

State of New Hampshire

HOUSE RECORD

Second Year of the 160th General Court Calendar and Journal of the 2008 Session

Vol. 30 Concord, NH Friday, February 1, 2008 No. 11
Contains: Hearings, Meetings, Notices, Reports and Amendments for February 6

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at **10:00 a.m. on Wednesday, February 6th**. If we are not able to conclude our business on that day, we will meet on Thursday, February 7th at 9:00 a.m.

Please continue to anticipate House sessions on Wednesdays throughout the session.

Terie Norelli, Speaker

NOTICE

Chairs and Vice-Chairs will meet on Tuesday, **February 5th** from 8:30-9:45 a.m. in Rooms 210-211 of the LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **February 6** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **February 6** at **9:00 a.m.** in Rooms 305-307, LOB.

Rep. Michael D. Whalley, Republican Leader

NOTICE

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

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Thursday, February 7, 2008	Last day to act on House bills going to a second committee
Thursday, February 21, 2008	Last day to report all House bills not in a second committee
Thursday, March 13, 2008	Last day to report all remaining House bills
Thursday, March 20, 2008	Last day to act on House bills: CROSSOVER
Thursday, April 10, 2008	Last day to report Senate bills going to a second committee
Thursday, April 17, 2008	Last day to act on Senate bills going to a second committee
Thursday, May 8, 2008	Last day to report all Senate bills
Thursday, May 15, 2008	Last day to act on Senate bills
Wednesday, May 21, 2008	Last day to form Committees of Conference
Friday, May 30, 2008	Last day to sign Committee of Conference reports
Thursday, June 5, 2008	Last day to act on Committee of Conference reports

WEDNESDAY, FEBRUARY 6 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1383, adopting the uniform child abduction prevention act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P Moran for Children and Family Law This bill replaces existing law. It contains three significant improvements: it has a preventive component; it also deals with international abductions, and has provision for court review of individual efforts to escape domestic violence. **Vote 16-0.**

HB 1387, relative to reimbursement rates for foster care respite providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C Itse for Children and Family Law: The committee recognizes that the department has reasonable reimbursement rates for respite care. These rates are adjusted for the age of the child, and are higher than foster care reimbursement rates. Furthermore, they are adjusted periodically for inflation. Therefore, it is not prudent to currently increase reimbursement rates legislatively. **Vote 16-0.**

COMMERCE

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators. **OUGHT TO PASS.**

Rep. Angeline K Kopka for Commerce: New Hampshire would join 22 other states in the licensing of loan originators with the passage of this bill. The recent sub-prime mortgage crisis evidences the importance of tracking the front-line salespeople who begin the mortgage process and consumers rely on for the most significant investment of their lives. This law parallels an effort at the federal level to create a database to track mortgage originators even as they relocate from state to state. This legislation would give the New Hampshire Banking Department not only the ability to curb mortgage fraud but also jurisdiction over the individual mortgage originators, not just the company where they are or were employed. **Vote 16-1.**

HB 1376, relative to insurance penalties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce: This bill clarifies the penalties for violation of certain insurance laws and is at the request of the insurance department. It amends RSA 400-A:15 to

include "statutes" to its applicability and also amends the maximum administrative fine to not exceed \$2500 per violation. **Vote 17-0.**

HB 1378, relative to insurance taxes and fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce: This bill establishes penalties for certain insureds who fail to file reports or remit the proper tax within the specified time period and is a request of the insurance department. **Vote 16-0**

HB 1459-FN-A, relative to modular building standards and fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce: This bill was introduced as a response to consumer issues resulting from some technical difficulties specific to the modular home industry. It creates a licensing requirement for dealers and installers of modular housing and it also creates a board to help with dispute resolution. The committee heard a great deal of testimony about consumers who were unable to resolve issues with homes they had purchased and were unable to occupy for years in some cases. This bill will help solve many of these issues by creating a certification process so all parties are clear on what aspects of the installation are the responsibility of the dealer and of the installer and the new board will enable dispute resolution by those knowledgeable in the industry. The committee also protected the right of the consumer to act as his or her own installer and clarified what rights that consumer retains under the manufacturer's warranty. **Vote 12-2.**

HB 1480, authorizing the commissioner of revenue administration to deny certain tobacco licenses. **OUGHT TO PASS.**

Rep. Tara G Reardon for Commerce: This bill is a request of the Department of Revenue Administration. The Department of Revenue Administration is responsible for the licensure of tobacco manufacturers, wholesalers, retailers and vending machine operators, but has no mechanism in law to deny a license. This legislation gives the department the ability to deny or revoke a license when a licensee has failed to file security, has an outstanding tax liability, or has been convicted of a tobacco related crime. **Vote 16-0.**

HB 1578-FN, relative to insurance fraud. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce: This bill clarifies statute regarding insurance fraud and was requested by the department of insurance. It adds a fine of up to \$2,500 per incident for failure to report, further encouraging cases be reported to the department that producers may settle and close. It further defines use by the commissioner of fraud unit information and the law regarding theft by misapplication of property. Insurance companies were supportive of the bill. **Vote 16-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George D Winchell for Criminal Justice and Public Safety: This bill, as amended, creates an exception to the wiretapping and eavesdropping statute for law enforcement officers who, in the course of their duties, use any device capable of making an audio or video recording, or both, which is attached to and used in conjunction with a TASER, or other similar electroshock device. A copy of such recording (s) made by such device shall be furnished to any person who is subject of such recording upon his or her request. The committee heard testimony regarding towns choosing to purchase this \$400.00 device, potentially saving thousands of dollars in civil litigation. There was no testimony opposed to this bill as amended. **Vote 16-0.**

HB 1287, establishing a commission to study negotiated plea agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Lee M Hammond for Criminal Justice and Public Safety: After digesting testimony from both prosecutors and defense attorneys as to the futility of trying to quantify and evaluate the use of negotiated plea agreements, the sponsor chose to withdraw the bill. **Vote 13-3.**

HB 1622-FN-A, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Gene P Charron for Criminal Justice and Public Safety: This bill establishes a first-time alcohol and substance treatment program in the Department of Justice and makes an appropriation for the purposes of the bill. This bill would encourage and implement a program for first-time offenders by administering grants to the counties and by making an appropriation. This would enable each county to participate if they wish. Merrimack County has this program and it is very successful and is now self-supporting. **Vote 16-0.**

EDUCATION

HB 1166, relative to rate setting for interpreters for the deaf and hard of hearing. **OUGHT TO PASS.**

Rep. Kimberley S Casey for Education: This bill came before the committee as a result of the Department of Education's requested language change. When the DOE revised its rate setting authority statute, it left out the authority to recommend pay rates for interpreters for the deaf and hard of hearing. This bill addresses the omission. **Vote 14-0.**

HB 1171, establishing a commission to study air quality issues in public school buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: There are currently air quality standards for federal buildings but no requirement to review the air quality in public schools. A representative from the department of environmental services told us he receives 800 -1,000 inquiries a year, 20% from schools. Schools are more crowded than most other buildings. We heard testimony of personal experiences with air quality issues in schools that caused health issues. Some of the new materials used in building and furnishing have been found to cause respiratory conditions for some occupants. The committee amendment would reduce the number of Senate members, add one member from the division of public health, one member from NH Health Officer's Association and three members of the public. It would also allow the commission to solicit, accept and expend any grants for the purpose of retaining consultants with relevant information and expertise and would require the commission to study the feasibility of implementation and inspection. There is no state money attached for this commission. **Vote 16-0.**

HB 1211, relative to postsecondary career courses approved by the postsecondary education commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M Carson for Education: This bill requires the Postsecondary Education Commission to review the curriculum of licensed post secondary career schools to determine whether or not they are adequately educating their students. Additionally, they would be required to submit a report on the employment status of those who graduate from these programs. The Postsecondary Commission testified that the bill, as written, replicates current licensing procedure. Additionally, while the bill is consistent with their interest in providing a quality licensing process, the bill does not have a fiscal note addressing the financial impact. Currently the commission does not have the resources to accomplish the intent of this bill. **Vote 14-0.**

HB 1212, prohibiting sexual harassment in private postsecondary career schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M Carson for Education: This bill seeks to address the issue of prohibiting sexual harassment in private postsecondary career schools. The committee believes this issue is already covered under federal law and is unnecessary at this time. **Vote 14-0.**

HB 1256, relative to safety training for certain public school extracurricular activities. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S Casey for Education: We appreciate the work and impassioned testimony of the sponsor and hope that local schools and municipalities voluntarily take on the safety requirements which comprised this bill. The sense of the committee is that the bill overextends itself and would be unwieldy for school districts and municipalities to implement and regulate. **Vote 14-0.**

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M O'Neil for Education: This bill will require local school districts to inform the Department of Education in a timely manner about any proposed building project. This allows the

DOE to more accurately estimate the amount of money needed to fund school building aid. The bill also replaces the County Commissioners with the State Board of Education when there is a dispute at the local level in determining the location of a school within a school district. In addition, mileage and any necessary travel expenses will be paid to appointed members of the School Building Authority. Finally, the bill will also repeal a number of sections of RSA 199 which are no longer required or are outdated. **Vote 15-0.**

ELECTION LAW

HB 1616-FN, relative to financial aid for students losing aid due to registering to vote.

