill as amended addresses the concerns of labor, business as well the Department of Labor. This bill strengthens and clarifies the definitions of "employees" and "sub-contractors" and will go a long way in creating a level playing field for the workers of New Hampshire. **Vote 14-3.**

**SB 154**, relative to the worker's compensation compliance statement. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marlene M. DeChane for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill simply requires the Department of Labor to make public workers compensation compliance statements upon request. It also ensures that workers compensation coverage is up to date. New Hampshire law requires that all employees are covered. **Vote 10-7.**

Rep. William J. Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill amends current law under RSA 281-A-4-a that currently requires employers to provide compliance statements to the Department of Labor. The bill requires this Department to make these statements public even if the employer appears to be in compliance with the law. These reports include proprietary information such as the total number of employees hours worked and what workers compensation classification codes were used. We should not be legislating that private information be made public when employers are abiding by New Hampshire law. This does not serve any benefit to the state or general public. It only serves to give private entities vital information about their competitors.

## MUNICIPAL AND COUNTY GOVERNMENT

**SB 54**, relative to dog license fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: This bill proposes to increase the fee required to license dogs owned or kept in a municipality to be "no more than \$5.00" instead of the current "no more than \$1.00," as stated in RSA 466:39. All dog owners are required to furnish rabies vaccination verification to the municipal clerk prior to licensure. The committee knows that a rabies vaccination is costly, although there is help for income eligible owners. However, the vaccination program is a higher public policy priority than an increase of licensing fees. There was concern by the committee that a license increase might force dog owners to opt out of the successful rabies vaccination program presently in statute.

This bill was recommitted with the intent of adding an amendment. Further information gathered confirmed that an amendment was not warranted. In discussion with the town clerks it was agreed to bring this issue to the legislature next year. **Vote 13-0.**

**SB 58**, relative to the recommendation for the town budget. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The amendment allows any town with or without a budget committee to vote that the tally of the vote taken regarding budget items or warrant articles be printed in the town warrant. This enables both traditional towns and official ballot towns to have this question put on the ballot. The amendment also puts this budget preparation issue in RSA 32:5 and RSA 40:13 instead of just in the statute covering the duties of the selectmen **Vote 13-0.**

**SB 219-FN**, establishing a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for the **Majority** of Municipal and County Government: It was the majority opinion of the committee that much of the history of the state and its value as a travel destination comes from its rich architectural heritage. The charge to the proposed study committee is to assess current "best practice" and to consider other incentives, methods or programs which can help communities preserve that heritage and prevent the unnecessary demolition of significant historic properties. **Vote 9-5.**

Rep. Joseph A. Guthrie for the **Minority** of Municipal and County Government: Although the minority agreed that the concern for the demolition of historic properties has merit, it was felt not necessary to establish a study committee.

## RESOURCES, RECREATION AND DEVELOPMENT

**SB 74-FN**, relative to the operation and administration of the state park system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald A. Brueggemann for the **Majority** of Resources, Recreation and Development: This establishes a bureau of historic sites in the Department of Resources and Economic Development. Although initially only minimally staffed, this bill provides a framework by which the bureau will be developed in order to address the abysmal condition into which our state-owned historic sites have fallen. In addition, SB 74 details the content and the development process of a strategic plan for the state parks

system and requires an audit of the Division of Parks and Lands. Lastly, a State Park System Advisory Council is established in order to provide advice as the master plan is developed and advocate for the park system. The amendment eliminates a Legislative Oversight Committee, incorporates legislators into Advisory Council and sunsets the council in 2010, two years after completion of the plan. **Vote 12-6.**

Rep. Andrew Renzullo for the **Minority** of Resources, Recreation and Development: This bill is a typical government response to a problem, to form a committee. This bill creates another advisory group to add to the 170 plus committees/groups/councils that give input to the Department of Resources and Economic Development (DRED). The bill also asks for \$500,000 to have the Director of DRED produce a master plan for the park system. We hire people to do a job and have the vision to create their plan for their department's future, not hire a consultant to do it. In addition, this bill requests the establishing of a bureau of historic sites within the state park system and staffing said bureau. Preservation of historic sites within the park system is best handled by individually funded projects and not establishing a bureau

**SB143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Suzanne H. Gottling for the **Majority** of Resources, Recreation and Development: This bill with amendment names the new state park near Berlin "Jericho Mountain Park." It also defines a procedure for building and completing ATV and trail bike trails in areas of the park where the criteria established in RSA 215-A:43 make this development impracticable. A waiver of some criteria may be obtained. Each waiver must be agreed to in writing by the Department of Resources and Economic Development and the Fish and Game Department. If water quality is impacted, the Department of Environmental Services must also agree in writing to the waiver. The allowable maximum size of ATV's was increased to 1200 pounds and 60 inches wide to provide opportunities for enhanced revenues at the park. **Vote 11-6.**

Rep. Elisabeth N. Sanders for the **Minority** of Resources, Recreation and Development: The minority of the committee strongly supports the Jericho Mountain state park development due to its valuable economic impact goals. The committee drafted and discussed four different proposals, none of which were satisfactory. After hours of debate, the minority felt that the original SB143 as amended by the Senate was the best solution for House approval and feels that an OTP (no amendment) would best serve the interest of increasing travel and tourism to the North County – helping economic growth and job creation. All the amendments contained language that focused on micromanaging the agencies, rather than allowing the agencies to perform their responsibilities as set out in statute and the Jericho Mountain State Park Master Plan. The bill as passed by the Senate strikes a balance between the economic goals and environmental protection. There is already a solid level of cooperation between the Department of Resources and Economic Development (DRED), the Fish & Game Department, and the Department of Environmental Services (DES) in the creation and the implementation of this new park initiative.

## SCIENCE, TECHNOLOGY AND ENERGY

**SB 123**, relative to pole attachments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: IEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A. Cali-Pitts for the **Majority** of Science, Technology and Energy: The bill is very simple and uncomplicated giving the Public Utilities Commission the authority to hear and resolve complaints concerning pole attachments relative to rates, charges, terms, conditions, voluntary agreements, or denial of attachments. The bill streamlines the pole attachments question as they will be handled on the state level and not in Washington. **Vote 12-3.**

Rep. John H. Thomas for the **Minority** of Science, Technology and Energy: The minority of the committee opposes this bill because the process is not broken. Basically we are talking about private contracts between private entities. There is a process of review and appeal at the Federal Communications Commission (FCC) and we have had testimony that the FCC has not heard a case in 10 years. On the local level, when an attachment rate is in dispute there is the court system to appeal to as in any private contract case.

**SB 140**, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Kaelin for the **Majority** of Science, Technology and Energy: This bill addresses the process for approval of renewable energy systems. The bill directs the PUC to advocate for New Hampshire interests to FERC and other federal and regional bodies, and to address transmission line upgrades with the regional utility organizations. Moreover, it enables the Site Evaluation Committee to streamline its rules for new renewable energy facilities. It also changes the representation on the State Energy Policy Commission from 4 to 8 House members, and adds the study of energy conservation, enhancing renewable energy, various technical issues related to demand management, and whether to allow distribution companies to invest in small scale renewable systems. **Vote 10-6.**

Rep. John H. Thomas for the **Minority** of Science, Technology and Energy: This bill, as originally, was meant to stimulate the lost economy of the northern part of New Hampshire. It also named Public Service of New Hampshire (PSNH) as one of the companies to invest in or build a wood fired generation electric generation facility in the North Country for the simple reason they have been there and done that very successfully at their Schiller Station in Portsmouth. When the bill arrived in the

House, all reference to PSNH had been removed. By omission of PSNH as a generator it took away the fastest resource to stimulating the economy and took 70% of the rate payers out of the financial benefits of new generation. Those financial benefits in the form of renewable energy credits, federal renewable energy tax credits and forward capacity market funds are considerable and by New Hampshire law returned to the rate payer in the case of a regulated utility. In the case of a merchant generator those benefits go to the shareholder, most of whom are out of state and out of country. Except for the site evaluation language and the increase in membership of the state energy policy commission, the rest of the bill is moot. All transmission is controlled by the Federal Energy Regulatory Commission and the Independent Systems Operators, New England so the NH PUC already does what the bill, as amended by the committee, tells them to do. The minority also agrees with the proposed amendment that brought PSNH and Unitil Corp back into the game. Unitil, though not included in current law, brought forward an investment proposal in private generation which received bi-partisan support in the committee. This is a strong indication that this is a rate payer issue not a party issue. Because of the complexity of generation, regulation and deregulation, transmission, site evaluation, and financial implications the committee voted 8 to 8 to retain the bill prior to the final committee vote.

## STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**SB 223-FN**, establishing a New Hampshire medal of honor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for the **Majority** of State-Federal Relations and Veterans Affairs: This bill establishes the New Hampshire Medal Of Honor for families of New Hampshire citizens who died in the “War on Terror” and service members stationed with a New Hampshire based military unit by Department of Defense orders and deployed to the war zone under Department of Defense direction at the time of his or her death. The bill came to the committee with the best of intentions but had some very serious flaws which the committee worked long and hard to correct. First and most important, the young Marine who lost his life in Afghanistan and who served as the driving force for the creation of this medal would not have been eligible to receive the medal because he was not killed in action, but rather he died in a vehicle accident. Under Marine Corps policy, his family did not receive the Purple Heart with the black line. The committee heard of other young service members who lost their lives in hazardous, realistic, pre-deployment training who would not be eligible to receive the medal. While a New Hampshire citizen, serving in the French Foreign Legion or the Israel Defense Force could be eligible. An Air Force pilot flying from North Dakota on a bombing mission who crashes prior to entering or after leaving the combat zone would not be eligible. Furthermore, since an important point was made concerning the “War on Terror,” the date was changed from Jan 1, 1991, the start of Operation Desert Storm, to Nov 4, 1979, when the U.S. Embassy located in Tehran, Iran was attacked. Any New Hampshire service member killed in the “Line of Duty” would be eligible regardless if his or her untimely death occurred in the Beirut bombing, the barrack bombing in Saudi Arabia, or the attacks on U.S. embassies in Africa or the Philippines. The committee understood that every death occurring in the “line of duty” during the “War on Terror” must have equal value. Additionally, the committee wanted to make absolutely sure that the New Hampshire Medal of Honor was neither confused with our nation’s highest military award for valor on the battlefield nor degraded or devalued that award in any shape, form or manner. The “Medal of Honor” is for the service member and his or her fellow service members. The New Hampshire Medal of Honor is for the family only, a small token that goes a short way to help ease the pain.

The committee had grave concerns with the possibility that while we were taking action to honor the families who had suffered a loss, a parent who had to bury a child, a spouse who became a widow and or a child who became fatherless, if we were allowing an opportunity for protestors to invade the privacy of those final moments before the casket is lowered into the ground. The committee heard from many people from both sides of the debate when someone’s right to privacy overrules someone’s first amendment right to protest. People who stated that first amendment rights are very important said there were three rules the Supreme Court would look at. First is the requirement that it must be neutral. The committee amendment meets that requirement as it covers all funerals. Second, it could not be overly broad. The amendment meets that requirement by matching federal law limiting the ban to 150 feet from the road entering the place of burial and/or 300 feet from the grave site. Third, it was stated the law had to spell out what was an unlawful protest and the committee amendment did that. It is firmly felt that the New Hampshire’s prohibition on funeral protests not only meets all the Supreme Court requirements, but it could serve as a model for other states. **Vote 13-2.**

Rep. Frank R. Emiro for the **Minority** of State-Federal Relations and Veterans Affairs: The minority oppose the “Ought to pass with amendment” because we believe that it should be split into two distinct bills. The Medal of Honor is a distinct decoration awarded by the President of the United States to a recipient for gallantry and sacrifice with no regard to his or her personal well-being. On the other hand, the proposed New Hampshire Medal of Honor would be given to the family of any New Hampshire resident who died in service to our country while serving on active duty with our armed forces. It is strongly believed that such an award deserves its own distinct title.

The minority firmly believes the Medal of Honor should not be imitated or mimicked in any way. The funeral issue, while of grave importance, should be considered separately. Let’s give both issues the attention they deserve.

## SPECIAL ORDER

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

Rep. Michael G Marsh for the **Majority** of Ways and Means: This bill establishes a new R&D tax credit, allowing businesses that increase their R&D spending in the state to take a modest tax credit when they spend more in R&D salaries. The credit is capped at \$50,000 per year for each company and \$1 million dollars statewide annually, and its goal is to increase the level of R&D spending in the state. The committee heard evidence that R&D spending is critical to maintaining our competitive position in the global economy and generating economic growth, that an R&D tax credit is a significant way to spur research, and that 40 other states and many other countries currently offer some form of R&D tax credit. We heard additional testimony that NH's position in R&D job creation has fallen to 34th place among the states in the past 6 years. We believe that this is due in part to

our lack of a tax credit, and this bill seeks to remedy the situation. The committee made significant changes to the original bill received from the Senate to make the credit more attractive for start-up companies and smaller companies, while keeping within the \$1 million per year cap requested by the Governor and passed by the Senate. **Vote 11-6.**

Rep. Dennis P Vachon for the **Minority** of Ways and Means: The minority of the committee believes that giving a targeted group of taxpayers a break of up to \$50,000 on business taxes for research and development in a time of limited budgetary resources is fiscally irresponsible. The proponents of this legislation have failed to make the case for why this tax credit is in the State's best interest given our business tax structure and other factors that affect business decisions such as the availability of a suitable work force, affordable housing and necessary infrastructure to complement business activities. We need to know who will benefit from the tax credit and ensure that it is not used simply to line the pockets of companies already profiting from Defense contracts. There is no guarantee that the resulting products will be produced in New Hampshire or that the persons employed in the research and development activities will not be imported from elsewhere. This bill has the potential for being nothing more than an annual corporate giveaway of \$1 million which could be better used to support needed State services.

**SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for the **Majority** of Ways and Means: This bill as sent to the House by the Senate sought to repeal the sunset provision for the CROP (community redevelopment and opportunity program) tax credit. This credit is given to companies that create jobs in areas in the state that are designated as urban renewal zones or are otherwise economically disadvantaged. This program is the major general-purpose job creation program in the state and is administered by the Department of Resources and Economic Development (DRED). It provides a maximum of \$825,000 annually in job creation incentive credits to companies. The Ways and Means Committee believes the program is a worthy one, but that it has failed to achieve the desired goals after being in place for almost four years. After careful analysis, and with the cooperation of DRED, the committee identified changes to the program to make it more accessible to towns and more attractive to industry, while keeping the maximum credit cap of \$825,000 in place. These changes include reducing the investment required to qualify for the program, increasing the value of the credit for jobs, capping the amount of credit available to any single firm, and making the rules defining a CROP zone simpler to understand. A further 4 year sunset clause, plus new reporting requirements, should ensure that more oversight is given to the program in the next two biennia. The committee added an amendment dealing with economic nexus that closes corporate tax loopholes, originally passed by the House as HB 351 in March, that has been retained in the Senate. This is an important amendment for state business tax revenues. **Vote 15-2.**

Rep. Dennis P. Vachon for the **Minority** of Ways and Means: The minority of the committee believes that the revitalization of older sections of our cities and towns, though a laudable goal, is something that would be best left to the free market. This legislation would earmark \$828,000 each year for tax credits to businesses for doing rehabilitation work in qualified areas. That money would be better spent meeting the numerous and pressing needs of our state so that we are not forced to further increase business taxes.

**SB 235-FN-A**, relative to milk support for dairy farmers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. William A. Hatch for the **Majority** of Ways and Means: This bill establishes a milk producers' emergency relief fund for milk producers and an Emergency Relief Board to develop eligibility criteria to determine who qualifies for relief. As the bill is written there is no funding provided. After review the committee voted to remove the portion of the bill that taxed milk to provide funds to buy property development rights for dairy farmers. There are no further revenue implications in this bill.

**Vote 9-8.**

Rep. Peyton B. Hinkle for the **Minority** of Ways and Means: This bill creates a fund with no money. Members of the minority felt this would unfairly create the expectation in people's minds that money would be available. Leaving the fund open would create the opportunity in the future to provide a direct subsidy to a small group of businesses. Members felt it is inappropriate for the state to make direct financial payments in support of businesses, especially when revenues are projected to fall far short of budgeted expenditures. Economic conditions for the dairy industry are currently improving, so there is no immediate need for assistance. In the meantime, there are other possibilities that could be considered to assist the farmers. Members of the committee remain sympathetic to the farmers' plight and would have favored retaining the bill to work on other ways to help improve their economic conditions.

## COMMITTEE MEETINGS

### 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.

**NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE, (RSA 261:97-d), Room 305, LOB**  
1:00 p.m. Regular meeting.

**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**

**CHILDREN AND FAMILY LAW, Room 206, LOB**  
9:30 a.m. Committee site visit to DCYF District Offices in Manchester and Concord.  
11:30 a.m. Full committee work session.

**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.

**EDUCATION, Room 207, LOB**  
1:30 p.m. Subcommittee work session on retained **HB 765-FN**, relative to procedures for determination of special education costs, payment liability, and rate setting.

**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**  
9:00 a.m. Subcommittee work session on retained **HB 76-FN**, creating an environmental policy for New Hampshire.  
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.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**  
9:00 a.m. Subcommittee work session on retained **HB 776-FN**, establishing the licensure and regulation of private investigators.  
10:00 a.m. Subcommittee work session on retained **SB 251**, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice. **HB 594-FN**, granting group II retirement system status to certain positions in the department of corrections, **HB 596-FN**, relative to a retirement system calculation exemption for certain retired teachers of the Concord school district, **HB 771-FN**, extending medical and surgical benefits to domestic partners, **HB 779-FN**, relative to funding of retirement system benefits and supplemental allowances, and **SB 146-FN**, relative to allowing service credit for certain court system employment.  
10:30 a.m. Subcommittee work session on retained on **HB 696**, reclassifying certain positions in the insurance department.  
11:15 a.m. Full committee work session on House bills amended by the Senate.

**JUDICIARY, Room 208, LOB**  
11:00 a.m. Full committee work session on House bills amended by the Senate.

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**  
10:00 a.m. Full committee work session on House bills amended by the Senate.

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**  
1:00 p.m. Full committee work session on retained bills.  
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.  
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.  
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.

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.

**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.

**WAYS AND MEANS, Room 202, LOB**

10:00 a.m. Full committee work session on House bills amended by the Senate.

**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.

**SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB**

10:00 a.m. Committee briefing regarding the status of Public Utilities Commission proceedings relating to the proposed Verizon/Fairpoint merger.

**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.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

8:45 a.m. Members to meet in the LOB lobby for tour of the PDA Division of Ports and Harbors. Expected time of return to Concord about 4:30 p.m.

**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.

**PUBLIC WORKS AND HIGHWAYS, Room 201, LOB**

8:45 a.m. Members to meet in the LOB lobby for tour of the PDA Division of Ports and Harbors. Expected time of return to Concord about 4:30 p.m.

**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**

**CHILDREN AND FAMILY LAW, Room 206, LOB**

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

**EDUCATION, Room 205, LOB (Note room change)**

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.

**Room 207, LOB**

1:30 p.m. Subcommittee work session on retained **HB 766-FN**, making changes to the laws relating to special education.

**Room 104, LOB**

1:30 p.m. Subcommittee work session on retained **HB 679-FN-L**, relative to delivery of special education services.

**Room 205, LOB**

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.

**ELDERLY AFFAIRS (RSA 17-H:2), Room 205, LOB**

9:30 a.m. Re-organization meeting.

**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

10:00 a.m. Full committee work session on House Bills amended by the Senate.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**10:00 a.m.** Subcommittee work session on retained **HB 544**, relative to exemptions from auctioneering for Internet sales.

**Hilton Garden Room, Portsmouth Public Library, 175 Parrott Avenue, Portsmouth**

6:15 p.m. Full committee work session on retained bills, **HB 65**, relative to the appointment of the director of the division of ports and harbors, **HB 818**, establishing a committee to study reestablishing the port authority as an independent agency, and **SB 166-FN**, relative to port moorings.

**JUDICIARY, Room 208, LOB**

11:00 a.m. Full committee work session on House bills amended by the Senate.

**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.

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

10:00 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.

**TUESDAY, JUNE 19**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

10:00 a.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.

**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 NOTICE**

The Sullivan County Delegation will reconvene its recessed meeting on Monday, **June 4<sup>th</sup>** at **9:00 a.m.** in the County Office in Newport.

Rep. Peter E. Franklin, Chairman  
Sullivan County Delegation

**\*\*\*\*\***

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

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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

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**REVISED FISCAL NOTES**

The following HBs have revised fiscal notes: HBs 2, 25, 43, 46, 64, 74, 95, 102, 118, 169, 173, 198, 228, 239, 243, 247, 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, 659, 661, 663, 669, 677, 678, 679, 685, 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, 117, 128, 131, 134, 148, 166, 168, 169, 170, 178, 179, 183, 191, 200, 217, 219, 226, 232, 235, 243, 263.

Karen O. Wadsworth, Clerk of the House

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

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

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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

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All legislators and staff are invited to sign the 2% Global Warming Solution pledge to show your support to reduce pollution which causes global warming. Scientists agree that we can avoid its worst consequences if we take immediate action to curb global warming pollution by 2% per year for the next 40 years. While heat related deaths and intense tropical storms are on the rise, the polar bears' habitat is literally melting away. Help the Sierra Club show that New Hampshire is united to build a cleaner, smarter, safer energy future. Pledges can be found in the Environment and Agriculture House Committee office off Room 303 in the LOB and can be returned to my mailbox there.

Rep. James F. Powers

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The Legislative Caucus for Young Children (LCYC) will meet on Monday, **June 4<sup>th</sup>** 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 10<sup>th</sup> Legislative Roundtable for the Fall.

Rep. Mary Stuart Gile

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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 4<sup>th</sup>** 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

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The New Hampshire Legislative Caucus on Methamphetamine will meet on Monday, **June 4<sup>th</sup>** at 10:30 a.m. in the back Conference Room at Upham Walker House – use side doors, please. This will be a re-organizational meeting to expand the purpose of the caucus to reflect alcohol and drugs, and continue some focus on “meth” as needed. Please join us to discuss, research, and hear from guest speakers how we might handle these issues better in New Hampshire. Everyone is welcome.

Reps. Joy K. Tilton and William Butynski

On Wednesday, **June 6<sup>th</sup>**, 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

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Osteoporosis Education Prevention - The annual education, prevention, snack celebration will be held on Wednesday, **June 6<sup>th</sup>**, from 11:00 a.m. to 1:00 p.m. Bone density of the foot will be available. Everyone is welcome. Come join the fun in Room 103, State House.

Rep. Barbara C. French

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Main Street Republicans will meet **Wednesday, June 6<sup>th</sup>** 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

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There will be a meeting of the State-Sponsored Voluntary Retirement Project group on Friday, **June 8<sup>th</sup>** from 10:00 to 11:30 in Room 307, LOB. The focus of the meeting will be on innovative retirement options. Special guest will be: Jim Wironen Vice President of AARP Financial.

Rep. Laurie A. Harding

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The New Hampshire Electric Cooperative will be holding its 68<sup>th</sup> Annual Meeting on Tuesday, **June 12<sup>th</sup>** 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. Bucu

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

Rep. David J. Bettencourt

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**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

| <i>DATE</i>   | <i>TIME</i>              | <i>GROUP</i>                                       | <i>Grade/Size</i>                         |
|---------------|--------------------------|----------------------------------------------------|-------------------------------------------|
| <b>June 4</b> | <b>8:30</b>              | <b>Florence Rideout Elementary School – Wilton</b> | <b>4/52</b>                               |
| <b>June 4</b> | <b>10:15/11:30 SH/HM</b> | <b>Pelham Elementary School</b>                    | <b>4/100</b>                              |
| <b>June 4</b> | <b>12:45</b>             | <b>Lyndeborough Central School</b>                 | <b>5/9</b>                                |
| <b>June 5</b> | <b>10:15/11:30 SH/HM</b> | <b>Pelham Elementary School</b>                    | <b>4/100</b>                              |
| <b>June 5</b> | <b>12:00</b>             | <b>Estabrook School – West Lebanon</b>             | <b>(3<sup>rd</sup>-6<sup>th</sup>)/10</b> |
| <b>June 6</b> | <b>9:30/10:30</b>        | <b>Raymond Elementary School</b>                   | <b>4/100</b>                              |
| <b>June 6</b> | <b>11:00/12:30 SH/HM</b> | <b>Maple Street School – Contoocook</b>            | <b>4/80</b>                               |
| <b>June 7</b> | <b>8:00</b>              | <b>St. Joseph Junior High School – Manchester</b>  | <b>8/65</b>                               |
| <b>June 7</b> | <b>10:00</b>             | <b>Kensington Elementary School</b>                | <b>4/30</b>                               |
| <b>June 7</b> | <b>12:00</b>             | <b>Ed Fenn School- Gorham</b>                      | <b>4/40</b>                               |

|         |                   |                                            |        |
|---------|-------------------|--------------------------------------------|--------|
| 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  |

WEDNESDAY, JUNE 6

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2007-1971h

Amendment to CACR 18

Proposed by the Majority of the Committee on Finance - R

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

RELATING TO: funding of public education.

PROVIDING THAT: the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided every school district receives a share of the funds.

Amend paragraph I of the resolution by replacing it with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state’s duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably define standards for elementary and secondary education in its public schools, determine the level of state funding thereof and establish standards of accountability. The legislature shall have the authority to allocate state funds for public education in a manner that honors the rights and responsibilities of local communities and that reasonably will mitigate local disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state’s duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably define standards for elementary and secondary education in its public schools, determine the level of state funding thereof and establish standards of accountability. The legislature shall have the authority to allocate state funds for public education in a manner that honors the rights and responsibilities of local communities and that reasonably will mitigate local disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the legislature shall define standards for public education, determine the level of state funding, establish standards of accountability, and allocate funds in a manner that mitigates disparities in educational opportunity and fiscal capacity.

2007-1915h

Amendment to CACR 18

Proposed by the Minority of the Committee on Finance - R

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

RELATING TO: funding of public education.

PROVIDING THAT: the legislature shall establish standards for education, determine the level of state funding, establish standards of accountability, and allocate state funds to mitigate local disparities in educational opportunities and fiscal capacity.

Amend paragraph I of the constitution by replacing it with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:  
[Art.] 83-a [Funding of Public Education.] In fulfillment of the state's duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably establish standards for elementary and secondary education in its public schools, determine the level of state funding thereof, and establish standards of accountability, all in a manner reflecting a shared responsibility between the state and local communities which supports local control. The legislature shall have the authority to allocate state funds for public education in a manner that it reasonably determines will mitigate local disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:  
"Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:  
[Art.] 83-a [Funding of Public Education.] In fulfillment of the state's duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably establish standards for elementary and secondary education in its public schools, determine the level of state funding thereof, and establish standards of accountability, all in a manner reflecting a shared responsibility between the state and local communities which supports local control. The legislature shall have the authority to allocate state funds for public education in a manner that it reasonably determines will mitigate local disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the legislature shall establish standards for education, determine the level of state funding, establish standards of accountability, and allocate state funds to mitigate local disparities in educational opportunities and fiscal capacity.