INEXPEDIENT TO LEGISLATE.

Rep. David M Pierce for Election Law: College students have been regularly told that they will lose their financial aid if they register to vote in New Hampshire. The Deputy Secretary of State testified, however, that, “students have not lost scholarships due to changing their voter registration to New Hampshire on a regular basis in the past.” This bill sought to assure college students that they need not fear registering to vote in New Hampshire by creating a fund to reimburse them for any lost financial aid. However, the committee felt that it would be fiscally responsible to address this issue through enhanced voting rights education of college students. **Vote 14-1.**

ENVIRONMENT AND AGRICULTURE

HB 1215, relative to the New Hampshire-Vermont interstate waste compact. **OUGHT TO PASS.**

Rep. James G Phinizy for Environment and Agriculture: This bill repeals RSA 53:d, which was enacted to enable specific towns along the Connecticut river to engage in a multi town state solid waste district. That district is in dissolution with the participating members making other arrangements. As this enabling statute is no longer needed and any future interstate waste compacts should be considered on a case by case basis, the committee feels that it best to repeal RSA 53:d. **Vote 15-0.**

HB 1277, relative to the definition of farm. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D O'Connell for Environment and Agriculture: At the request of the New Hampshire Winery Association this bill was brought forth, as amended, to clearly delineate the production of wine from New Hampshire grown grapes as an agricultural enterprise. The bill complements the definition of domestic wine under RSA 175, XIII, Alcoholic Beverages. **Vote 15-0.**

HB 1430, relative to the application of animal cruelty laws to horse and dog race tracks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F Powers for Environment and Agriculture: This bill restores the Cruelty to Animals Act (RSA 644:8) to the way it was prior to an amendment in 1999 which exempted race tracks from its provisions. The amendment to this bill makes it clear that the enforcement authority of the State Veterinarian and the Pari-Mutuel Commission are not limited by including the dog and horse race tracks under RSA 644:8. This bill as amended is supported by the Pari-Mutuel Commission, the race track owners, the State Veterinarian, and local humane societies. **Vote 14-0.**

HB 1537, relative to the definition of milk. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara A Sad for Environment and Agriculture This bill addresses a looming problem in the dairy industry – the importation of dehydrated milk from huge dairy conglomerates in the western United States with labels that claim the product is “fresh”. Currently there is nothing to prohibit this practice. This bill will change the definition of milk to include categories for “fresh,” “New Hampshire fresh” and “Northeastern fresh.” The local and regional labeling will not only prohibit misuse of the term “fresh,” but will allow the consumer to buy local if they choose to do so. Any deliberate mislabeling of milk is subject to an administrative fine of up to \$1,000.00 for each violation. **Vote 17-0.**

HB 1621-FN, relative to requiring a refundable deposit on beverage containers. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia L Heard for Environment and Agriculture: This bill addresses an important issue in New Hampshire: recycling. However, the refundable deposit on beverage containers presents a problem for the vendors of beverages in storage and sanitation. The establishment of redemption centers, as some states have done, would be too expensive an undertaking at this time. Therefore,

the committee felt other recycling bills would better serve the purpose of encouraging recycling.
Vote 14-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 27, relating to the election of a state auditor. Providing that the state auditor shall be elected to a term of 4 years and shall be responsible for auditing the accounts of the treasurer.

INEXPEDIENT TO LEGISLATE.

Rep. Patricia M McMahon for Executive Departments and Administration: This constitutional amendment would be submitted to the qualified voters of the state at the general election to be held in November, 2008, and would provide for the election of a state auditor to audit the accounts of the treasurer and establish an independent office under the direction and supervision of the state auditor who would serve a term of 5 years following the next general election. There is neither the time nor the interest to create a new office to perform responsibilities that are currently provided.

Vote 16-0.

HB 1172-FN, changing the name of the pari-mutuel commission to the racing and charitable gaming commission. **OUGHT TO PASS.**

Rep. Francis B Sullivan for Executive Departments and Administration: This bill is intended to inform the public of its options concerning racing and charitable gaming by clarifying the title of the commission. Presently all racing and charitable gaming events come under the auspices of the Pari-mutuel Commission. We are one of three states still using that name. The committee feels that by changing the name Pari-mutuel Commission to Racing and Charitable Gaming Commission, it would clarify to constituents where information concerning these activities would be found. **Vote 17-0.**

HB 1302-FN, relative to enforcement of gambling laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill combines two bills, HB 1302 and HB 1381. The legislation, as amended, clarifies a number of provisions in the statute regulating games of chance. In addition, it permits game operators hired by charitable organizations to handle the proceeds from a game of chance and requires that they adhere to the same requirements currently followed by charitable organizations. It also allows an exemption from licensure requirements for a facility that is hosting games of chance for up to four events a year. This bill also permits the pari-mutuel commission to fine licensees in violation of the law. Currently, the commission only has the authority to revoke or suspect a license. **Vote 15-1.**

HB 1303-FN, relative to limiting games of chance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Executive Departments and Administration: This bill as amended establishes a set list of games of chance which may be conducted under the charitable gaming law. It also clarifies that the proceeds from charitable gaming must be used to further the purpose for which the charity was created in the community or communities it is designated to serve. **Vote 16-0.**

HB 1381, relative to game operators acting on behalf of charitable organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill and HB1302 contained a number of similar changes to the games of chance RSA's. There was only one change in HB1381 that was not in HB1302. We have put that one piece into HB1302 via an amendment thereby ensuring that all of HB1381 is now contained in HB1302. Therefore this bill is not necessary. **Vote 17-0.**

HB 1462-FN, establishing the office of personal financial education in the treasury. **REFER FOR INTERIM STUDY.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill seeks to create a New Hampshire office of financial literacy. It is supported by the state treasurer. Testimony showed that a substantial problem exists in New Hampshire for a significant portion of our citizens who have not acquired a functional knowledge of prudent financial management. The committee believes there is worth in the concept of creating an office of financial literacy, but the committee also believes

HB 1598-FN, relative to the salary ranges for unclassified state officers. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was introduced to correct a deficiency in the pay scale for unclassified employees. In 2002, the state workers negotiated to go from a five step grade system for pay to an eight step system. The unclassified employees continue to have a five step system. This has resulted in subordinates making more than the commissioner. The Hay Group (the outside agency hired to recommend pay grades for unclassified employees) last year came in with a recommendation that we change the unclassified to eight steps and this bill does that. **Vote 16-0.**

FISH AND GAME

HB 1142, relative to licensure requirements for bird breeders. **INEXPEDIENT TO LEGISLATE.**

Rep. David H Kidder for Fish and Game: It was felt that birds, when compared to other animals, have a very different incidence of disease carrying ability. Hence, whether one bird or many, we still need to have regulations and bird breeders should not be exempted from licensing requirements.

Vote 16-0.

HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements. **OUGHT TO PASS.**

Rep. Richard E Fletcher for Fish and Game: This bill exempts all Fish and Game volunteers from filing state financial disclosure forms as required by the Attorney General's Office under RSA 15-A:3. Fish and Game utilizes hundreds of volunteers and it has been known that they do not like this requirement. Fish and Game feels that it is a deterrent in obtaining volunteers for many activities.

Vote 16-0.

HB 1266, allowing 50 caliber pistols to take game animals in the state. **OUGHT TO PASS.**

Rep. Vincent E Greco for Fish and Game: The committee and the Fish and Game Department felt that the addition of this caliber of hand gun used in areas where shotguns only are allowed was a safe and acceptable use and therefore added .50 caliber (handgun cartridge) to the RSA governing permitted handguns. **Vote 15-1.**

HB 1297, relative to licenses for aquaculture issued by the fish and game department. **OUGHT TO PASS.**

Rep. Brendon S Browne for Fish and Game: This bill adds "licenses types" to the regulatory authority for the executive director relative to aquaculture. The Joint Legislative Committee on Administrative Rules, as part of the approval of rules that included aquaculture rules, recommended that the Department seek legislation to clarify its authority to issue multiple types of aquaculture licenses. This bill is a clarification of some of the Fish and Game Departments' regulatory authority. The Department currently issues a variety of aquaculture licenses for both freshwater and saltwater species. Inland operations may range from a non-commercial farm pond to a commercial hatchery or fee fishing. Marine operations may range from a land based hatchery, a bottom or suspended culture of shellfish to large pen cultures for finfish offshore. **Vote 11-0.**

HB 1351, relative to fish and game license and registration agents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis Reed for Fish and Game: This bill will consolidate the statutes pertaining to hunting and fishing license agents and OHRV/snowmobile registration agents. Previously this program was administered by the Department of Corrections. This bill was at the request of the Fish and Game Department. **Vote 11-0.**

HB 1411, relative to information concerning the presence or range of threatened species. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lyle E Bulis for Fish and Game: This bill inserts language into the New Hampshire Native Plant Protections Act that is similar to that in the Endangered Species Conservation Act which will allow for the identification and collection of data about endangered plants without interfering with the property owners' management rights. HB 1411 is an important positive step in a much larger level of cooperation among state agencies, conservation organizations and property owners. **Vote 13-2.**

HB 1451, relative to the transportation of deer by certain persons not issued a deer tag. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J L'Heureux for Fish and Game: This bill would allow the issuance of a special deer tag to adult resident landowners, persons over 68, the holders of lifetime licenses and children under the age of 16 who do not have a department issued tag while deer hunting. The amendment inserts a provision that had inadvertently been omitted. **Vote 15-0.**

HB 1539, relative to the political party representation of members of the fish and game commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Carla M Skinder for Fish and Game: This bill would have tightened RSA 206:2-a where it is stated that not more than six commissioners shall be members of the same political party. New Hampshire has a large majority of undeclared voters which has an impact on fairness in appointing commissioners. The committee unanimously felt that this bill should be addressed after the Fish and Game audit is implemented. **Vote 16-0.**

HB 1569-FN, relative to the use of drugs on wildlife. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carla M Skinder for Fish and Game: This bill gives clear authority to Fish and Game for the regulation of the use of drugs on wildlife. The subcommittee worked with the State Veterinarian, and representatives of captive deer farmers and a consensus was reached with the language in the amendment. This bill exempts deer farmers from the provisions of this bill. **Vote 11-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee. **OUGHT TO PASS.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: This bill was requested by the Department of Health & Human Services. Both of these committees are obsolete, and their functions have been assumed under recent legislation. **Vote 16-0.**

HB 1393-FN, requiring hepatitis C cases to be reported to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: The Department of Health and Human Services already has the authority to require diseases to be added to their list of those which need to be reported to the department, so this does not need to be placed in statute. Hepatitis C is also closely associated with Hepatitis B, and usually assessed upon the discovery of the accompanying Hepatitis B condition. Hepatitis C is also an illness that sometimes does not exhibit its symptoms for many years. Thus, reporting it would not influence treatment. The department does not want to do a less-than-adequate job of surveillance once a disease is placed on this list and would not be able to provide this at this time based on current resources. **Vote 18-0.**

HB 1542-L, relative to burials in cemeteries. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Daler for Health, Human Services and Elderly Affairs: This bill would have required all cemeteries in the state to allow burial of bodies regardless of the container or whether the body had been embalmed. Failure to do so would be a misdemeanor. The committee felt that local cemeteries and cemetery trustees should decide how burials take place in their facilities. This does not preclude the development of "green" burial sections within existing or new cemeteries. We heard testimony that this is, in fact, happening. **Vote 17-0.**

JUDICIARY

HB 1347, establishing a committee to review the Revised Statutes Annotated and recommend revision or removal of obsolete laws or references. **INEXPEDIENT TO LEGISLATE.**

Rep. Gail C Morrison for Judiciary: The sponsor points out that our RSAs contain much extraneous information that has accumulated since the last codification in 1955 and that review is long overdue. This bill has a worthwhile intent; however such a review is prohibitively expensive and nonessential. Further, codification is intended to bring about a permanent change and is not a process to be undertaken periodically. Legal researchers find historic references to repealed sections and other changes useful to their endeavors. **Vote 14-0.**

HB 1406, authorizing a special license and limiting liability for retired physicians, dentists, nurses, and nurse practitioners offering volunteer services. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: The committee unanimously agreed that this well intended bill had unintended consequences that made it impossible to support. Retired health care providers are not required to remain current with the rapidly changing developments that are occurring in medicine. The licensing authorities are not equipped to assume responsibility for practitioners that do not meet all of the requirements that are considered necessary to practice. The bill could place patients at risk and leave them no remedy if the retired healthcare provider failed to meet the standard of care. The bill was opposed by the New Hampshire Medical Society, the New Hampshire Trial Lawyers Association and almost all of the state boards and organizations which testified. **Vote 16-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1168, relative to acceptance of property donated to towns and village districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark A Pearson for Municipal and County Government: This bill, as amended, would bring parity to RSAs 39:95b and 39:95e by updating gifts and donations to town and village districts from \$500 to \$5,000 in cases of holding a public hearing to accept gifts and donations. The change(s) save municipalities money by reducing advertising costs, saving time, and streamlining the current process. Amounts less than \$5,000 in gifts and donations will remain posted in agendas, included in minutes, and considered in public sessions. **Vote 15-0.**

HB 1223-FN-L, relative to exemptions from local ordinances for excavation sites. **INEXPEDIENT TO LEGISLATE.**

Rep. Andy Peterson for Municipal and County Government: This bill, which encountered widespread opposition at the hearing, was requested by the sponsor to be amended for a study committee. The committee found that substantial protection already exists in law for grandfathered gravel operations and that further study was unlikely to be productive at this time. **Vote 14-0.**

HB 1263, relative to the protection of existing property uses. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: Historically the committee has been reluctant to support legislation for narrow or any and all issues easily subject to other avenues of redress. The committee also agreed that seven (7) years of inattention, ignorance, good luck or subterfuge is not a credible substitute for equitable zoning evenly enforced. **Vote 15-0.**

HB 1310, relative to information for property tax assessments of commercial and industrial properties. **INEXPEDIENT TO LEGISLATE.**

Rep. Andy Peterson for Municipal and County Government: This bill would require owners of commercial and industrial property to provide rental, lease and expense information, with persons failing to comply losing their right to appeal. The committee feels that sensitive financial records are just that – sensitive and confidential. The lack of an established method of securing information may place a business at risk of having its competition obtain critical information. Testimony revealed that other methods exist for obtaining information to properly assess a business property value. The committee felt that with other avenues of obtaining data available to assessors, it was unnecessary and possibly harmful to mandate the submission of sensitive information to a municipality. Further, the loss of all property tax appeal rights for refusal to comply with such a requirement would be unduly harsh. **Vote 13-1.**

HB 1312, establishing a committee to study allowing municipalities to enforce ordinances by citation. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the committee's unanimous opinion that municipal ordinances can already be enforced effectively and efficiently. A study for the enforcement by citation is not in the best interest of the community **Vote 14-0.**

HB 1338, allowing towns and cities to receive state funding for preventative mosquito control programs on all lands within the municipality. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark A Pearson for Municipal and County Government: This bill makes several adjustments to the current law governing the state's multi-pronged mechanism for responding to arboviral illness. This bill codifies the arboviral illness task force that the Department of Health and Human Services established over the last few years to ensure the ongoing exchange among state agencies of the

evolving information and expertise about arboviral illness. It also adjusts the process for municipalities to apply for mosquito control and abatement funds to ensure as efficient a process as possible from the department of HHS. In order for the state and local communities to have the ability to wage war together on mosquito-borne diseases such as Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV), a municipality will be able to apply for funding in the same calendar year that a determination of a public health threat has been made by the commissioner of Health and Human Services, in consultation with the Centers for Disease Control and Prevention and with the concurrence of the governor. The amendment clarifies this process and also requires the department of agriculture, markets and food to review its administrative rules regarding mosquito control and abatement practices. This legislation will ensure a coordinated prevention and control effort in the fight against arboviral illnesses. **Vote 14-0.**

HB 1363-FN, relative to fees charged by the registry of deeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: This bill would have established a common fee schedule for certain services offered by county Registers of Deeds. The committee believes that counties should continue to have the authority to set their own fees without state interference. Additionally, if the bill were to pass then the legislature would be forced to review the fee schedule periodically to ensure its adequacy. **Vote 13-0.**

HB 1491, establishing a committee to study the ownership and disposition of rangeways. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Elliott for Municipal and County Government: No further studies were considered necessary. There are many excellent sources available, including the latest report on January 11, 2008 by Gerald H. Miller, a certified Wetlands Scientist as well as a land surveyor, whose main thesis is that current laws sufficiently address this problem. **Vote 11-1.**

HB 1636, relative to automotive recycling. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: The committee agreed unanimously with the testimony of the prime sponsor and others that this bill appropriately replaces outdated federal highway terminology with the phrase "interstate highway," updates general references and, allows a municipality to set distances from junk yards and automotive recycling yards to non-interstate class I-VI highways based on local judgment and conditions. **Vote 14-0.**

HCR 11-L, urging municipalities to establish an annual free tire collection day. **OUGHT TO PASS.**

Rep. Timothy Butterworth for Municipal and County Government: While a free tire collection day would cost a town money, this recommendation recognizes that abandoned tires are a health hazard and that there may be financial advantages to a town to collect the majority of its tires at one time. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1206, relative to park and ride facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways: With the rise in popularity of the Boston and Logan bus services that are based in the state's park and ride facilities, there have been increasing problems with long-term parked and abandoned vehicles and unauthorized business use. This legislation was introduced as a result of a House and Senate study committee that met over the summer and fall of 2007. The bill gives the Commissioner of the Department of Transportation the authority to operate the park and ride facilities to allow them to continue to meet their original purpose of encouraging commuter car pooling and balance the important public transportation function the park and ride facilities also support. The amendment changes the time period after which abandoned vehicles can be towed from 30 days to 21 days at the request of DOT. **Vote 12-0.**