2007-1901h

Amendment to SB 18-FN  
Proposed by the Minority of the Committee on Finance - R

Amend the bill by replacing all after section 5 with the following:

- 6 Applicability. This act shall take effect in each school district of the state beginning July 1, 2009 only after both of the following occur:
- I. The commissioner of the department of education certifies to the secretary of state and the governor that sufficient funds are available to the department to fully fund the educational programs, services, and personnel and, where appropriate, the alternative learning plans as set forth in RSA 193:1, I(g), necessary to provide appropriate educational services to children who are at least 16 years of age but under 18 years of age and who, but for the increase in the age of compulsory attendance set forth in RSA 193:1, I(a), would not have attended school; and
  - II. The school board of the school district certifies to the commissioner of the department of education that the school district is able to comply with the provisions of this act.
- 7 Effective Date.
- I. Sections 1-5 of this act shall take effect as provided in section 6 of this act.
  - II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill raises from 16 to 18 the age for compulsory school attendance and provides a procedure for a pupil who is at least 16 years of age to obtain an attendance waiver from school and requires that the commissioner of the department of education and the school board of a school district certify their respective abilities to comply with the provisions of the bill.

2007-1554h

Amendment to SB 27-FN  
Proposed by the Committee on Judiciary - R

Amend RSA 3:3-a as inserted by section 1 of the bill by replacing it with the following:

3:3-a Display of POW-MIA Flag. The POW-MIA flag shall be displayed above the state house in Concord, *all state facilities, and national guard armories and other state-owned military facilities* whenever the flag of the United States is flown until all questions concerning the fate of America's POWs and MIAs are sufficiently resolved.

AMENDED ANALYSIS

This bill requires the display of the POW-MIA flag above the state house, all state facilities, and national guard armories and other state-owned military facilities whenever the United States flag is flown.

2007-1737h

Floor Amendment to SB 27-FN

**Proposed by Rep. Roberts**

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

❑ Display of POW-MIA Flag. Amend RSA 3:3-a to read as follows:

3:3-a Display of POW-MIA Flag. The POW-MIA flag shall be displayed above the state house in Concord ***and national guard armories and other state-owned military facilities*** whenever the flag of the United States is flown until all questions concerning the fate of America's POWs and MIAs are sufficiently resolved.

❑ Display of POW-MIA Flag on Public and State-Owned Facilities. The general court finds that the POW-MIA flag should be displayed above all appropriate public and state-owned facilities except state court facilities in order to:

I. Show respect and honor the sacrifice, pain, and suffering that all American POWs throughout our history have endured, regardless of their time of internment; and

II. Acknowledge the anguish and suffering faced on a constant basis by the families of MIAs, as they have waited in limbo since the War of Independence for the return of their loved ones, the remains of their loved ones, or notification of the status of their loved ones.

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

**AMENDED ANALYSIS**

This bill requires the display of the POW-MIA flag above the state house and national guard armories and other state-owned military facilities whenever the United States flag is flown.

The bill also finds that the POW-MIA flag should be displayed above all appropriate public and state-owned facilities, except state court facilities.

2007-1815h

**Amendment to SB 58**

**Proposed by the Committee on Municipal and County Government - R**

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

❑ New Paragraph; Budget Preparation. Amend RSA 32:5 by inserting after paragraph V the following new paragraph:

***V-a. Any town may vote to require that all votes by an advisory budget committee or a town budget committee or, in towns without a budget committee, all votes of the selectmen relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.***

❑ New Paragraph; Use of Official Ballot. Amend RSA 40:13 by inserting after paragraph V the following new paragraph:

***V-a. Any town may vote to require that all votes by an advisory budget committee or a town budget committee or, in towns without a budget committee, all votes of the selectmen relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.***

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

2007-1864h

**Floor Amendment to SB 58**

**Proposed by Reps. Patten and Theberge**

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

❑ New Paragraph; Budget Preparation. Amend RSA 32:5 by inserting after paragraph V the following new paragraph:

***V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.***

❑ New Paragraph; Use of Official Ballot. Amend RSA 40:13 by inserting after paragraph V the following new paragraph:

***V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.***

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

**AMENDED ANALYSIS**

This bill permits towns to require that votes by a budget committee or the governing body relative to budget items be recorded and that the tally be printed in the town warrant.

2007-1783h

**Amendment to SB 68-FN-A**

**Proposed by the Committee on Finance - C**

Amend the bill by replacing section 1 with the following:

□ Appropriation. The sum of \$1 for the fiscal year ending June 30, 2008 and the sum of \$1 for the fiscal year ending June 30, 2009 are hereby appropriated to the department of environmental services, for the purposes of implementing the New Hampshire estuaries project's comprehensive conservation and management plan by undertaking activities, making grants, and entering into contracts to accomplish actions identified in the New Hampshire estuaries project's approved implementation plan. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2007-1809h

**Amendment to SB 74-FN**

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

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

□ New Sections; Department of Resources and Economic Development; Bureau of Historic Sites Established. Amend RSA 12-A by inserting after section 10-c the following new sections:

12-A:10-d Bureau of Historic Sites Established. There is established a bureau of historic sites in the division of parks and recreation of the department of resources and economic development. The chief supervisor of the bureau shall report directly to the director of the division of parks and recreation.

12-A:10-e Duties of the Bureau of Historic Sites. The bureau shall:

I. Define missions and goals for the state's historic sites and ensure accountability in the ongoing stewardship responsibilities for such sites.

II. Create a comprehensive and coordinated interpretive approach for the network of state historic sites.

III. Develop operating and management plans and policies specific to the state's historic sites.

IV. Enter into partnerships and provide effective management of partnerships with other agencies and "friends" groups connected to the state's historic sites.

V. Address the deferred maintenance of existing sites and develop a long-term maintenance plan for all state-owned historic sites.

VI. Develop sustainable funding mechanisms that include state funds, earned income, and foundation and private support.

VII. Build an operations team with cultural resource expertise and administrative, interpretive, and preservation experience.

VIII. Work collaboratively with the division of historical resources in the department of cultural resources, in the management of the state historic sites and the development of interpretive and visitor programs for students and the general public that will build ongoing recognition and appreciation for the state's historic sites.

2 Expansion of State Park System; Development Plan. RSA 216-A:3-c is repealed and reenacted to read as follows:

216-A:3-c Development Plan.

I. The director of parks and recreation shall by September 30, 2008, publish a written comprehensive 10-year development plan for the state park system. The director may contract with an experienced, independent firm to assist in the development of this plan. The director shall submit copies of the plan to the governor, the governor's council, the presiding officers of the general court, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate energy, environment, and economic development committee. On or before June 1, 2008, the director of parks and recreation shall submit a progress report to the chairperson of the house resources, recreation and economic development committee and the chairperson of the senate energy, environment, and economic development committee.

II. The director shall continually review this plan and revise it as necessary.

III. The strategic plan shall include:

(a) An analysis of the recreational needs of each geographic region of the state and the degree to which existing park facilities address those needs.

(b) An evaluation of overall state park system operations to identify strengths, weaknesses, and future approaches to increase revenue and simplify operations.

(c) Specific goals and objectives for the park system.

(d) A report on the progress in meeting goals and objectives during each biennium.

(e) Identification of areas in which there is a need for physical expansion of park properties.

(f) Identification of park system properties which are surplus to the state's needs.

(g) A summary of the division's planned maintenance program for park facilities, including, but not limited to, measures to protect against undue environmental stress.

(h) Proposed improvements to park facilities, including major renovations, repairs, additions, or new construction.

(i) A full evaluation of facilities, profit and loss, and usage trends in each state park and a comparison of such usage to national trends.

(j) A continual overview of marketing approaches and reservation systems to maximize day rental usage of the state park system.

(k) The adoption of uniform standards for managing facility day use including uniformity in fee structure, reservation procedures, and monitoring of use.

(l) An analysis of whether leasing or outsourcing certain state park functions, or entering into public/private partnerships would increase revenues and simplify operations.

IV. The strategic plan shall serve as a basis for the division's capital and operating budget requests.

V. In developing the plan, the department shall solicit local input. The director shall also consult with the division of historical resources of the department of cultural resources. The office of energy and planning shall provide the director of parks and recreation with such information on the recreational needs of the state and other technical assistance as is necessary for the division to properly perform its responsibilities under this section.

VI. The director of parks and recreation shall report to the house resources, recreation and development committee and the senate energy, environment, and economic development committee by January 31 of each year on the state of the parks and historic sites.

3 Audit of Division of Parks and Recreation. Notwithstanding RSA 17-N:1, the legislative budget assistant shall, no later than January 1, 2008, initiate an audit of the division of parks and recreation of the department of resources and economic development. The audit topics shall include, but are not limited to, cash control, cash flow management, and security issues. On or before June 30, 2008, the legislative budget assistant shall submit an audit progress report to the chairperson of the house resources, recreation and development committee and the chairperson of the senate energy, environment, and economic development committee. A final audit report shall be submitted on or before September 30, 2008. Extensions to these reporting dates may be granted by the fiscal committee of the general court.

4 New Section; State Park System Advisory Council. Amend RSA 216-A by inserting after section 3-j the following new sections:

216-A:3-k State Park System Advisory Council.

I. There is established a state park system advisory council which shall consist of the following members:

(a) Ten who shall be appointed by the governor.

(b) One who shall be the commissioner of the department of resources and economic development or designee, whose appointment shall be coterminous with the commissioner's tenure of office.

(c) Three members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(d) Two senators, appointed by the president of the senate.

II. In the event of a vacancy in membership of a member appointed under paragraph I, appointment shall be made in the same manner.

III. Members of the council shall be residents of the state of New Hampshire, at least one of whom shall be qualified, experienced, and representative of each of the following areas:

(a) The business community.

(b) A park friends group.

(c) Recreation.

(d) Forestry.

(e) The general public.

(f) Conservation.

(g) Marketing or public relations.

(h) Historic preservation, including the development and management of historic sites.

IV. The council shall elect a chairperson from among the membership.

V. Members of the council shall serve without compensation but shall be entitled to receive mileage and expenses when attending to the duties of the council. Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

VI. The council shall:

(a) Provide advice to the director of the division of parks and recreation on issues relating to the operation and development of the state park system.

(b) Act as an advocate for the state park system.

(c) Review existing statutes and capital appropriations relating to the state park system and recommend to the general court any changes needed to improve efficiency and clarify responsibilities in the operation of the state park system.

(d) Review, with the assistance of the attorney general, all agreements, memoranda of understanding, leases, special use permits, deeds, or other legal documents to which the division of parks and recreation, or the department of resources and economic development, or both, are a party.

(e) Investigate the development of new incentives to encourage nonprofit clubs, "friends" groups, or other individuals

or organizations to assist with construction, maintenance, scientific research, visitor services, and other activities required for the efficient operation of the state park system.

(f) Submit a report of its findings to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library no later than November 1 each year.

5 Repeal. Section 4 of this act is repealed effective June 30, 2010.

6 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.

□ 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.

2007-1921h

**Amendment to SB 82-FN**

**Proposed by the Committee on Finance - R**

Amend RSA 188-F:1 as inserted by section 2 of the bill by replacing it with the following:

**188-F:1 Community College System of New Hampshire Established.** The community college system of New Hampshire is hereby established and made a body politic and corporate, the main purpose of which shall be to provide a well-coordinated system of public community college education offering, as a primary mission, technical programs to prepare students for technical careers as well as general, professional, and transfer programs, and certificate and short term training programs which serve the needs of the state and the nation. The colleges of the community college system of New Hampshire are authorized to grant and confer in the name of the colleges all such degrees, literary titles, honors, and distinctions as other

community colleges may of right do. The community college system of New Hampshire shall include, but is not limited to, colleges in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, and Stratham/Portsmouth.

Amend RSA 188-F:4, II as inserted by section 2 of the bill by replacing it with the following:

II. The following voting members who shall be appointed by the governor with the advice and consent of the council:

- (a) Four members from the fields of business and industry.
- (b) One member who shall be a high school vocational/technical education director.
- (c) One member who shall be an alumnus of one of the colleges within the community college system.
- (d) One member from the field of education.
- (e) One member from the health care profession.
- (f) Two members from the building or mechanical trades who represent labor.
- (g) One member from the community service sector.
- (h) One member from the law enforcement community.
- (i) Four members from the general public.
- (j) Two members who shall be New Hampshire residents and who are full-time students enrolled in one of the colleges within the community college system.

The student trustees shall be voted from the colleges within the community college system of New Hampshire locations proceeding in alphabetical order and shall be elected by the student body of the campus responsible for providing the student trustee. The student trustees shall serve a one-year term commencing June 1 of the year for which the student was elected and ending May 31 of the next year. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the community college system of New Hampshire shall declare a vacancy in that student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of the predecessor's term and an additional one-year term immediately thereafter.

(k) One member representing a technology company.

Amend RSA 188-F:7, III as inserted by section 2 of the bill by replacing it with the following:

III. Service as an employee of the community college system of New Hampshire shall be creditable service for purposes of RSA 100-A, RSA 21-I:29, RSA 21-I:30, RSA 21-I:30-a, RSA 21-I:30-b, and RSA 21-I:30-c. Any community college system of New Hampshire employee who transfers, without a break in service, to a state classified, unclassified, or nonclassified service position shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked. Any state employee in a classified, unclassified, or nonclassified service position who transfers, without a break in service, to the community college system of New Hampshire shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.