HB 1355-FN, exempting alternative and renewable fuels from the road toll. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G Chandler for Public Works and Highways: The goal of this bill to encourage more use of alternative fuels is laudable, but the highway fund can ill afford to have cutbacks in its income stream. If we exempt these vehicles from paying fuel taxes should we also exempt, or have reduced fuel taxes for, vehicles that get high mileage? All of these vehicles use our highways and should contribute to their upkeep **Vote 15-0.**

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles. **OUGHT TO PASS.**

Rep. Alfred C Lerandau for Public Works and Highways: This bill establishes a committee to study the possibility of having a fleet manager for state-owned vehicles. Having heard testimony from the sponsor relative to use and ownership of cars and light trucks, we feel that this bill would perhaps help us become more efficient with purchasing and use of vehicles. This bill has the support from Department of Environmental Services (DES). **Vote 15-0.**

HB 1438, relative to a capital appropriation for the construction of the Hampton-Exeter district courthouse. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick T Long for Public Works and Highways: The committee felt that the current process of the capital budget may be compromised with passage of this bill. Testimony that suggested Merrimack is on track with its District Court and Hampton-Exeter is still priority, renders this bill not necessary. **Vote 14-1.**

HB 1592-FN-A, requiring road toll revenues to be spent on highways and bridges. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G Chandler for Public Works and Highways: The members of the committee are very interested in maximizing the income to the Highway Trust Fund, but felt that HB 1618 is a more comprehensive measure for the committee to deal with the issue. HB 1618 is being considered by Ways and Means and the Public Works and Highways Committee is the second committee of referral on HB 1618. **Vote 14-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1186, reducing the membership of 2 legislative oversight committees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John H Thomas for Science, Technology and Energy: This bill cuts the membership of two legislative oversight committees from fourteen members each to seven members each. These committees, when formed, needed the original size of membership. The original issues for the formation of the committees have been resolved. The new issues do not have the depth of the original issues and consequently do not require as large a committee. **Vote 12-0.**

HB 1499-FN-A, replacing the electricity consumption tax with an electricity generation tax. **INEXPEDIENT TO LEGISLATE.**

Rep. James M Garrity for Science, Technology and Energy: This bill would have made a fundamental change in the existing electricity consumption tax and add a new tax on electricity generation. After detailed discussion and several meetings, the committee felt that this bill should not pass for the following reasons: 1) it is not consistent with good energy policy, 2) there are constitutional questions related to double taxation, 3) it would complicate the ability of New Hampshire's electricity generators (both renewable and traditional) to compete in the very complex regional energy market. 4) it could result in rate increases. **Vote 11-1.**

HB 1584-FN-A, establishing a fund to cover the costs of recycling electronic waste. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: This amendment replaced the original bill which was to create a "manufacturer take-back" program for the electronic waste in the state. The original bill would have increased workload for the solid waste department at DES, and while revenue to pay for this was assumed to come from manufacturers, the sponsor and the committee felt that the "E-waste" issue is large enough to require more study. The amendment creates a commission including a representative from solid waste to study electronic waste. **Vote 11-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 15, commemorating the commissioning of the USS New Hampshire. **OUGHT TO PASS.**

Rep. Pamela D Coughlin for State-Federal Relations and Veterans Affairs: The committee recognizes the uniqueness of commemorating the USS New Hampshire. The USS New Hampshire will be the fifth vessel built by the United States Navy in the new Virginia-class submarine line, the most advanced ships in the world today, with a scheduled commissioned date at the end of 2008. The USS New Hampshire will play a vital role in our nation's defense. The USS New Hampshire, along

with the other submarines in the Virginia-class, will allow the United States Navy to maintain its undersea dominance. The commemoration also indirectly recognizes the Portsmouth Naval Shipyard and the New Hampshire citizens and their families who built, repaired and served aboard U.S. submarines, especially those who gave their lives in the submarine service. **Vote 14-0.**

TRANSPORTATION

HB 1461, relative to penalties for vehicle overload. **REFER FOR INTERIM STUDY.**

Rep. Howard N Cunningham for Transportation: The committee heard this bill on January 31, 2008. Due to the complexity of the issues, the committee could not agree and voted the bill into interim study. **Vote 15-0.**

HB 1524-FN, relative to speed limits and keeping right except to pass. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation: The committee feels that raising the speed limit from a current 65 mph to 70 mph is not prudent. It does not conform to reciprocity with our neighboring states and could be wasteful of gasoline. Current law exists on keeping right except to pass. **Vote 14-0.**

HB 1551-FN, relative to fees for special number plates for veterans. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation: This bill repeals the \$25.00 extra fee for veterans' plates. The fee had been instituted to cover the upstart costs of the plate. This fee is no longer needed. Recognition of the services provided by our veterans necessitates this act of recognition. **Vote 14-0.**

HB 1595-FN, relative to driver's license renewals by persons engaged in overseas government service. **OUGHT TO PASS.**

Rep. Paul H Ingersoll for Transportation: This bill allows individuals who are engaged in government overseas to renew their licenses bill mail and permits our State to insure they will not be penalized while in service to our country. **Vote 14-0.**

HB1631-FN, relative to the state purchase of biodiesel fuels. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation: This bill supports efforts of the state to ameliorate the impact of foreign purchases of gasoline by authorizing the purchase of bio-diesel fuels with a 5% blend of natural oils. Testimony was heard that several cities and towns are using these blends without negative impact on their vehicles and with positive impact on the costs and mileage estimates. Local vendors supply the product and it will assist both NH businesses and government in leading the way toward reducing dependency on foreign sources. **Vote 14-0.**

WAYS AND MEANS

HB 1158-FN-A, increasing the exemption for persons 65 years of age and older and establishing a credit for persons 70 years of age and older under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G Marsh for Ways and Means: This bill seeks to increase the amount of the senior exemption to the interest and dividend tax that is given to residents over 65 years old. The current senior exemption is \$1200 per person in addition to the standard \$2400 income exemption; this bill raises this senior exemption to \$2400 for people over 65. The bill also eliminates the tax on interest and dividends entirely for seniors over 70 years old. According to the department of revenue administration, this will reduce tax revenue by more than 30%, or \$38,500,000 per year, with the primary benefit going to those over 70. The committee understands in principle the concept of providing tax relief to low-income seniors and sympathizes with this goal. However, as written the bill does not distinguish between low-income and high-income seniors, and it is not clear that this could be possible under our constitution, because it prohibits setting variable tax rates or giving different income exemptions to individuals based on income level. According to IRS data, two thirds of interest and dividend income goes to taxpayers making more than \$100,000 per year, so most of the tax relief will go to well-off seniors rather than those with low income. The committee does not think it is equitable to provide tax relief for well-to-do seniors at the expense of other citizens who are less well off. **Vote 16-0.**

HB 1357-FN, relative to extensions of time for filing returns and making payments under the interest and dividends tax for deployed members of the United State armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. William Butynski for Ways and Means: The committee is supportive of the intent to grant time extensions for filing interest and dividend tax returns to deployed members of the U.S. Armed Services. However, the committee and full House already voted to amend and support SB 63 which resolved the legislative concern. Also, the DRA Commissioner has publicly stated his willingness and intent to grant time extensions to deployed members of the Armed Services for tax filings. Therefore, HB 1357 is not necessary. **Vote 16-0.**

WEDNESDAY, FEBRUARY 6

REGULAR CALENDAR PART I

COMMERCE

HB 1479-FN, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products. **OUGHT TO PASS.**

Rep. Tara G Reardon for Commerce: This bill is a request of the Department of Revenue Administration. The Department of Revenue Administration receives a list of unstamped tobacco products bought over the internet, by mail or by phone. This bill gives the New Hampshire Department of Revenue Administration the ability to tax the products in the hands of the consumer who has avoided the tax. Additionally, the bill provides an appeal process for license suspension and revocation orders and tobacco seizures. The current appeals process applies only to assessments and refunds of tax, penalties and interest. **Vote 14-3.**

HB 1506-FN, establishing a restricted mail registry in the department of justice. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joel F Winters for the **Majority** of Commerce: In considering this bill, the committee looked for potential benefits of creating a do-not-mail list to reduce unwanted mail. Valuable natural resources could be saved, landfill waste could be reduced, and postal customers could save time. Each of these reasons was compelling, but they were not enough to overcome the various concerns and questions about this bill. Many rural postal carriers are paid by the number of pieces of mail they deliver - HB1506 would directly affect their income. Exceptions in the bill for saturation mailings that go to every resident along the postal route, mailings by non-profits or political groups, and by or on behalf of a business with less than 20 employees led us to the conclusion that this bill, as drafted, would not significantly reduce unwanted mail. Lastly, the committee learned that the NHDES website offers preaddressed postcards to major mailing organizations, which can be easily printed and used to be put on their 'do-not-mail' lists. This could be just as effective in reducing junk mail as the proposed legislation. **Vote 14-1.**

Rep. Susi Nord for the **Minority** of Commerce: The minority of the committee believes that HB 1506 is an important option for consumer protection. The creation of a voluntary "do not mail" list of consumers who prefer not to receive unsolicited mail is a good idea, similar to the popular national "do not call" list. The minority does not believe that such a list would endanger commerce in the state of NH, and that the reduction of junk mail in our land fills is a positive by-product of the legislation.