Amend RSA 188-F:9, II as inserted by section 2 of the bill by replacing it with the following:

II. All sums so credited are appropriated to community college system of New Hampshire for the support and maintenance thereof, including payments of salaries and wages to employees, current expenses, the construction of additional buildings, the purchase of land, library books, and periodicals, and the making of necessary repairs and replacements, the building of roads and walks, the improvement of the grounds, the construction, extension, and maintenance of water, sewer, and heating systems, and in general for the payment of all such expenses incident to the management of the community college system of New Hampshire as the trustees thereof may from time to time determine.

Amend section 2 of the bill by deleting RSA 188-F:21-a.

2007-1947h

### Amendment to SB 88

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

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

1 Definitions. Amend RSA 273-A:1, XI to read as follows:

XI. "Terms and conditions of employment" means wages, hours, and other conditions of employment, ***including matters directly related to safety considerations***, other than managerial policy within the exclusive prerogative of the public employer, or confided exclusively to the public employer by statute or regulations adopted pursuant to statute. ~~[The phrase "managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction of its personnel, so as to continue public control of governmental functions.]~~

2 New Paragraph; Definitions. Amend RSA 273-A:1, by inserting after paragraph VII the following new paragraph:

VII-a. Managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall

not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction and number of its personnel, so as to continue public control of governmental functions.

3] Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of less than ~~[10]~~ 5 employees with the same community of interest. ~~[For purposes of this section, probationary employees shall be counted to satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]~~

4] New Paragraph; Resolution of Disputes. Amend RSA 273-A:12 by inserting after paragraph VI the following new paragraph:

VII. If the impasse is not resolved at the time of the expiration of the parties' agreement, the terms of the collective bargaining agreement shall continue in force and effect, including but not limited to the continuation of any pay plan included in the agreement, until a new agreement shall be executed.

5] Applicability. Section 4 of this act shall apply only to contracts ratified on or after the effective date of this act.

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

2007-1806h

**Amendment to SB 92**

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

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

1] Definition of Employee. Purpose Statement. The general court recognizes the need to protect employees from being improperly classified as independent contractors and thereby being denied workers' compensation coverage and certain other benefits. Therefore, it is the intent of the general court to define "employee" in a manner that clarifies the criteria for the classification.

2] Procuring Employment; Imposition of Conditions; Definition of Employee Changed. RSA 275:4, II is repealed and reenacted to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to

perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

3 Payment of Wages; Definition of Employee Changed. RSA 275:42, II is repealed and reenacted to read as follows:

II. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

4 Whistleblowers' Protection Act; Definition of Employee Changed. RSA 275-E:1, I is repealed and reenacted to read as follows:

I. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

5 Minimum Wage Law; Definition of Employee Changed. RSA 279:1, X is repealed and reenacted to read as follows:

X. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

6 Workers' Compensation; Definition of Employee Changed. RSA 281-A:2, VI(b)(1) is repealed and reenacted to read as follows:

(b)(1) Subject to the preceding subparagraph, any person, other than a direct seller or qualified real estate broker or agent or real estate appraiser, or person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who performs services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual meets all of the following criteria:

(A) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(B) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(C) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to

completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(D) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(E) The person holds himself or herself out to be in business for himself or herself.

(F) The person has continuing or recurring business liabilities or obligations.

(G) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(H) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(I) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(J) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(K) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(L) The person is not required to work exclusively for the employer.

7 Workers' Compensation; Definition of Direct Seller. Amend RSA 281-A:2, VI(b)(3)(B) to read as follows:

(B) Who receives substantially all remuneration as such in a direct relationship to sales or other output including the performance of services, rather than the number of hours worked and whose services are performed pursuant to a written contract with the person for whom the services are performed, which provides that the individual will not be treated as an employee for federal tax purposes. ***For purposes of this subparagraph a mortgage originator as defined by RSA 397-A:1, XVII who meets the conditions of this subparagraph shall be deemed a direct seller.***

8 Definition. Amend RSA 281-A:2, VII(b) to read as follows:

(b) "Employee," with respect to public employment shall not include any inmate of a county or state correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided, any volunteer not covered under RSA 281-A:2, VII(a)(2) through (5), who performs services for which no significant remuneration is provided, or any participant performing community service work under a court order or the provisions of a court diversion program, ***or any person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities.*** "Employee," with respect to public employment, shall include any person participating in a local welfare work program established under RSA 165:31; however, the local governing body may vote to make the provisions of this chapter not applicable to local welfare work program participants through guidelines adopted under RSA 165:1, II.

9 Workers' Compensation; Definition of Employee; Reference Changed. RSA 281-A:2, VI(c) is repealed and reenacted to read as follows:

(c) Prima facie evidence that the criteria prescribed in subparagraphs (b)(1)(A)-~~(E)~~**(L)** have been met may be established by a written agreement signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria. Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500; in addition, such employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. The fines shall be assessed from the first day of the infraction but not to exceed one year. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for payments of fines. All funds collected under this subparagraph shall be continually appropriated and deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and compliance activities required by this section and related sections pertaining to labor and insurance law. The commissioner of labor shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

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

(253) Moneys deposited in the workers' compensation fraud fund established by RSA 281-A:2, VI(c).

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

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

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

1 New Subdivision; Pole Attachments. Amend RSA 374 by inserting after section 34 the following new subdivision:  
Pole Attachments

374:34-a Pole Attachments.

I. In of this subdivision, a "pole" means any pole, duct, conduit, or right-of-way that is used for wire communications or electricity distribution and is owned in whole or in part by a public utility, including a rural electric cooperative for which a certificate of deregulation is on file with the commission pursuant to RSA 301:57.

II. Whenever a pole owner is unable to reach agreement with a party seeking pole attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for such pole attachments, with regard to the types of attachments regulated under 47 U.S.C. section 224, to provide that such rates, charges, terms, and conditions are just and reasonable. This authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C. section 224(c).

III. The commission shall adopt rules under RSA 541-A to carry out the provisions of this section, including appropriate formula or formulae for apportioning costs.

IV. In exercising its authority under this subdivision, the commission shall consider the interests of the subscribers and users of the services offered via such attachments, as well as the interests of the consumers of any pole owner providing such attachments.

V. Nothing in this subdivision shall prevent parties from entering into pole attachment agreements voluntarily, without commission approval.

VI. Any pole owner shall provide nondiscriminatory access to its poles for the types of attachments regulated under this subdivision. A pole owner may deny access to its poles on a nondiscriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.

VII. The commission shall have the authority to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole attachments.

2 Adoption of Rules. The public utilities commission shall expeditiously adopt interim rules and then final rules to carry out the provisions of RSA 374:34-a. For a period of at least 2 years after the effective date of this act, the rules shall be consistent with the regulations adopted by the Federal Communications Commission under 47 U.S.C. section 224, including the formulae used to determine maximum just and reasonable rates. The public utilities commission may incorporate into its rules, by reference, applicable regulations of the Federal Communications Commission. Notwithstanding RSA 541-A:19, X, the interim rules may be effective for up to 2 years. Once the interim rules are adopted, pole attachments shall become subject to RSA 374:34-a and the rules of the public utilities commission.

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

2007-1883h

**Amendment to SB 134-FN-A**

**Proposed by the Committee on Ways and Means - R**

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

AN ACT establishing a research and development credit against business taxes and requiring the commission of resources and economic development to report on the research and development tax credit program.

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

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

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

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed \$1,000,000 for any fiscal year, except that any amount of the credit less than \$1,000,000 that is not claimed in the fiscal year ending June 30, 2008 may be claimed in the fiscal year ending June 30, 2009.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 5 tax years. The amount of the credit shall be the lesser of:

(A) Ten percent of the excess of the qualified manufacturing research and development expenses for the taxable year over the base amount;

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

(C) \$50,000.

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

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the

credit shall be made no later than September 30 of each year.

(5) Wages for which a credit is taken under this paragraph shall not also be eligible for a credit under RSA 162-N.

(b) For purposes of this paragraph:

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

(A) Such wages shall be treated as wages for qualified research expenses under section 41(b) of the United States Internal Revenue Code; and

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(C) The wages qualify and are reported as a credit by the business organization under section 41 of the United States Revenue Code as defined in RSA 77-A:1, XX.

(D) The wages are reported by the business organization in the enterprise value tax base under RSA 77-E.

(2) "Base amount" shall mean the base amount of expenditure as defined under section 41 of the United States Revenue Code as defined by RSA 77-A:1, XX, except that the minimum base amount may be 0.

(c) A unitary business or an enterprise consisting of one or more taxpayers under this chapter shall be considered a single taxpayer for purposes of claiming the credit under this paragraph.

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

77-E:3-b Credit for Research and Development. The unused portion of any research and development credit awarded by the commissioner under RSA 77-A:5, XIII shall be available to apply to the business enterprise tax.

3 New Chapter; Research and Development Tax Credit Program. Amend RSA by inserting after chapter 162-O the following new chapter:

#### CHAPTER 162-P

#### RESEARCH AND DEVELOPMENT TAX CREDIT PROGRAM

162-P:1 Research and Development Tax Credit Program.

I. The commissioner of resources and economic development shall file a report detailing the implementation of the tax credit program under RSA 77-A:5, XIII and the results achieved. The report shall include the following:

(a) Methods and activities used to implement the tax credit program.

(b) The number of companies, including venture capital funds, contacted relative to locating research and development activities in the state.

(c) Other information as deemed relevant.

II. This report shall be filed with the president of the senate, the speaker of the house of representatives, and the governor on or before July 31 of each year, beginning with July 31, 2008.

4 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the intent of the legislature that the invalidity shall not affect RSA 77-A, and to this end the provisions of this act are severable.

5 Applicability. Sections 1-3 of this act shall apply to taxes due on account of taxable periods ending on or after September 7, 2007.

6 Repeal. The following are repealed:

I. RSA 77-A:5, XIII, relative to the research and development tax credit.

II. RSA 77-E:3-b, relative to the credit for research and development.

III. RSA 162-P:1, relative to the research and development tax credit program.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2007.

#### AMENDED ANALYSIS

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

The bill also requires the commissioner of resources and economic development to file reports on the research and development tax credit program.

2007-1985h

#### Amendment to SB 137-FN

#### Proposed by the Majority of the Committee on Ways and Means - R

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

AN ACT establishing the economic revitalization zone tax credit program and redefining "business activity" for purposes of the business profits tax.

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

□ Community Reinvestment and Opportunity Zones; Economic Revitalization Zone Tax Credits. RSA 162-N is repealed and reenacted to read as follows:

CHAPTER 162-N  
ECONOMIC REVITALIZATION ZONE TAX CREDITS

162-N:1 Definition. In this chapter, “economic revitalization zone” means a zone designated by the commissioner of resources and economic development as an economic revitalization zone in accordance with the provisions of this chapter.

162-N:2 Designation of Economic Revitalization Zone.

I. “Economic revitalization zone” means a zone with a single continuous boundary, comprised of one or more contiguous census tracts or blocks or smaller recognizable physical areas, designated in accordance with the rules adopted under RSA 162-N:8, and certified by the commissioner of resources and economic development as being a brownfields site as defined under RSA 147-F, or having at least one of the following characteristics:

(a) The population of the municipality or municipalities in which the zone is located, according to the most recent federal census, decreased during the 20 years prior to the census.

(b) The median household income in the census tract or tracts in which the zone is located is less than \$40,500 according to the most recent federal decennial census.

(c) At least 20 percent of households in the census tract or tracts in which the zone is located have a median income below the federal poverty level.

(d)(1) The zone contains either:

(A) Unused or underutilized industrial parks; or

(B) Vacant land or structures previously used for industrial, commercial, or retail purposes but currently not so used due to demolition, age, obsolescence, deterioration, relocation of the former occupant’s operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector; and

(2) Certification of the zone as an economic revitalization zone would likely result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the zone.

II. Economic revitalization zones shall be designated by the commissioner of resources and economic development only upon petition by the local governing body, as defined by RSA 672:6, or the town council. The commissioner of resources and economic development shall certify that the economic revitalization zone meets the criteria required in paragraph I.

III. The commissioner of resources and economic development is authorized to establish an advisory board for each economic revitalization zone established under this chapter.

162-N:3 Eligibility Requirements for Business Tax Credits. No economic revitalization zone tax credits shall be allowed to any taxpayer unless the taxpayer’s project receives written certification from the commissioner of resources and economic development that it will expand the commercial or industrial base in a designated economic revitalization zone and will create new jobs in the state.

162-N:4 Economic Revitalization Zone Tax Credit Agreement.

I. The commissioner of resources and economic development shall enter into a written economic revitalization zone tax credit agreement with each taxpayer; such agreement to be certified by the commissioner of resources and economic development under this section. The agreement shall contain such provisions as the commissioner of resources and economic development determines to be in the public interest, which shall include, but not be limited to:

(a) Quality and quantity of jobs to be created.

(b) Duration of the taxpayer’s commitments with respect to the economic revitalization zone.

(c) The amount of the taxpayer’s investment in the project.

(d) A precise definition of the location of the facility eligible for the credit.

(e) The maximum amount of the economic revitalization zone tax credit that will be allowed to the business under this agreement for jobs created and for construction or reconstruction expenses.

II. A certified copy of each agreement signed by the commissioner of resources and economic development and the taxpayer shall be provided to the commissioner of revenue administration.

162-N:5 Limit On Total Economic Revitalization Zone Credits. The aggregate value of all of economic revitalization zone tax credit agreements that the commissioner of resources and economic development enters into shall not exceed the limit of \$825,000 in any fiscal year. Notwithstanding RSA 162-N:6, the maximum credit awarded to a taxpayer in any fiscal year shall not exceed \$40,000.

162-N:6 Determination of Economic Revitalization Zone Tax Credits Eligible Amount.

I. For the purpose of determining the economic revitalization zone tax credit that the taxpayer is eligible to receive, the amount of the credit to be taken shall be the lesser of the following:

(a) The maximum amount of the economic revitalization zone tax credit as stated in the agreement as specified by RSA 162-N:4, I(e); or

(b) The sum of the following:

(1) 4 percent of the salary for each new job created in the fiscal year with a wage less than or equal to 1.75 times the then current state minimum wage.

(2) 5 percent of the salary for each new job created in the fiscal year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.

(3) 6 percent of the salary for each new job created in the fiscal year with a wage greater than 2.5 times the then current state minimum wage.

(4) 4 percent of the lesser of the following:

(A) The actual cost incurred in the fiscal year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.

(B) \$20,000 for each new job created in the fiscal year.

162-N:7 Application of Economic Revitalization Zone Tax Credit. The economic revitalization zone tax credit shall be applied against the business profits tax under RSA 77-A, and any unused portion thereof may be applied against the business enterprise tax under RSA 77-E. Any unused portion of the credit allowed under this chapter may be carried forward and allowed against taxes due under RSA 77-A or RSA 77-E for 5 taxable periods from the taxable period in which the tax was paid.

162-N:8 Rules. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of resources and economic development shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of resources and economic development shall include provisions relative to:

I. Establishment and certification of economic revitalization zones.

II. Criteria for and approval of projects in economic revitalization zones, including jobs per dollar thresholds.

III. Fees which the commissioner of resources and economic development may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the economic revitalization zone tax credit program.

162-N:9 Reports. The commissioner of resources and economic development shall file an annual report with the governor, the senate president, the speaker of the house of representatives, and the fiscal committee. The report shall describe the results of the economic revitalization zone tax credit program and shall include any recommendations for further legislation regarding the economic revitalization zone tax credit program.

2 Business Profits Tax; Economic Revitalization Zone Tax Credit. RSA 77-A:5, XII is repealed and reenacted to read as follows:

XII. The economic revitalization zone tax credit, as computed in RSA 162-N:6.

3 Business Enterprise Tax; Economic Revitalization Zone Tax Credit. RSA 77-E:3-a is repealed and reenacted to read as follows:

77-E:3-a Credit. The economic revitalization zone tax credit, as computed in RSA 162-N:6, shall be allowed against the tax due under this chapter.

4 Definitions; Business Activity. Amend RSA 77-A:1, XII to read as follows:

XII. "Business activity" means ***a substantial economic presence evidenced by a purposeful direction of business toward the state examined in light of the frequency, quantity, and systematic nature of a business organization's economic contacts with the state. "Business activity" includes, but is not limited to,*** a group of actions performed by a business organization for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, ***the employment of business assets,*** the receipt of money, property, or other items of value and the incurring or payment of expenses. Notwithstanding any other provision of this paragraph, a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, shall not be deemed to be carrying on any business activity within this state due solely to its holding an ownership interest in such qualified investment company.

5 Repeal. The following are repealed:

I. RSA 162-N, relative to the economic revitalization zone tax credit program.

II. RSA 77-A:5, XII, relative to the economic revitalization zone tax credit.

III. RSA 77-E:3-a, relative to the economic revitalization zone tax credit.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill establishes a economic revitalization zone tax credit against the business profits tax and the business enterprise tax. The credit is based on the creation of jobs in areas that have been identified by the commissioner of resources and economic development as economic revitalization zones. The economic revitalization zone tax credit program replaces the CROP zone tax credit program.

The bill also redefines “business activity” for the purposes of the business profits tax.

2007-1862h

**Amendment to SB 138-FN-A**  
**Proposed by the Committee on Finance - R**

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

AN ACT relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders.

Amend RSA 171-A:1-d, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) The average salary of direct support staff employed by area agencies or providers with which area agencies contract shall increase by at least 2 percent beginning on July 1, 2007 and at least 2 percent on January 1, 2009.

Amend the bill by deleting section 8 and renumbering the original section 9 to read as 8.

**AMENDED ANALYSIS**

This bill:

I. Requires the department of health and human services to provide services to persons with developmental disabilities and acquired brain disorders within certain time limits.

II. Increases the salaries for certain direct care support staff of area agencies.

III. Establishes a committee to develop a plan to address long-term workforce and related human resource issues and to develop a quality assurance and enhancement plan.

2007-1939h

**Amendment to SB 140**  
**Proposed by the Committee on Science, Technology and Energy - R**

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

❑ Transmission Infrastructure; Action by Public Utilities Commission. It is in the public interest and to the benefit of New Hampshire to encourage the development of renewable energy. In order to develop substantial electric generation from renewable energy, existing transmission infrastructure, particularly in the northern part of the state, will need to be upgraded or replaced or new transmission facilities will need to be built. Appropriate upgrades to the transmission infrastructure are important to economic development. The public utilities commission, in furtherance of its duties under RSA 374-F:8, shall facilitate discussions among parties interested in the upgrade of electricity transmission in the northern part of the state. The public utilities commission shall file a report with the general court by December 1, 2007 that describes: the existing electricity transmission system in New Hampshire; the current process for siting, constructing, and financing transmission upgrades and expansion; the approximate costs of potentially appropriate transmission upgrades; approaches pursued by other states to encourage transmission expansion related to renewable generation; and actions the public utilities commission has taken to advance New Hampshire interests with respect to transmission.

❑ Public Utilities Commission Participation in Regional and National Activities. RSA 374-F:8 is repealed and reenacted to read as follows:

374-F:8 Participation in Regional Activities. The commission shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, the National Association of Regulatory Utility Commissioners, and the New England States Committee on Electricity, or other similar organizations, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices.

❑ New Paragraph; Definitions. Amend RSA 162-H:2 by inserting after paragraph XI the following new paragraph:

XII. “Renewable energy facility” means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts but less than 120 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. “Renewable energy facility” shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

❑ Site Evaluation Committee. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services or assistant commissioner as designee, the director of the division of water, the commissioner of the department of resources and economic development or the director of the division of economic development as designee, the commissioner of the department of health and human services or one of the 2 most senior administrators within the department responsible for management of public health services as designee, the executive director of the fish and game department, the

director of the office of energy and planning **or deputy director as designee**, the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, the ~~[director of the governor's office of energy and community services or deputy director as designee, the]~~ commissioner of the department of transportation or assistant commissioner as designee, the commissioners of the public utilities commission, and a staff engineer designated by the commissioners of the public utilities commission. The commissioner of the department of environmental services shall be chairperson of the committee, and the chairperson of the public utilities commission shall be vice-chairperson.

5 New Paragraph; Site Evaluation Committee; Review of Renewable Energy Projects. Amend RSA 162-H:4 by inserting after paragraph IV the following new paragraph:

V.(a) The committee shall file with the director of legislative services initial proposed procedural rules no later than December 31, 2007, that, to the extent practicable, streamline the filing requirements for renewable energy facilities. Prior to the effective date of such procedural rules, the committee shall consider applications by applying the attorney general's model procedural rules under RSA 541-A:30-a, V.

(b) Once an application has been accepted in accordance with RSA 162-H:6-a, the chairperson shall designate a subcommittee of no fewer than 7 members that shall consider and approve or reject all applications for renewable energy facilities. The subcommittee shall include the chairperson or the vice-chairperson of the committee, and at least 3 members selected from among the department of environmental services, the department of resources and economic development, and the fish and game department. A majority vote of the subcommittee shall be sufficient to issue a certificate, issue a certificate with conditions, or deny a certificate under this chapter. With the exception of the chairperson or vice-chairperson, each member of the committee may designate an employee from his or her agency to assume his or her responsibilities as a subcommittee member for the purposes of this subparagraph, provided that such designee shall be a senior administrator within the agency, department, or division that the member represents under RSA 162-H:3. To the extent that they do not conflict with the provisions of this subparagraph or RSA 162-H:6-a, all other provisions of this chapter shall apply to the review of a renewable energy facility.

6 New Section; Time Frames for Review of Renewable Energy Projects. Amend RSA 162-H by inserting after section 6 the following new section:

162-H:6-a Time Frames for Review of Renewable Energy Facilities.

I. Upon the filing of an application for a certificate for a renewable energy facility, the chairperson shall expeditiously forward to each of the other state agencies having jurisdiction, under state or federal law, to regulate the construction or operation of the proposed facility, a copy of the parts of the application that are relevant to its jurisdiction. Upon the filing of the copy, each of the other state agencies shall conduct a preliminary review as described in RSA 162-H:7, IV. To qualify for the time frames for review specified in this section, an application for a renewable energy facility shall include testimony, exhibits, and sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate the construction or operation of the proposed facility, and shall include each agency's completed application forms.

II. Upon the filing of an application for a certificate for a renewable energy facility, the chairperson or designee shall expeditiously conduct a preliminary review to ascertain whether the application contains sufficient information to carry out the purposes of this chapter. The chairperson or designee shall require as much information as he or she deems necessary to review the application and may take other administrative or procedural actions on behalf of the committee to aid in the orderly conduct of the proceeding.

III. The chairperson of the committee or designee shall decide whether or not to accept the application within 30 days of filing. Once an application has been accepted the chairperson shall designate a subcommittee as provided in RSA 162-H:4, V.

IV. After acceptance of the application, the subcommittee, upon 30 days notice, shall promptly hold at least one public hearing in each county in which the proposed facility is to be located.

V. All participating state agencies shall report their progress to the subcommittee within 90 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision.

VI. All participating state agencies shall make and submit to the subcommittee a final decision on the parts of the application that relate to its jurisdiction, no later than 180 days after the application has been accepted.

VII. Within 30 days of the submission of final decisions under paragraph VI, the subcommittee shall hold a public hearing on the merits of the application, which shall be part of an adjudicative proceeding as provided under RSA 162-H:10, II. At such public hearing, the subcommittee shall hear testimony and receive evidence submitted on behalf of the applicant, any intervenors, agencies with jurisdiction, and members of the public represented by counsel for the public appointed under RSA 162-H:9. At such public hearing the subcommittee may also receive comment from any member of the public on the application.

VIII. Within 240 days of the acceptance of an application, the subcommittee shall issue or deny a certificate for a renewable energy facility.

IX. If the subcommittee at any time during its deliberations relative to an application for a certificate deems it to be in

the public interest, it may temporarily suspend its deliberations and enlarge the time frame established under this section to issue or deny a certificate.

7 Public Hearings. Amend RSA 162-H:10, II to read as follows:

II. Except for informational hearings, subsequent hearings shall be in the nature of ~~[adversary]~~ **adjudicative** proceedings and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session.

8 State Energy Policy Commission; Membership. Amend 2006, 257:2, I(b) to read as follows:

(b) ~~[Four]~~ **Eight** members of the house of representatives, **at least 4 of whom shall be members of the science, technology and energy committee**, appointed by the speaker of the house of representatives.

9 New Paragraphs; State Energy Policy Commission; Duties. Amend 2006, 257:3 by inserting after paragraph V the following new paragraphs:

VI. Whether the state should allow electric distribution companies to invest in small scale generation resources as part of a strategy for balancing load and distribution, reducing transmission line losses, minimizing transmission and distribution costs, improving energy conservation, and enhancing renewable energy.

VII. Demand management and response mechanisms and programs.

10 Report. Amend RSA 2006, 257:5 to read as follows:

257:5 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 in the form of ~~[an]~~ interim ~~[report]~~ **reports** on or before December 1, 2006 **and December 1, 2007** and a final report on or before December 1, ~~[2007]~~ **2008**.

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

#### AMENDED ANALYSIS

This bill:

I. Defines "renewable energy facility."

II. Extends the powers of the site evaluation committee.

III. Establishes time frames for reviewing applications for renewable energy facilities.

IV. Expands the duties of the state energy policy commission.

2007-1829h

#### Amendment to SB 143

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

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

AN ACT relative to ATV and trail bike trails in Jericho Mountain park.

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

1 New Paragraphs; Jericho Mountain Park. Amend RSA 215-A:43 by inserting after paragraph V the following new paragraphs:

VI. The property acquired for the purposes of developing ATV and trail bike trails in the city of Berlin by the department of resources and economic development, division of parks and recreation, bureau of trails, and any abutting land donated or acquired after the effective date of this paragraph, shall hereby be known as Jericho Mountain Park.

VII. Notwithstanding the provisions of this section to the contrary, at Jericho Mountain Park:

(a) An ATV or trail bike trail may be established and subsequently maintained within Jericho Mountain Park even though it:

(1) Is within 330 feet of a known raptor nest provided that it is not within 650 feet of trees with eagle or osprey nests; or

(2) Fails to comply with the criteria in RSA 215-A:43, II(o) and (q) to the extent that it is utilizing an existing surface roadway located within the protected area which would reduce adverse environmental impacts.

(b) Site specific waivers of the criteria specified in RSA 215-A:43, II(o) and (q) are allowed on trails in Jericho Mountain Park provided that all of the following criteria are met:

(1) There is no practicable alternative location of the trail that would meet the criteria in RSA 215-A:43, II;

(2) The proposed trail location and construction is the least impacting alternative; and

(3) Conditions of the site specific waiver are agreed to in writing by:

(A) The department of resources and economic development and the fish and game department, for waivers that will have no impact on water quality; or

(B) The department of resources and economic development, the fish and game department, and the department of environmental services for waivers that may have an impact on water quality.