HB 1514-FN-A, establishing the New Hampshire state health investment program corporation and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce: This bill would create a state health investment program corporation and provide a health insurance administration mechanism similar to Healthy Kids but available to all New Hampshire citizens of low or moderate income. At this time, there is no insurer in place or funding mechanism to provide the coverage. The committee believes that although the concept is worthy of further discussion, this legislation is premature. **Vote 13-3.**

HB 1532, relative to snow and obstruction removal from parking spaces designated for disabled persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R Martin for Commerce: This bill provides that owners of parking lots which contain disabled parking places must keep those disabled parking places reasonably clear of snow and other obstacles or be subject to a fine of up to \$250. **Vote 15-1.**

HB 1571-FN-L, relative to inspection of construction or alteration of publicly accessible buildings for compliance with accessibility standards, and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Tara G Reardon for Commerce: This bill would create a state certification program for third party building inspectors. The committee supports the sponsors' intention, and agrees that it is unconscionable that public buildings are still constructed today that do not comply with the ADA and are inaccessible to those with disabilities. Testimony at the public hearing and subsequent subcommittee meetings indicates that the problem is sometimes a result of negligence, and also lack of education of the standards by others in the development community. The sponsor has done a great deal of work, including researching available certification programs and examinations. The bill (and amendments offered) would require the State Building Code Review Board, a volunteer board that reviews building code revisions, to establish the program and create the rules to establish the minimum education, experience and training standards. The committee believes that is not the responsibility of that board and another option should be investigated. **Vote 15-1.**

EDUCATION

HB 1298-FN, making changes to the veterinary/medical/optometric education program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Reeve for Education: This bill adds dental education programs to the existing veterinary/medical/optometric education program. The inclusion of dental into this program provides the opportunity, if funding becomes available, for students in that field to apply for the program. The long term effect would be a benefit for New Hampshire residents. **Vote 14-1.**

HB 1504-FN-L, directing New Hampshire to withdraw from the No Child Left Behind Act.

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

Rep. Charles B Yeaton for the **Majority** of Education: While there is much concern with No Child Left Behind because of the lack of funding for its provisions, the emphasis on testing rather than learning, the expectations that all children be held to the same standards, and other concerns, the loss of millions of dollars in federal revenue for the many other programs for which New Hampshire receives funds would have an adverse effect on education. Hopefully, Congress will re-authorize the bill, eliminating the objections which so many people have for this bill. **Vote 13-2.**

Rep. Paul Ingbreton for the **Minority** of Education: Federal funding of a modest proportion of educational programs in New Hampshire produces disproportionate federal control and meddling in an area left by the US Constitution to the states. NCLB uses previous money to essentially blackmail dependent districts into greater federal domination without guarantees of sufficient funding to implement its provisions.

HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K McRae for Education: This bill allows public academies which function as regional career and technical education centers to participate in the provisions of RSA 188-E, under established rules of the Department of Education (Ed 1402) to access building aid. The amendment further strengthens the contract component of the agreements of these regional technical career centers. **Vote 12-2.**

HB 1639-FN-A-L, relative to charter school funding and enabling charter schools to receive school building aid. **REFER FOR INTERIM STUDY.**

Rep. Kimberley S Casey for Education: Due to the late introduction of this bill, the committee will address the policy issues for funding state-approved charter schools through another bill currently in committee, a bill with a later deadline allowing more time to thoughtfully address the issue. **Vote 16-3.**

ELECTION LAW

HB 1508-FN, relative to prohibited influence of voters and persons intending to vote. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Election Law: The right to vote is the fundamental right that protects all other rights. New Hampshire law should therefore seek to dismantle all obstacles to voting. Although we have laws that prohibit influencing voters through bribery and intimidation, we have no law that prohibits spreading false information to suppress the vote. HB1508 defends the right to vote by ensuring that no one deters another person from voting or registering to vote based on false or deceptive information. HB1508 also closes the loophole in the law that permitted push polling in a presidential primary. **Vote 8-7.**

ENVIRONMENT AND AGRICULTURE

HB 1293, relative to eligibility requirements for the state animal population control program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara A Sad for Environment and Agriculture: The animal population control program currently provides spay and neuter financial assistance to two groups: those who adopt dogs and cats from shelters not equipped with in-house facilities to perform these operations (Plan A), and those living at the poverty level, for example those eligible to receive Food Stamps, SSI, Old Age Assistance and Medicaid (Plan B). By removing Plan A, which includes wealthy people able to pay the cost of the procedures, the means testing parameters can be widened to include those eligible for the NH State Fuel Assistance Program. The co-payment has been adjusted for increased costs of the surgeries (\$120 and more for feline spaying) and to reflect the disproportion of surgeries by type. This bill allows for the veterinarian's discretion over eligibility above and beyond the defined thresholds on a case-by-case basis with the concurrence of the state veterinarian. By increasing the number of low-income participants in the program, we can direct the focus of the funds on those who truly need it. **Vote 14-0.**

HB 1594-FN, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H Snow for Environment and Agriculture: This bill proposes a stable funding source for the Regional Hazard Materials Emergency Response (HazMat) teams, based on recommendations from the SB 255 (2006) study committee final report. HazMat teams work with the state fire marshal's office and local emergency first responders to protect the public safety by stabilizing and containing materials spilled during a hazardous materials emergency until the private mitigation companies can arrive to do cleanup. HazMat teams consist of specially trained personnel from local emergency response teams working together with first responders through existing mutual aid agreements. Funding for HazMat startup equipment and training costs came from federal grants. Since their startup in 1986, operating costs have been largely buried in local community emergency response budgets. Funding is drying up. The study report suggests that the state has a role to play in ensuring the safety of the public from the dangers associated with hazardous material emergencies. Facilities using hazardous materials are already required to report the quantities and uses of those materials to the EPA. The data is also used to protect local emergency responders during an emergency response. Requiring facilities to report the information to the state will allow us to better capture that critical data while providing a centralized and more efficient collection method for the reporting facilities. The fees collected by the state will fund the HazMat teams. Concerns raised by the business community are addressed in the bill with a sunset date of 2013 and also establishing an ongoing public/private study committee to review and report on the effectiveness of the program and propose possible improvements to more efficiently and equitably fund a coordinated state hazardous materials program. **Vote 12-5.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for the **Majority** of Executive Departments and Administration: This bill originally required a 2% tax on the gross amount of monies bet at Games of Chance, raised the bond required for the operator to \$300,000, and changed the 35% of net going to charity to 8.75% of the gross going to charity. After working with the pari-mutual commission, and having public testimony the bill was amended to eliminate the 2% tax. Other changes were that the game operators must have a FBI criminal background check with fingerprints submission, allowing the Pari-mutual commission to set the licensing fee for operators under 541-A, and changed the bonding from \$20,000 to up to \$300,000 so a smaller game would need a smaller bond. Lastly the charity portion was changed to 8.75% of gross revenue from games with chips having no monetary value, and 35% of the monies raised from games with chips that monetary value. The monies raised from licensing operators will fund a new auditor position to ensure charities are receiving the correct amount. **Vote 12-5.**

Rep. Alida I Millham for the **Minority** of Executive Departments and Administration: This bill, as amended by the committee, is a good bill in many respects. A minority of the committee raised concerns with respect to section 6 of the bill which changes the minimum amount paid to the charities. Currently, the law is that the charities receive no less than 35% of the gross revenues from any game of chance, minus the prizes paid on the game date. The testimony from the operators and the charities indicated that this system currently works well. The concern with the amendment is that the change this bill proposes may limit the ability of the operators to offer additional prize amounts to attract more patrons and by such action increase gross revenues. In such event, if the operators cannot increase the amount of prizes, the gross revenues may be diminished.