(c) A person may operate an OHRV within Jericho Mountain Park which weighs up to 1200 pounds and is no wider

than 60 inches.

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

#### AMENDED ANALYSIS

This bill allows waivers of certain criteria in the evaluation process for establishment of ATV and trail bike trails relative to Jericho Mountain park in Berlin.

2007-1905h

#### Amendment to SB 178-FN

#### Proposed by the Committee on Executive Departments and Administration - C

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

1 Board of Trustees; Retired Members. Amend RSA 100-C:11, II to read as follows:

II. The board of trustees of the judicial retirement plan shall consist of 7 members. The governor and council shall appoint 2 trustees, one of whom the governor shall designate to serve as chairman of the board of trustees, and who shall be qualified persons with business experience and not members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year. The chief justice of the state supreme court, with the advice and consent of the chief justice of the superior court and the administrative justices of the district and probate courts, shall appoint 3 trustees, ~~[who]~~ **at least 2 of whom** shall be active members of the judicial retirement plan **and one of whom may be a retired member**, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year, and the original appointment of another of the trustees shall be for a term of 2 years. One member of the state senate shall be appointed biennially by the senate president as a trustee of the board, and one member of the house of representatives shall be appointed biennially by the speaker of the house as a trustee of the board.

2 Judicial Retirement Plan; Method of Financing; Interest. Amend RSA 100-C:13, III(f) to read as follows:

(f) All interest and dividends earned on the funds of the judicial retirement plan shall be credited to the state annuity accumulation fund. The board shall allow interest at such rate or rates as it shall determine from time to time on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. Such interest shall be compounded ~~[monthly]~~ **annually** or more frequently as the board of trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

3 Funding of Supplemental Allowances. RSA 100-C:13, III(g) is repealed and reenacted to read as follows:

(g) The board of trustees shall be permitted to pay out to, or for the benefit of, retired members retired after January 1, 2005 or their beneficiaries, supplemental benefits as provided in RSA 100-C:17, not to exceed \$50,000 in the aggregate per calendar year. Said benefits shall be on a nonrecurring basis. Supplemental benefits greater than \$50,000 per calendar year in the aggregate shall only be paid if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year.

4 Supplemental Benefits. RSA 100-C:17, is repealed and reenacted to read as follows:

100-C:17 Supplemental Allowances. Each calendar year, the fiscal committee of the general court may approve supplemental benefits in an amount exceeding \$50,000 in the aggregate upon recommendation of the board. The board shall have the authority to provide supplemental benefits annually in such percentages or amounts as the board deems advisable, including the ability to segment or tier amounts based upon years without such a benefit. Supplemental benefits shall not be permanent. The board shall provide information required by the fiscal committee, including, but not limited to, any change in the Consumer Price Index-Urban for the year prior to the year in which the nonrecurring benefit is to be granted. Supplemental benefits greater than \$50,000 per year in the aggregate shall only be paid if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year.

5 Quorum. Amend RSA 100-C:11, V to read as follows:

V. Each trustee shall be entitled to one vote in the board of trustees. ~~[Five]~~ **Four** trustees shall constitute a quorum for the transaction of any business. **In the event of only** four trustees voting **at any meeting, a unanimous vote** shall be necessary for any resolution or action by the board at ~~[any]~~ **such** meeting.

6 New Paragraph; Reports. Amend RSA 100-C:11 by inserting after paragraph X the following new paragraph:

XI. Following each calendar year, the board shall report to the fiscal committee of the general court and the executive departments and administration committees of the senate and house of representatives on the supplemental allowances paid pursuant to RSA 100-C:17. The board shall also annually provide copies of its annual report to the executive departments and administration committees of the senate and house of representatives.

7 Repeal. RSA 100-C:1, XX, relative to the definition of terminal funding, is repealed.

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

#### AMENDED ANALYSIS

This bill:

- I. Allows for a retired member to be appointed to the judicial retirement system board of trustees.
- II. Changes the method of determining and funding supplemental allowances or COLAs.
- III. Permits a quorum of only 4 trustees at a meeting of the board, with unanimous votes.
- IV. Requires certain reports to be made to legislative committees.

2007-1768h

**Amendment to SB 188**

**Proposed by the Committee on Commerce - C**

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

AN ACT relative to orders and penalties for engaging in unfair insurance trade practices.

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

- ☐ Unfair Insurance Trade Practices; Orders and Penalties. RSA 417:10 is repealed and reenacted to read as follows:  
417:10 Orders and Penalty.

I. If after hearing or at the expiration of the period set forth in a show cause order issued pursuant to this chapter, any person is found to have violated RSA 417:3, the commissioner may take one or more of the following actions:

- (a) Suspend, revoke, or refuse to renew the license of that person.
- (b) Impose an administrative penalty of not more than \$25,000 for each violation of RSA 417:3.
- (c) With respect to a violation based upon RSA 417:4, XV, order relief for actual economic losses sustained by an

aggrieved insured as a result of such violation. Relief may be ordered under this subparagraph only when the aggrieved insured has agreed that such relief shall constitute a waiver of any action for the same cause that might otherwise be filed before an administrative agency or any court.

II. The commissioner may institute suits or other legal proceedings as necessary for the enforcement of any order under this section.

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

**AMENDED ANALYSIS**

This bill increases the penalties for engaging in unfair insurance trade practices.

2007-1767h

**Amendment to SB 189**

**Proposed by the Committee on Commerce - C**

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

- ☐ Medical Payments. Amend RSA 264:16 to read as follows:  
264:16 Medical Payments.

I. Any motor vehicle liability policy, as defined in RSA 259:61, covering a private passenger automobile and issued with respect to any motor vehicle registered or principally garaged in this state, shall provide **medical payments** coverage therein or supplemental thereto in an amount equal to or greater than \$1,000 per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in said vehicle. Such coverage shall apply only to medical costs incurred during one year following the date the injuries are sustained.

**II. A health carrier, as defined in RSA 420-G:2, VIII, shall not coordinate benefits against medical payments coverage.**

**III. Medical payments coverage shall not be assignable to any health care provider.**

**IV. The insured shall have the exclusive right to submit a claim for medical expenses under either medical payments coverage or a health insurance policy or both, as the insured elects; provided, however an insured shall not be entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.**

[H] V. This section shall not apply to any commercial policy insuring more than 4 automobiles, nor to any commercial policy covering a garage, automobile sales agency, repair shop, service station, public parking place operation hazards, or trucking operation.

- ☐ Effective Date. This act shall take effect upon its passage.

2007-1802h

**Amendment to SB 192-FN**

**Proposed by the Committee on Finance - R**

Amend RSA 126-A:5, XIV(d)(2)-(3) as inserted by section 1 of the bill by replacing them with the following:

(2) The department shall, through the New Hampshire healthy kids corporation, allocate funds for the development of a volunteer program to promote the program to eligible families and to identify those families who may require

assistance with the application or redetermination process, and provide training and supervision of volunteers. The healthy kids corporation shall coordinate with and utilize the services of the governor's office of volunteerism, AmeriCorps, and other volunteer organizations.

(3) The department shall reimburse designated partner agencies, including health and home visiting providers, who had to provide additional follow-up with applicants an enhanced application fee for the outreach assistance to individuals requesting assistance in the application or redetermination process. Such fee shall be equal to twice the regular application fee.

2007-1911h

**Amendment to SB 197**  
**Proposed by the Majority of the Committee on Commerce - R**

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

1 Group or Blanket Policy Provisions. Amend RSA 415:18, VII(e) to read as follows:

(e) The conversion provision shall also be available, upon the death of the employee or member, to the surviving spouse with respect to those family members who are then covered by the group policy, and shall be available to a child solely with respect to himself upon his attaining the limiting age of coverage under the group policy while covered as a dependent thereunder. The conversion provision shall also be available to a former dependent spouse upon remarriage of the group plan member, **after exhaustion of continuation coverage pursuant to RSA 415:18, VII(g)(1), if applicable, and upon termination of the former spouse's eligibility for group coverage under RSA 415:18, VII-b or RSA 415:18, VII(g)(1).** A former dependent spouse shall exercise the conversion within 31 days of the remarriage of the group plan member.

2 Group or Blanket Policy Provisions. Amend RSA 415:18, VII(g)(1)(G) to read as follows:

(G) The individual, surviving spouse, divorced spouse, legally separated spouse, or dependent shall elect to continue the participation in the group plan according to rules adopted by the commissioner under RSA 541-A. The individual, surviving spouse, or dependent shall be responsible for payment of premiums which may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension period. Any divorced spouse or legally separated spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing, within 30 days of the decree of divorce or separation **or such later date as is permitted under RSA 415:18, VII-b**, that coverage under this subparagraph is requested. Any employee who is responsible for making a portion of or full payment to the employer shall likewise notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation **or such later date as is permitted under RSA 415:18-b**, that coverage under this subparagraph is requested. The employer shall have the right to terminate coverage for a former dependent spouse who is receiving coverage under this subparagraph if any payment for the coverage is not received from the former dependent spouse within 30 days of the date the premium payments are due. If any payment for the coverage for which the employee is responsible is not received from the employee within 30 days of the date the premium payments are due, the employer shall have the right to terminate coverage for a former dependent spouse; however, no such termination shall occur without 30 days' prior **written** notice to the former dependent spouse, during which time the former dependent spouse shall be given an opportunity to make the payments due or to secure payment from the employee. Upon termination of the extension period, the member, surviving spouse, divorced spouse, legally separated spouse, or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual, surviving spouse, divorced spouse, legally separated spouse, or dependent, if the employer fails to make payments to the insurer or health service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or health service corporation or health maintenance organization would have been liable if coverage had not been terminated.

3 New Paragraph; Group or Blanket Policy Provisions. Amend RSA 415:18 by inserting after paragraph VII-a the following new paragraph:

VII-b. Any group or blanket accident and health insurance policy covering a resident of New Hampshire shall contain the following provisions:

(a) Upon a final decree of divorce or legal separation, if one spouse is a member of a group or blanket accident and health insurance policy, the former spouse who is a family member or eligible dependent under said policy prior to the date of the decree shall be and remain eligible for benefits under said policy, without additional premium or examination, as if said decree had not been issued. Such eligibility shall not be required if the decree expressly provides otherwise.

(b) The former spouse shall be eligible for coverage pursuant to this section through the member's participation in a group or blanket accident and health insurance policy while such policy remains in force or is replaced by another group or blanket policy covering the member, until the earliest of the following events occurs:

- (1) The 3-year anniversary of the final decree of divorce or legal separation;
- (2) The remarriage of the former spouse;
- (3) The remarriage of the member;
- (4) The death of the member; or

(5) Such earlier time as provided by the final decree of divorce or legal separation.

(c) Upon the occurrence of the earliest of the events set forth in subparagraph (b), other than remarriage of the former spouse, the former spouse shall have the right to continuation coverage under RSA 415:18, VII(g)(1)(C) and (D). An insurance carrier may charge a premium for the former spouse's continuation coverage under this subparagraph, in accordance with RSA 415:18, VII(g)(1)(G). The former spouse shall request enrollment under RSA 415:18, VII(g)(1)(G), in writing, within 30 days after the first occurring of the events set forth in subparagraph (b), provided that the former spouse may not request enrollment upon remarriage of the former spouse. If the first occurring event is the member's remarriage or death, the former spouse may request enrollment under RSA 415:18, VII(g)(1)(G), in writing, within 30 days after receiving notice of said event.

(d) In the event of the former spouse's remarriage, the former spouse shall notify the insurance carrier, in writing, within 30 days after the date of remarriage, and the effective date of termination of the former spouse's eligibility pursuant to this section shall be the date of remarriage.

(e) The member or former spouse shall submit to the insurance carrier evidence of the former spouse's eligibility under this section within 30 days after the final decree of divorce or legal separation. If the group or blanket accident and health insurance policy existing as of the date of the decree is replaced by another group or blanket policy covering the member that is issued by a different insurance carrier, said carrier may request that the member or former spouse submit evidence of the former spouse's eligibility under this section within 30 days of the effective date of the member's coverage under the replacement policy. A former spouse's coverage under the member's group or blanket accident and health insurance policy pursuant to this section shall be effective as of the date of the final decree of divorce or legal separation in the case of a then existing policy, or, in the case of a replacement policy, the effective date of the member's coverage under such policy.

(f) The former spouse shall notify the insurance carrier, in writing, of any address other than the member's address to which notices and correspondence pertaining to the former spouse's coverage should be mailed, including but not limited to notice of cancellation and any right to reinstate coverage, and the carrier shall use such address until it receives written notice from the former spouse of a change.

(g) Upon termination of the eligibility of a former spouse for coverage pursuant to this section, and the exhaustion of continuation coverage under RSA 415:18, VII(g)(1), if applicable, said former spouse shall be entitled to exercise any option which is provided in the group plan to elect a converted policy, as provided by RSA 415:18, VII(e), or to apply for individual coverage. If the group plan does not contain a conversion option, the former spouse shall have the right to apply for individual coverage and be referred to the high risk pool under RSA 420:G-5, V.

4 Group Health Insurance Plans. Amend RSA 458:18-a to read as follows:

458:18-a Group Insurance Plans. Upon a decree of nullity ~~or~~, divorce, **or legal separation**, if one spouse is a member of a group health insurance plan and the employer or any other sponsor is responsible for the payment of the premium required by the insurer as the consideration for providing coverage to an ex-spouse, such premium shall be paid either by the health insurance plan member, the ex-spouse of the member, or by both the member and the ex-spouse as they shall agree or as shall be ordered in the decree of divorce by the court. The provisions of this section shall apply to dental coverage provided by such group health insurance plan and shall apply whether or not the ex-spouse is receiving child support payments. ***This section shall apply only to continued coverage under RSA 415:18, VII(g)(1) or 29 U.S.C. section 1161, and shall not affect or limit any rights of the former spouse under RSA 415:18, VII-b.***

5 Contingent HB 921-FN; Definition; Continuation of Coverage; Termination of Coverage. Amend RSA 415:18, XV(c) to read as follows:

(c) "Individual" means any person covered under a group health plan, including but not limited to, the covered employee, the spouse of the covered employee, whether surviving, dependent, former dependent, ***divorced*** or legally separated; or the dependent child of the employee, and any other person including a child born or placed for adoption with the covered employee, who is covered under a group health plan through the employment relationship.

6 Contingent HB 921-FN; Continuation of Coverage. Amend RSA 415:18, XVI(c)(4)(B) to read as follows:

(B) The divorce or the legal separation of the covered employee ***or, if the employee's former spouse has been covered pursuant to RSA 415:18, VII-b, the first occurring of any of the following events:***

- (i) The remarriage of the covered employee;***
- (ii) The death of the covered employee;***
- (iii) The 3-year anniversary of the final decree of divorce or legal separation; or***
- (iv) Such earlier time as provided by said decree;***

7 Contingent HB 921-FN; Continuation of Coverage. Amend RSA 415:18, XVI(g)(2) to read as follows:

(2) Where the employee's spouse is also covered by the group plan, and there is a divorce or legal separation, the employee shall notify the employer of the divorce or separation within 30 days, and shall provide the employer and carrier with the employee's spouse's mailing address. In case of a divorce or legal separation, the carrier shall provide a separate notice of the right to continue to the divorced or separated spouse. The divorced or separated spouse may elect to continue coverage ***pursuant to this section*** by notifying the carrier within 45 days of the date of the notice and remitting the premium payment. ***The notice and election provisions of this paragraph shall also apply if the divorced or legally separated spouse of***

*the employee has been covered pursuant to RSA 415:18, VII-b, upon the occurrence of any of the following events:*

- (A) The remarriage of the employee;*
- (B) The death of the employee;*
- (C) The 3-year anniversary of the final decree of divorce or legal separation; or*
- (D) Such earlier time as provided by the final decree of divorce or legal separation.*

8 Contingent HB 921-FN; Continuation of Coverage. Amend RSA 415:18, XVI(g)(4) to read as follows:

(4) Where an individual declines the right to continue coverage **pursuant to this section**, waiver shall be made by an affirmative means of declination, including but not limited to written declination of continuation coverage or electronic contact to the employer or plan administrator. An individual shall have the right to revoke the notice of declaration anytime within the specified election period.

9 Contingent HB 921-FN; Continuation of Coverage. Amend the introductory paragraph of RSA 415:18, XVI(h) to read as follows:

(h) End of Continuation Coverage. Nothing in this paragraph shall require a carrier to continue coverage **pursuant to this section** beyond:

10 Contingent HB 921-FN; Group or Blanket Policy Provisions. RSA 415:18, VII-b is repealed and reenacted to read as follows:

VII-b. Any group or blanket accident and health insurance policy covering a resident of New Hampshire shall contain the following provisions:

(a) Upon a final decree of divorce or legal separation, if one spouse is a member of a group or blanket accident and health insurance policy, the former spouse who is a family member or eligible dependent under said policy prior to the date of the decree shall be and remain eligible for group benefits as a family member or eligible dependent under said policy, without additional premium or examination, as if said decree had not been issued. Such eligibility shall not be required if the decree expressly provides otherwise.

(b) The former spouse shall be eligible for coverage pursuant to this section through the member's participation in a group or blanket accident and health insurance policy, while such policy remains in force or is replaced by another group or blanket policy covering the member, until the earliest of the following events occurs:

- (1) The 3-year anniversary of the final decree of divorce or legal separation;
- (2) The remarriage of the former spouse;
- (3) The remarriage of the member;
- (4) The death of the member; or
- (5) Such earlier time as provided by the final decree of divorce or legal separation.

(c) Upon the occurrence of the earliest of the events set forth in subparagraph (b), other than remarriage of the former spouse, the former spouse shall have the right to continuation coverage under RSA 415:18, XVI. An insurance carrier may charge a premium for the former spouse's continuation coverage under this subparagraph, in accordance with RSA 415:18, XVI. The former spouse shall request enrollment under RSA 415:18, XVI, in writing, within 30 days after the first occurring of the events set forth in subparagraph (b), provided that the former spouse may not request enrollment upon remarriage of the former spouse. If the first occurring event is the member's remarriage or death, the former spouse may request enrollment under RSA 415:18, XVI, in writing, within 30 days after receiving notice of said event.

(d) In the event of the former spouse's remarriage, the former spouse shall notify the insurance carrier, in writing, within 30 days after the date of remarriage, and the effective date of termination of the former spouse's eligibility pursuant to this section shall be the date of remarriage.

(e) The member or former spouse shall submit to the insurance carrier evidence of the former spouse's eligibility under this section within 30 days after the final decree of divorce or legal separation. If the group or blanket accident and health insurance policy existing as of the date of the decree is replaced by another group or blanket policy covering the member that is issued by a different insurance carrier, said carrier may request that the member or former spouse submit evidence of the former spouse's eligibility under this section within 30 days of the effective date of the member's coverage under the replacement policy. A former spouse's coverage under the member's group or blanket accident and health insurance policy pursuant to this section shall be effective as of the date of the final decree of divorce or legal separation in the case of a then existing policy, or, in the case of a replacement policy, the effective date of the member's coverage under such policy.

(f) The former spouse shall notify the insurance carrier, in writing, of any address other than the member's address to which notices and correspondence pertaining to the former spouse's coverage should be mailed, including but not limited to notice of cancellation and any right to reinstate coverage, and the carrier shall use such address until it receives written notice from the former spouse of a change.

(g) Upon termination of the eligibility of a former spouse for group coverage pursuant to this section, said former spouse may apply for individual coverage or the high risk pool, whichever is applicable.

(h) Eligibility of a former spouse for group coverage pursuant to this section exists independent of any right to continuation of coverage under RSA 415:18, XVI. To the extent that there is a conflict between this paragraph and RSA 415:18,

XVI with respect to eligibility for group coverage upon a final decree of nullity, divorce or legal separation, the provisions that confer greater rights on the former spouse shall apply unless the decree expressly provides otherwise.

¶1 Contingent HB 921-FN; Group Health Insurance Plans. Amend RSA 458:18-a to read as follows:

458:18-a Group Insurance Plans. Upon a decree of nullity, divorce, or legal separation, if one spouse is a member of a group health insurance plan and the employer or any other sponsor is responsible for the payment of the premium required by the insurer as the consideration for providing coverage to an ex-spouse, such premium shall be paid either by the health insurance plan member, the ex-spouse of the member, or by both the member and the ex-spouse as they shall agree or as shall be ordered in the decree of divorce by the court. The provisions of this section shall apply to dental coverage provided by such group health insurance plan and shall apply whether or not the ex-spouse is receiving child support payments. This section shall apply only to continued coverage under RSA 415:18, ~~[VH(g)(1)]~~ **XVI** or 29 U.S.C. section 1161, and shall not affect or limit any rights of the former spouse under RSA 415:18, VII-b.

¶2 Contingency. If HB 921-FN of the 2007 legislative session becomes law, section 1 of this act shall not take effect, sections 2-4 of this act shall take effect January 1, 2008, and sections 5-11 of this act shall take effect January 1, 2008 at 12:01 a.m. If HB 921-FN of the 2007 legislative session does not become law, sections 1-4 of this act shall take effect January 1, 2008, and sections 5-11 of this act shall not take effect.

¶3 Effective Date.

I. Sections 1-11 of this act shall take effect as provided in section 12 of this act.

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

2007-1938h

**Amendment to SB 206-FN-LOCAL**  
**Proposed by the Committee on Municipal and County Government - C**

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

AN ACT relative to the investment authority of local government entities and authorizing the city of Nashua to purchase Pennichuck Corporation stock.

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

¶ County Treasurers. Amend RSA 29:3 to read as follows:

29:3 Excess Funds. Whenever the county treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure the county treasurer may, with the approval of the county commissioners and county executive committee **and upon such terms as shall be approved by the county commissioners**, invest the same ~~[in short-term obligations of the United States or]~~ in participation units in the public deposit investment pool established pursuant to RSA 383:22~~[, upon such terms as shall be approved by the county commissioners]~~ **or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.** Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. At least yearly, the county treasurer, with the approval of the county commissioners, shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

¶ Investment by Single Trustee. Amend RSA 31:26 to read as follows:

31:26 Investments by Single Trustee. In towns which have chosen a single trustee of trust funds such funds shall be invested only by deposit in any federally or state-chartered bank or association authorized to engage in a banking business in this state, ~~[or in bonds, notes or other obligations of the United States government,]~~ or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state and when so invested the trustee shall not be liable for the loss thereof; and in any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23; **or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.** Deposits in a federally or state-chartered bank or association shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit

of the town depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. The trustee may retain investments as received from donors until the maturity thereof.

3 Refunding Bonds. Amend RSA 33:3-d, II to read as follows:

33:3-d Refunding Bonds.

II. Refunding bonds shall be payable in installments, the first of which shall be not later than the earliest stated principal maturity date of the bonds being refunded and the last of which shall be not later than the last date on which the bonds being refunded could have been made payable under that law applicable to the bonds being refunded. The installment payments of refunding bonds shall be arranged in accordance with RSA 33:2 except that any installment that is payable earlier than the date on which the first installment is required to be made payable may be in any amount. The proceeds of refunding bonds, exclusive of any premium and accrued interest and any proceeds used to pay issuing or marketing costs, shall, upon their receipt, be paid immediately to the paying agent for the bonds which are to be called and prepaid; and such paying agent shall hold such proceeds in trust until the bonds are redeemed. While such proceeds are held in trust, they may be invested for the benefit of the municipality or county ~~[in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof, or]~~ as may be provided in any other applicable law of the state of New Hampshire relating to the investment or deposit of municipal or county funds; and the income derived from investment may be expended to pay the principal of and redemption premium, if any, on the refunded bonds and interest thereon until they are redeemed. Refunding bonds issued in accordance with this section shall be subject to the same statutory limit of indebtedness, if any, as the bonds refunded; provided, however, that upon the issuance of the refunding bonds, the bonds refunded shall no longer be counted in determining any limit of indebtedness of the municipality or county.

4 Treasurer's Duties. Amend RSA 197:23-a to read as follows:

197:23-a Treasurer's Duties. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. The treasurer shall deposit the moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the district treasury, and of all notes given by the district, with the particulars thereof. At the close of each fiscal year, the treasurer shall make a report to the district, giving a particular account of all of the treasurer's financial transactions during the year. The treasurer shall furnish to the school board statements from the books, and submit the books and vouchers to them and to the auditors for examination, whenever so requested. Whenever the treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the school board, invest the same ~~[in obligations of the United States government,]~~ in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer ***and obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.*** Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. At least yearly, the school board shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

5 New Section; Purchase of Pennichuck Corporation Stock by the City of Nashua.

I. Notwithstanding the provisions of any law to the contrary, the city of Nashua is authorized to purchase the stock of Pennichuck Corporation or one or more of its subsidiaries upon agreement with such corporations. The public utilities commission shall make a public interest determination prior to any such purchase. For the purpose of obtaining control of the plant and property of Pennichuck Corporation or its subsidiaries, the city may acquire and hold such stock, or establish one or more business corporations under RSA 293-A. Except as otherwise provided in this section, the provisions of RSA 38 shall apply to the acquisition of stock by the city.

II. The acquisition of such stock shall be deemed to be within the policy and purposes of RSA 38 if, prior to the

acquisition of stock as provided in this section, the board of aldermen of the city find that:

(a) The acquisition of stock, rather than the direct acquisition of plant and property, will provide a more orderly method for the city to establish, own, and operate a municipal water utility consistent with the purposes of RSA 38.

(b) The acquisition of stock, rather than the direct acquisition of plant and property, will be financially beneficial to the city and its customers and will, therefore, be in the best interests of the city and provide a public benefit.

III. The acquisition by the city of the stock of Pennichuck Corporation or its subsidiaries as provided by this act is a purpose for which the city may issue bonds and notes pursuant to RSA 33-B.

6 Effective Date.

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

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

AMENDED ANALYSIS

This bill:

I. Modifies the investment authority of local government entities.

II. Authorizes the city of Nashua to purchase the stock of Pennichuck Corporation.

2007-1962h

**Amendment to SB 213-FN-A**  
**Proposed by the Committee on Finance - R**

Amend RSA 126-A:63, II as inserted by section 1 of the bill by replacing it with the following:

II. Strategic contribution fund payments as agreed to in the master settlement agreement shall be deposited into the comprehensive cancer plan fund for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011. No sums shall be deposited into the comprehensive cancer plan fund if such strategic contribution fund payments are not received. The fund shall be expended annually for the following purposes:

(a) 67.4 percent towards the state tobacco use prevention program which shall be expended by the department for tobacco use prevention and cessation programs as provided in RSA 126-K:15.

(b) 2.5 percent towards diet and exercise programs.

(c) 5.9 percent towards early detection and screening programs for breast and cervical cancer.

(d) 17.6 percent towards early detection and screening programs for colorectal cancer.