HB 1545-FN-A, establishing a waiver option for live-racing tracks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill allows dog racing tracks to reduce their days of live racing from the present statutory requirement of fifty days per annum to twenty-five days, while still being permitted to simulcast races from other venues. Since the bill does not mandate any reduction in live racing, the committee majority believes it will not harm current track operations, but rather allow tracks to reflect the steadily declining interest, attendance and revenues at New Hampshire dog tracks by cutting back on live racing if, and when, they so choose. This is enabling legislation. The bill also creates a study committee which will review standards and treatment of greyhounds in New Hampshire. **Vote 10-5.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1418, extending Medicaid to prevent gaps in coverage under the New Hampshire healthy kids program. **REFER FOR INTERIM STUDY.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: When a child's family income increases above the allowable level for Healthy Kids Gold, they are given ten days notice before the insurance is terminated. They are advised to apply for Healthy Kids Silver, but Silver insurance does not begin until the first of the month. Thus there is a gap in coverage (averaging 16 days), which HB 1418 seeks to close. The committee agrees that the gap should be closed. However, the best way to do this is unclear - either extending Gold or advancing Silver could have unintended consequences. The Department of Health and Human Services and the Healthy Kids Corporation will consider various alternatives, including their cost, administrative feasibility and impact on kids. They will also improve communication with families to ensure they are aware of the gap and of the availability of Medicaid "In and Out" for large unexpected expenses. DHHS and HKC will report the results of their analysis to the HHS Oversight Committee. This will provide a better basis for the legislature to act on this next year, both from a policy perspective and in the budget process. **Vote 18-0.**

HB 1549-FN, relative to the duration of the disability requirement for aid to the permanently and totally disabled. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Joan H Schulze for the **Majority** of Health, Human Services and Elderly Affairs: The bill aligns New Hampshire's determination for disability with the federal standard of 12 month duration.

We are currently the only state not using the federal standard, and, in fact, we have used the federal standard in the past. As amended, the bill sets eligibility for federal disability programs as the determining factor for our Aid to the Permanently and Totally Disabled cash assistance program. As such, the amended bill sets aside the requirement for disabled people to go through a separate medical eligibility and appeals process for state aid. Therefore, administrative efficiencies are expected. Information was presented that adding state assistance on top of federal cash assistance could actually present an opportunity for significant savings in general fund dollars. The department of Health and Human Services is working to clarify the fiscal note assumptions of the amended bill. The majority recommends that HB 1549 be OTPA as health policy. This action will give the Finance Committee the opportunity this session to work with the department to better define the potential fiscal impact, which may be significantly positive. **Vote 14-5.**

Rep. Peter L Batula for the **Minority** of Health, Human Services and Elderly Affairs: Although the minority compliments the sponsors of the bill and respects the majority of the committee in their deliberation and vote, the minority has difficulty placing OTP/A on a bill which has so many unanswered questions, potential unintended consequences and just what the financial costs may or may not be. The original bill estimated the cost to implement to be in the range from \$20 million to \$29 million annually for the next four years. Much of the committee debate centered around a potential savings to the state this bill would bring, but in the opinion of the minority there was no conclusion or completed study to back this assertion. Also, much of the discussion centered around the myriad of unanswered questions and remarks. Data is extremely hard to come by and the minority was fully convinced that more study about this bill would be required to make a major change like OTP/A. In a fiscal year like the present, where bills that require serious funding be given much more scrutiny and less guesswork, the minority feels that Interim Study would be appropriate. During testimony the department mentioned that the University of Massachusetts was conducting a study on this subject currently. The majority has stated that their intent in passing this bill on to Finance particularly centered around this bill “saving” the state money, not costing the state, which “may” come out in the Finance Committee hearings. In conclusion, a well intended bill, but one with too many unanswered questions and needs further study.

HB 1586-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF). **REFER FOR INTERIM STUDY.**

Rep. Evalyn S Merrick for Health, Human Services and Elderly Affairs: The present TANF grant is insufficient for basic human needs. For example, a family of four, a mother and three children, is expected to live on a yearly grant of \$8,000 which is inadequate to cover rent for a two bedroom apartment. The TANF reserve fund has routinely been depleted to fund programs such as juvenile justice that have not been directly related to the TANF program. Due to consistent withdrawal of funds from the TANF reserve by these unrelated HHS programs, the available funds over the next three years will be insufficient to provide the supplement of \$250. Under the present fiscal environment, it was felt that the best course of action was to put this bill in Interim Study and monitor TANF caseloads and the balance in the TANF Reserve Fund. If we see that monies are accumulated, then adjustments can be made, and we can revisit this issue. The committee was unanimous in recommending Interim Study. **Vote 18-0.**

JUDICIARY

HB1403-FN, relative to the performance of an abortion when there is a reasonable expectation of viability. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Preston for the **Majority** of Judiciary: This bill would make criminals of doctors whose professional responsibilities include saving the lives of women with life-threatening pregnancies. The committee heard compelling testimony that this bill could force doctors, in the midst of a medical emergency, to consider the possibility or likelihood that their life-saving decisions might result in their arrest and conviction for a Class B felony. The majority of the committee believes that our laws should not impede doctors in their efforts to save women’s lives. This bill is clearly unconstitutional because it provides no health exception. **Vote 11-5.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill, if passed, would prohibit the abortion of a child that can live independently outside the womb. The minority of the committee felt that this

bill is consistent with current assault laws. Additionally, the minority felt that this bill would provide an oversight and regulation on the unregulated abortion industry in NH.

HB 1531, relative to allowing a cause of action for identity theft. **REFER FOR INTERIM STUDY.**

Rep. Stephen J Shurtleff for Judiciary: The committee felt some serious questions were raised by this bill. The bill would hold employers more accountable in verifying employee identity. This bill will be studied in conjunction with a companion bill, HB 1534. These are important issues, both nationally and for our state. Safeguarding individual privacy is a very important concern. **Vote 15-4.**

HB 1534, relative to the misuse of social security numbers. **REFER FOR INTERIM STUDY.**

Rep. Stephen J Shurtleff for Judiciary: The committee felt this bill and a companion bill, HB 1531, raised issues that needed further study. This bill deals with the issue of misuse of social security numbers to gain employment. It also holds an employee to a higher standard of accountability in verifying social security. **Vote 16-3.**

HB 1580-FN, relative to witness fees and writs for depositions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Bette R Lasky for the **Majority** of Judiciary: This bill would establish a fee to be charged to witnesses who fail to appear after summons and increases fees paid to witnesses appearing at court. While the committee is sympathetic to the bill's intent, the majority believes that the bill itself still needs work. Also given the current economic climate and the price tag in the neighborhood of \$800,000 this bill is not ready to be sent forward. **Vote 10-6.**

Rep. David J Bettencourt for the **Minority** of Judiciary: The minority of the committee believes that justice demands that witnesses appear when summoned. Currently, a witness is paid \$12 for a half day plus \$.17 a mile for travel reimbursement. The majority of the committee cited cost as its primary objection. However, traditionally it is the charge of policy committees and of the finance committee to judge finances. The minority is concerned about this potentially new precedent.

MUNICIPAL AND COUNTY GOVERNMENT

SPECIAL ORDER

HB 1339, establishing an optional mortgage loan payment program for payment of property taxes and municipal charges of qualifying elderly homeowners. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: This bill establishes a method for municipalities to get into the banking business by allowing a municipality to take out a first mortgage note in lieu of cash payment on a piece of property owned by a resident who is 65 years or older. The qualified owner has to have lived in the primary residence for 5 years. The net annual property taxes would have to be greater than 10 percent of the owner's adjusted gross income. The adjusted gross income on the federal tax return does not include what "non-taxable" income is received. There is no asset limit contemplated in this bill. Currently at the local level, there are at least two forms of assistance for our elderly residents – Elderly Exemptions and Elderly Deferrals. The local legislative body may vote to give property tax relief through a warrant article at the annual town meeting. The governing body in each municipality also has the ability to grant property tax relief by using their authority to determine "just cause". If an elderly resident chose to ask for the loan contemplated by this bill the elderly owner would give up the right to apply for any elderly exemption or deferral that the municipality offers. The committee is also aware of reverse mortgages available through the local banks. The sponsor had extensive experience in the mortgage business and had many answers and explanations of how this legislation would be implemented. In setting up a whole new system for property tax relief for our elderly residents the bill adds a new confusing process for them at the local level. The committee was also concerned about the legality of a municipality borrowing money and then lending to private individuals for payment of taxes. The Municipal and County Government committee is very aware of the property tax burden felt by all residents of New Hampshire but is very reluctant to allow the governing bodies to get into the banking business to solve this issue. **Vote 14-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1445-FN-A-L, increasing the road toll and designating the increase for the highway and bridge betterment account. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: The committee fully realizes the near catastrophic state of New Hampshire's bridges and roads, which are funded exclusively by dwindling federal funds and the state road toll (gas tax), which has not been raised since 1991. Commissioner O'Leary, during his interim appointment, was able to restore transparency to the financial situation at DOT and to the State Highway Fund, and the fiscal picture is very grim. The 10-Year Transportation Plan has been cut by almost two billion dollars and the funding of many projects is still uncertain, depending on the rate of construction inflation. The state can afford no new projects, anywhere. However, a majority of the committee believes that we should not consider asking the public to support raising the gas tax until the following issues are first resolved: (1) That the diversions from the Department of Transportation to other agencies are carefully examined and only those that are justified remain. (HB 1618 does this.) (2) HB 1493 continues a House/Senate study committee of the Highway Trust Fund to determine the exact funding needs and funding options, including our bonding capacity. (3) The committee wants to look at innovative funding mechanisms, such as public/private partnerships under HB 1626, which has been recommended for interim study, and (4) The committee would like to get input and ideas from the new DOT Commissioner, who has not yet been appointed. For these reasons the majority of the Committee on Public Works and Highways voted this bill Inexpedient to Legislate. **Vote 9-4.**

HB 1601-FN-A, relative to funding for certain capital projects of the Pease development authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R Cloutier for Public Works and Highways: This bill, as amended, would authorize the state under the 2007 capital budget to repair the Rye Harbor Fish Pier, which was severely damaged in a storm last year. The Pease Development Authority (PDA) realized after the Capital Budget was adopted last year that it couldn't pay for repair bonds from the wharfage, dockage and other marine terminal fees under RSA 12-G:42. Under the amendment, \$1,560,000 would first be appropriated to the PDA, but in return the PDA would pay back the \$1,560,000 to the state from the fund in RSA 12-G:37. Finally, the state would reduce by the same amount of money the PDA's debt owed to the state for its start-up funding costs dating back to 1991. This just-described arrangement is because of federal requirements governing PDA's operations. **Vote 15-0.**

HB 1626-FN, relative to a new bridge over the Merrimack River. **REFER FOR INTERIM STUDY.**

Rep. Gene G Chandler for Public Works and Highways: This bill would authorize the Department of Transportation to enter into a lease agreement with a private entity for design, construction and operation of a new bridge over the Merrimack River from Hudson to Nashua. While the sponsors and the committee opposed the proposed location, the committee is intrigued with taking a full look at public/private partnerships in general as they relate to highway and other projects. Thus, the unanimous vote for Interim Study. With the current status of the Highway Fund, the committee feels we need to explore any and all innovative ideas that may be in the best interests of New Hampshire citizens. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT SPECIAL ORDER

HB 1134-FN, including upkeep and improvements of the state park system within the land and community heritage investment program. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill would have allowed for Land and Community Heritage Investment Program (LCHIP) money to be used for maintenance and day-to-day operations of the state park system. LCHIP has been a vital force in the acquisition and preservation of state treasures because of its strength in building private/public partnerships. This bill would foster an unfortunate dilution of LCHIP's resources if funds were to be diverted to paying for lifeguards, as the bill suggests. The committee agrees that the need for additional park system resources is compelling, but not in this way. **Vote 13-2.**

SPECIAL ORDER

HB 1229, requiring the office of energy and planning to maintain a map of the state's lands under conservation or development restrictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill would have required the Office of Energy and Planning to maintain a map of all conservation lands in the state of New Hampshire. The Director of OEP testified that this is already a required part of their data and information services and an indispensable tool of their conservation planning program. As such, the map that is referenced in the bill is already compiled through the GRANIT Program of UNH making the current bill unnecessary. **Vote 15-0.**

SPECIAL ORDER

HB 1535, relative to establishing a factual data base for wetland decision accountability.

INEXPEDIENT TO LEGISLATE.

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill would require the Department of Environmental Services (DES) to use a method that was developed as a planning and education tool for towns as a means of identifying and delineating wetlands. The introduction to the referenced method specifically states that it is not intended for this purpose. Currently, DES uses a science-based method that applies objective criteria to site hydrology, plant and soil types in delineating wetlands. By necessity, these need to be applied in a site and time specific manner; any wetland data base would be almost immediately out-of-date because of the changeable nature of water. In addition, such a change in methodology could jeopardize the single permit agreement with the US Army Corps of Engineers whereby the state permitting process fulfills federal permit requirements. **Vote 14-1.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1564-FN, relative to the regulation of commercial mobile services by the public utilities commission. **MAJORITY: INEXPEDIENT TO LEGISLATE: MINORITY: OUGHT TO PASS.**

Rep. Suzanne Harvey for the **Majority** of Science, Technology and Energy: The committee recognizes that some customers have issues with their cell phone carrier but we believe that the PUC is not the appropriate body to adjudicate these disputes. It was agreed by the majority that the Telecommunications Oversight Committee should take up this when it meets. **Vote 9-2.**

Rep. Melanie A Levesque for the **Minority** of Science, Technology and Energy: The purpose of this bill is to allow the PUC to have oversight of cell phone providers billing practices. It gives consumers a clear avenue for investigating complaints and resolution for disputes of cell phones billing in NH. The bill does not regulate rates. Currently land lines are regulated by the PUC. Cell phones are quickly replacing land lines in many households. Consumers have a dependency on cell phones for voice communication, email, and internet access. It is not uncommon for all family members to own a cell phone including children as young as 10 years old. Although wireless providers stress their first rate customer service and ability to keep customers, consumers deserve a direct channel to raise issues surrounding complaints and billing disputes.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1431-FN, establishing a permanent state defense force. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela D Coughlin for State-Federal Relations and Veterans Affairs: The majority of the committee believes that all the issues and concerns regarding a permanent state defense force is already provided for by state statute (RSA 110-B) and coordinated, organized and responsive through the New Hampshire National Guard, the state guard and the unorganized militia with the Governor as the commander-in-chief. **Vote 11-4.**

HB 1526, relative to the use of the name or image of a protected person. **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 is a simple bill to protect the family of a New Hampshire service member killed on the battlefield protecting the freedoms of all Americans from unnecessary and needless suffering by the actions of any person or group using an unauthorized photo containing a recognizable facial image of their fallen warrior in a disparaging manner for personal profit. The minority has stated that they believe that HR 1526 is unconditional based on First Amendment issue; the bill as been amended to address

the First Amendment issues. The Supreme Court has stated First Amendment Rights are not absolute. The courts has stated that falsely yelling fire in a crowded movie theater, interfering or disrupting a funeral ceremony for political or financial purposes, the mandatory release of autopsy or crime scenes photos for political or financial gain or even the unauthorized use of recognizable facial images of people such as Elvis Presley even for non-financial purposes are not protected by the First Amendment. It was further stated that there was no clear definition of disparaging the committee felt such a definition which would be left to the attorney general's office would follow the Supreme Court definition of pornography something hard to explain but was easily recognized if you saw it. This bill does not prevent anyone from using any image whatsoever by any family member or anyone else if authorized. It does not prevent use of any image if not done for profit. Furthermore it does not prevent media outlets or documentary film makers from performing their job. **Vote 9-4.**

Rep. David F Scannell for the **Minority** of State-Federal Relations and Veterans Affairs: The minority believes this bill contains grave constitutional questions. First, the bill discriminates on the basis of viewpoints by criminalizing "disparaging or derogatory" use of soldier's images for profit, but it does not criminalize laudatory uses for commercial purposes. Second, the bill does not contain a "men's yea" or "intent" component, thereby making someone who did not knowingly violate the law guilty of an offense. Third, the reference to "next of kin" is vague because it does define a next of kin hierarchy. Fourth, the exception for "media outlets " protects large corporations but does not protect individuals who might run afoul of the law. Finally, the reference to "recognizable facial images" is too vague to provide any direction to law enforcement or the judiciary

TRANSPORTATION

HB 1496-FN, establishing motor vehicle learners' permits and relative to youth operators' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation: The sponsors of this bill establishes a graduated licensing system for beginning drivers at the age of 15.5 – 16 years by requiring a learner's permit, rather than a youth license for those in this age group. The permit will be valid for 12 months or until the holder obtains a youth license. The bill requires the parent/legal guardian to sign a document verifying that they have supervised at least 40 hours, including at least 10 hours of night driving of the permit holder. The holder will be unable to drive between 12am – 6am, unless accompanied by a licensed 25 year old adult and cannot carry passengers unless a parent/guardian is in the car. Additionally, to qualify for a driver's license while under 18 years, certification of the 40 hours, including 10 hours of night driving is required. The bill also provides that driver education providers for disabled students may apply for waivers if necessary **Vote 11-4.**

HB 1528-FN, relative to suspension of a driver's license for gasoline theft. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W Williams for the **Majority** of Transportation: This bill as amended is an attempt to reduce the number of incidents of gasoline theft. It increases the penalty for gasoline theft. Adding the possibility of license suspension will make many rethink their motor theft plans. The amendment makes implementation fair, clean and possible. It is a sound, reasonable response to curb a growing problem. **Vote 8-7.**

Rep. Brenda L Ferland for the **Minority** of Transportation: The minority of the committee objects to a license suspension for someone who has put gas in a vehicle or container and then drives away without paying. The fine will be for theft of services. It is unfair to severely punish someone who may have forgotten to pay. Today's current law to pay a fine for theft of services and make restitution is adequate.