(e) 1.2 percent towards survivorship and cancer support for those affected by prostate cancer.

(f) 2.2 percent to identify and promote treatment and support services for survivors.

(g) 3.2 percent to minority oversampling data for information on behavioral risk and cancer rates.

2007-1798h

**Amendment to SB 215-FN-A**  
**Proposed by the Committee on Finance - C**

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

AN ACT relative to funding for the human immunodeficiency virus prevention program and certain AIDS services organizations.

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

1 Department of Health and Human Services; Human Immunodeficiency Virus Prevention Program. The department shall expend the sums of \$500,000 in the fiscal year ending June 30, 2008 and \$500,000 in the fiscal year ending June 30, 2009 for the human immunodeficiency virus prevention program in the department of health and human services for the purchase of antiretroviral drugs. The department shall fund the program from funds appropriated to the department in the state operating budget in fiscal years 2008 and 2009.

2 Department of Health and Human Services; Grants to AIDS Services Organizations. The department shall expend the sums of \$500,000 in the fiscal year ending June 30, 2008 and \$500,000 in the fiscal year ending June 30, 2009 for grants to the following AIDS services organizations: a Community Resource Network (ACORN) in Lebanon; AIDS Response-Seacoast in Portsmouth; AIDS Services for Monadnock in Keene; the Greater Manchester AIDS Project; and Southern New Hampshire HIV/AIDS Task Force in Nashua. The department shall fund said grants from funds appropriated to the department in the state operating budget in fiscal years 2008 and 2009.

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

AMENDED ANALYSIS

This bill provides funding for the human immunodeficiency virus prevention program within the department of health and human services and certain AIDS services organizations.

2007-1906h

**Amendment to SB 222-FN**

**Proposed by the Committee on Finance - C**

Amend RSA 110-B:6-a as inserted by section 1 of the bill by replacing it with the following:

110-B:6-a Active State Service; Required Health Coverage.

I. National Guard members ordered to or retained on state active duty for longer than 30 days who do not have other health care coverage shall elect TRICARE coverage. The state shall pay the TRICARE premiums, up to a maximum of 100 percent of the service member's share of the premium for the period of state active duty to include the whole month in which the state active duty ends.

II. The governor is hereby authorized to draw a warrant for sums sufficient to pay for premiums paid under this section out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated.

2007-1837h

**Amendment to SB 223-FN**

**Proposed by the Committee on State-Federal Relations and Veterans Affairs - R**

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

AN ACT establishing a New Hampshire medal of honor and prohibiting funeral protests.

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

□ New Subdivision; New Hampshire Medal of Honor. Amend RSA 110-B by inserting after section 80 the following new subdivision:

New Hampshire Medal of Honor

110-B:81 New Hampshire Medal of Honor.

I. There is established a New Hampshire medal of honor, which may be awarded on behalf of the people of the state of New Hampshire to any New Hampshire citizen who has given his or her life while in the line of duty to protect and preserve the rights and freedoms of the people of New Hampshire on or after November 4, 1979, and while:

- (a) Engaged in an action against an enemy of the United States.
- (b) Engaged in military operations involving conflict with an opposing foreign force.
- (c) Assigned as military personnel to friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.
- (d) Serving in a combat zone as designated by Presidential order.
- (e) Engaged in training in preparation for deployment to a combat zone as designated by Presidential order.
- (f) Serving in the military and killed as a result of a terrorist act.

II. The adjutant general shall cause the name of a recipient of the New Hampshire medal of honor to be entered on a New Hampshire medal of honor roll.

III. Individuals eligible to receive the New Hampshire medal of honor include:

- (a) Members of the New Hampshire national guard at the time they were killed.
- (b) Members of the United States military reserves who were legal residents of New Hampshire at the time they were killed.
- (c) Members of the United States armed forces who were:
  - (1) Legal residents of New Hampshire at the time they were killed.
  - (2) Stationed in New Hampshire by a proper order of the United States Department of Defense at the time they were killed.

IV. The New Hampshire medal of honor shall be awarded, with the recommendation of the adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the house of representatives, or the senator or a member of the house of representative representing the town or city of residence of the individual killed.

V. The adjutant general, with the approval of the governor and council, shall design and provide for the manufacture of the New Hampshire medal of honor. The adjutant general shall design and maintain a New Hampshire medal of honor roll, which shall be available for public viewing.

VI. The governor shall present the New Hampshire medal of honor awarded under this section to the family members of the recipient.

2 New Section; Prohibition on Funeral Protests. Amend RSA 644 by inserting after section 2-a the following new section:  
644:2-b Prohibition on Funeral Protests.

I. In this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.

II. It shall be unlawful for any person to engage in picketing or other protest activities at any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral, if such picketing or other protest activities:

- (a) Take place within 150 feet of a road, pathway, or other route of ingress to or egress from cemetery property and include, as part of such activities, any individual willfully making or assisting in the making of any noise or diversion that

disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

(b) Are within 300 feet of such cemetery and impede the access to or egress from such cemetery.

III. Each day on which a violation of this section occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire medal of honor which may be awarded on behalf of the citizens of the state of New Hampshire to certain individuals who gave their lives in the line of duty while serving in the military on or after November 4, 1979.

This bill also prohibits picketing or other protest activities at locations where a funeral is held.

2007-1916h

Amendment to SB 233-FN

Proposed by the Majority of the Committee on Commerce - R

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

AN ACT relative to specialty beer, relative to sales by beverage vendor licensees, and establishing a committee to study flavored malt beverages.

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

1 Alcoholic Beverages; Definitions; Specialty Beers. Amend RSA 175:1, LXIV-a to read as follows:

LXIV-a. "Specialty beer" means any beer as defined in RSA 175:1, VII intended for human consumption as a beverage, having an alcohol content greater than 6 percent but not more than 12 percent by volume at 60 degrees Fahrenheit. ***The commission may approve any specialty beer greater than 12 percent.***

2 New Section; Alcoholic Beverages; Severability. Amend RSA 175 by inserting after section 7 the following new section:

175:8 Severability. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the title which can be given effect without the invalid provisions or applications and to this end the provisions of this title are severable.

3 Beverage Vendor License. Amend the section heading of RSA 178:15 to read as follows:

178:15 Beverage Vendor ***License***.

4 New Paragraphs; Beverage Vendor License; Distribution. Amend RSA 178:15 by inserting after paragraph IV the following new paragraphs:

V. A holder of a beverage vendor license who represents a manufacturer who manufactures 15,000 barrels or less during its licensing period, as shown by its monthly brewer's reports and tax payments filed with the U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau may elect to distribute the beverages manufactured by it directly to New Hampshire retail licensees or to distribute its beverages pursuant to RSA 180, provided that total in-state direct retail sales do not exceed 5,000 barrels.

VI. All sales made to New Hampshire retailers under this section shall be products and packages approved by the commission, be C.O.D., and shall not be subject to the provisions of RSA 179:13. All product shall be transported in accordance with RSA 178:14 and be accompanied by a priced invoice showing in detail all product delivered, a copy of which shall be mailed to the commission by the vendor 2 days prior to the day of delivery.

VII. All sales made to New Hampshire retailers under this section shall be subject to the provisions of RSA 178:26.

5 New Section; Specialty Beer Label Requirements. Amend RSA 179 by inserting after section 40 the following new section:

179:40-a Specialty Beer Label Requirements. No person shall sell any specialty beer unless the label on the container and any packaging for the consumer clearly states the percent of alcohol by volume of the specialty beer.

6 Flavored Malt Beverages Study Committee.

I. There is established a committee to study flavored malt beverages.

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

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

(b) One member of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall study all aspects of the distribution and sale of flavored malt beverages in New Hampshire.

V. 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 first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

7 Effective Date.

- I. Section 5 of this act shall take effect January 1, 2008.
- II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the definition of specialty beer and prohibits the sale of specialty beer unless the label indicates alcohol content. This bill permits certain beverage vendor licensees to distribute beverages manufactured by them directly to retailers. This bill also establishes a committee to study flavored malt beverages.

2007-1765h

Amendment to SB 233-FN

Proposed by the Minority of the Committee on Commerce - R

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

AN ACT relative to beverage manufacturers, relative to specialty beer, and establishing a committee to study flavored malt beverages.

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

1 Liquor Licenses and Fees; Beverage Manufacturer License. Amend RSA 178:12, I to read as follows:

I. Beverage manufacturer licenses shall authorize the licensee to manufacture beverages [~~within the state~~] and to sell the beverages manufactured to wholesale distributors.

2 New Section; Alcoholic Beverages; Severability. Amend RSA 175 by inserting after section 7 the following new section:

175:8 Severability. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the title which can be given effect without the invalid provisions or applications and to this end the provisions of this title are severable.

3 Alcoholic Beverages; Definitions; Specialty Beers. Amend RSA 175:1, LXIV-a to read as follows:

LXIV-a. "Specialty beer" means any beer as defined in RSA 175:1, VII intended for human consumption as a beverage, having an alcohol content greater than 6 percent but not more than [~~12~~] 18 percent by volume at 60 degrees Fahrenheit.

4 New Section; Specialty Beer Label Requirements. Amend RSA 179 by inserting after section 40 the following new section:

179:40-a Specialty Beer Label Requirements. No person shall sell any specialty beer unless the label on the package clearly states the percent of alcohol by volume of the specialty beer.

5 Flavored Malt Beverages Study Committee.

I. There is established a committee to study flavored malt beverages.

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

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

(b) One member of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall study all aspects of the distribution and sale of flavored malt beverages in New Hampshire.

V. 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 first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

6 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2008.

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

AMENDED ANALYSIS

This bill changes the definition of specialty beer and prohibits the sale of specialty beer unless the label indicates alcohol content. This bill also establishes a committee to study flavored malt beverages.

2007-1954h

Amendment to SB 235-FN-A

Proposed by the Committee on Ways and Means - R

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

AN ACT establishing a milk producers emergency relief fund.

Amend the bill by deleting sections 2-3 and renumbering the original sections 4-6 to read as 2-4, respectively.

**AMENDED ANALYSIS**

This bill establishes a milk producers emergency relief fund.

2007-1440h

**Amendment to SB 237**

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

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

AN ACT establishing a commission on employment issues affecting veterans.

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

**1 Findings and Purpose.**

**I. The legislature finds that:**

(a) The unemployment compensation and employment service programs of the New Hampshire department of employment security have assisted the unemployed and underemployed worker for 70 years. During that time the workplace has changed. Nationally, as well as locally, many veterans, especially young veterans between the ages of 18 and 24, are having difficulty finding and maintaining employment.

(b) In a continuously changing workforce, many veterans are especially at risk due to the difficulties adjusting to the differences between military and civilian employment.

**II.** The purpose of this act is to establish a commission to study methods of enhancing the unemployment compensation program to meet the needs of New Hampshire's veterans. The commission shall also explore ways to promote full employment for underemployed veterans and seek solutions for other problems associated with veterans obtaining and maintaining employment.

**2 Commission Established.** There is established a commission to study employment issues affecting veterans.

**3 Membership and Compensation.**

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

(a) Two members of the senate, one of whom shall be a member of the commerce, labor and consumer protection committee, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be a member of the state-federal relations and veterans affairs committee and one of whom shall be a member of the labor, industrial and rehabilitative services committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of employment security, or designee.

(d) The labor commissioner, or designee.

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

(f) The commandant of the New Hampshire veterans home, or designee.

(g) One member of the state veterans advisory committee, appointed by the chairman.

(h) One representative of a labor union, appointed by the governor.

(i) One person representing the disability insurance industry, appointed by the governor.

(j) One person appointed by the New Hampshire state veterans council.

(k) One person appointed by the United States Department of Labor's New Hampshire State Veterans Employment and Training Service.

(l) One person appointed by the New Hampshire Employer Support for the Guard and Reserve.

(m) One person appointed by the New Hampshire Veterans of Foreign Wars.

(n) One person appointed by the New Hampshire American Legion.

(o) One person appointed by the Disabled American Veterans.

(p) One representative of New Hampshire Legal Assistance, appointed by the executive director.

(q) The chairperson of the Workforce Opportunity Council, or designee.

(r) A representative of the business community, appointed by the governor.

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

**4 Duties.** The commission shall study methods of enhancing the unemployment compensation program to meet the needs of New Hampshire veterans. The commission shall also explore ways to promote full employment for underemployed veterans and seek solutions for other problems associated with veterans obtaining and maintaining employment. For purposes of the commission's study, "veteran" means current members and former members of the armed forces, national guard, and reserve units.

**5 Chairperson.** The members of the commission shall elect a chairperson from among the members. The first meeting of

the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

6 Report. The commission shall report its findings and any recommendations for proposed legislation and other proposals to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the members of the executive council, the commissioner of the department of employment security, and the state library. The first report shall be submitted on or before November 1, 2007, an interim report shall be submitted on or before November 1, 2008, and a final report shall be submitted on or before November 1, 2009.

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

#### AMENDED ANALYSIS

This bill establishes a commission on employment issues affecting veterans.

2007-1987h

#### **Amendment to SB 242**

#### **Proposed by the Committee on Finance - R**

Amend RSA 162-A:13-c as inserted by section 1 of the bill by inserting after paragraph V the following new paragraphs:

VI. The total amount of guarantees awarded under this section shall not exceed in the aggregate at any time \$1,000,000 plus interest.

VII. Whenever a guarantee is awarded under this section, the authority, the borrower, the lending institution or any appropriate combination of them shall deposit in the guarantee fund established under RSA 162-A:11 an amount equal to not less than 50 percent of the guaranteed portion of the principal of the loan.