HB 1604-FN, relative to the electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation: The bill allows individuals with possible EZ-Pass problems to not have to face immediate resolution of clerical problems. The committee heard that the EZ-Pass company made a human error and did not post a payment. This bill allows law enforcement time to not force individuals to prove their innocence and will permit the course of action to occur upon re-registration, because a hold will be placed on the individual's tag renewal. Citizens should

not be responsible for errors when there are other means to insure they can be dealt with. **Vote 14-0.**

WAYS AND MEANS

HB 1593-FN-A-L, establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank W Davis for the **Majority** of Ways and Means: This bill establishes a flat rate income tax and creates or alters several taxes. It is perhaps the most complicated income tax legislation ever submitted to the legislature. While the committee applauds the sponsors' intent to address property tax relief, the committee would need considerable time to work out the effects of the interactions of the three property tax relief mechanisms on citizens, businesses and our revenues. The bill sends money to the education trust fund and takes money away from the general fund, and this would have to be dealt with. The fiscal note would also have to be corrected. This recommendation comes from those who support and those who oppose an income tax. Some members feel that there is not time to provide HB 1593 with the attention it needs, while others oppose any income tax. **Vote 12-5.**

Rep. Dennis P Vachon for the **Minority** of Ways and Means: We believe that given the state's long term structural deficit and school funding needs that the time is ripe for a frank and open discussion of alternatives to our antiquated tax system with its excessive reliance on inequitable and unfair local property taxes. Although we admit that HB 1593 is not perfect in its present form and has some issues that require additional work, these involve matters that have been thoroughly vetted by the legislature as a result of its passage of the Below-Hager Income Tax Plan in 1999 and the work on HB 912 (currently in Interim Study) which contained similar reforms of the statewide property tax system by the committee this past summer. It would establish a combination statewide "enhanced education" property tax at \$5.50 per \$1,000 of equalized assessed valuation, with a \$200,000 homestead exemption; and a 4 percent education income tax with liberal income exemption and a credit for the statewide property tax the household pays. These taxes replace the current interest and dividends tax and business enterprise tax, which would both be repealed totally. The bill also reduces the business profits tax to 7.5 percent. Further, the bill contains a circuit breaker (abatement) program for taxpayers whose total property tax bill (municipal, school, county and statewide property taxes) exceed 8 percent of household income. As a result, HB 1593 is, in fact, a perfect vehicle for focusing a discussion on introducing a new tax and reforming an existing one to accomplish the worthy objective of basing the financing of education on ability to pay.

HB 1596-FN-L, relative to fees charged by the motor vehicle division. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dennis P Vachon for the **Majority** of Ways and Means: This bill was introduced at the request of the Department of Safety. All but two of the provisions codify existing Department of Safety practices and are being enacted into law to comply with the recommendations of the recent Legislative Budget Assistant revenue audit of the Division of Motor Vehicles. The other provisions include Section 1 which, as modified by the committee's amendment, allows the town and city clerks a 50 cent increase in their fees to cover either the cost of supplies or their own fees. Section 5 of the bill contains new policy which is not within the purview of this committee and which we assume will be reviewed by another committee. **Vote 15-2.**

Rep. Priscilla P Lockwood for the **Minority** of Ways and Means: The intent of the original bill was for .50 of a \$3.00 increase in a fee to go to the municipality and \$2.50 to go to the clerk if the clerk was paid by fees. If not, the whole \$3.00 would go to the municipality. This amendment would omit the .50 to the municipality and the whole \$3.00 would go to the clerk. There does not seem to be a compelling reason for this change and it is a loss of income to the municipality.

HB 1618-FN-A, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for the **Majority** of Ways and Means: The state constitution was amended in 1938 by Article 6-a, specifying a large number of highway-related revenues, plus a non-specific “special charges or taxes”, that would go to a new dedicated highway fund for the purpose of “construction, reconstruction and maintenance” of the highways. At some point it was decided by the legislature that the state police would be totally funded from the highway fund, a practice that dates back at least to 1969. In 1977 (117 N.H. 300, 371 A.2d 1189), the legislature requested an opinion from the state supreme court as to whether it was constitutional to use part of the revenue from motor vehicle fines for the maintenance of the state police detective bureau. The supreme court answer included the opinion that because fines were not specified in article 6-a, “they do not fall within the restrictions of that article.” In 1983, the state created the unified court system and took over lower courts from the towns and counties; it was financed by the fines and fees being generated in those courts and by the motor vehicle fines collected by the state police, net of the costs of the motor vehicle division. All these went, and go, for this purpose to the general fund. In 1990, the legislature also took part of the motor vehicle title fees to the general fund. HB 1618 was introduced to make a clear constitutional split between the highway and general funds. The first five sections (four in the amendment) are the purview of another committee. The rest deal with the split of revenues. The entire committee agreed that all title fees constitutionally belong in the highway fund. This means a movement from general to highway fund of \$3.5 million per year. In order to preserve the existing budget, the entire committee agreed that all revenue changes would occur beginning in the FY10-11 budget. Because the preponderance of the evidence is that the motor vehicle fines are not constitutionally dedicated to the highway fund, the majority of the committee agreed that they should continue to go to the general fund. To do otherwise would cost the general fund \$20.2 million per year. The general and highway funds are both in structural deficit, and the majority doubts that moving this money would solve that of the highway fund, while it would aggravate that of the general fund. The majority amendment leaves the first four sections on expenditures alone, returns the title fee money to the highway fund, maintains the fine money in the general fund, and changes the effective date to start July 1, 2009. **Vote 15-3.**

Rep. Howie Lund for the **Minority** of Ways and Means: The main thrust of the bill is to restore a long standing practice of remitting all motor vehicle fines to the Highway Fund less the cost of collection. Prior to 1983 motor vehicle fines (less cost of collection) were deposited in the Highway Fund. In 1983 the fines were re-directed to the General Fund in part to cover the cost of a new court system. There was a court challenge to this and the courts interpreted Part II, Art. 6-a specifically the words “any other special charges” not to mean motor vehicle fines. Prior precedence or long standing practice prior to 1983 clearly shows the General Court interpreted Part II, Art. 6-a to mean fines (less cost of collection) should go to the Highway Fund. Motor vehicle fines once again should be directed to the Highway Fund.

WEDNESDAY, FEBRUARY 6

REGULAR CALENDAR PART II

EDUCATION

HB 1169, relative to parental approval of a student's participation in human sexuality instruction in public schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kimberley S Casey for the **Majority** of Education: This bill and other past bills similar to it, have come before the committee in previous sessions. Testimony from numerous organizations and the Department of Education indicated that districts routinely provide for parents to allow their children to opt out of certain classes. This is a local decision, and school boards are encouraged to have policy. Principals often handle requests for alternate work, and many schools have parental review committees. In addition, the language “instruction in human sexuality” may be too broad in its scope and take in more than science or health classes. **Vote 10-4.**

Rep. Paul Ingbertson for the **Minority** of Education: The information stream between school and parent in the very sensitive area of sex education should be transparent and upfront. Giving parents who want it the “opt in” to programs the school announces takes the mystery out and gives concerned parents the say they so frequently say they want to maintain their personal moral belief structure.

HB 1261, establishing a commission to investigate a program in which senior year of high school may be spent at a community college. **OUGHT TO PASS.**

Rep. Sharon M Carson for Education: This bill establishes a commission to study allowing a student to spend his or her senior year of high school at a community college. The committee believes in continuing New Hampshire’s dedication to education innovation and thinks this is a subject worthy of study. **Vote 15-0.**

ENVIRONMENT AND AGRICULTURE

HB 503-FN, relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Burton W Williams for Environment and Agriculture: Solid waste management is not a problem which will ever diminish, and the Department of Environmental Services is in constant need of general funds to facilitate the reduction of solid waste and to encourage recycling and reuse. This bill establishes a revenue source which will relieve the general fund and the taxpayer of considerable expense that the disposal of solid waste requires. A one cent per beverage container surcharge, levied at the wholesale level, will not only create funds for DES solid waste management programs, but allow all municipalities in the state to apply for grants to improve and expand their recycling programs, thus diverting tons of plastic, metal, glass and paper from incinerators and landfills, creating a flow of raw materials and opportunities for new industries and jobs in New Hampshire. Consumers should be responsible for the proper disposal and recycling of the containers they use, not the taxpayer. For the cost of one penny per beverage container, New Hampshire can serve as a model of recycling and reuse, and begin to reverse the trend of living in a throwaway society. The amendment provides that milk and unmixed products thereof, infant formula and unmixed products thereof, are not included as “beverages” under this chapter. The term “beverage” as used in this chapter shall not apply to wine and liquor as defined in RSA 175:1. **Vote 15-2.**

HB 1401-FN, adopting the uniform environmental covenants act. **REFER FOR INTERIM STUDY.**

Rep. Leigh A Webb for Environment and Agriculture: The majority of the committee agreed that this issue is too complex and too time consuming to research properly in the short time allowed this term, and followed the prime sponsor’s suggestion to refer the matter to interim study. Perhaps between now and next term the committee can determine if uniformity and conformity with other states’ approaches to environmental covenants are appropriate for New Hampshire. **Vote 13-2.**

HCR 17, encouraging the use of reusable shopping bags. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A Webb for Environment and Agriculture: The excesses and convenience of a disposable society need to give way to moderation and common sense, and an excellent example of this approach is epitomized in this resolution, sanctioned by the unanimous consent of the committee, to encourage the proliferation of reusable bags to supplant the wasteful and environmentally unfriendly use of paper and especially plastic bags, which tend to litter our state, pollute the air when burned, and add more non-biodegradable material to our landfills. The committee hopes that the house will join in a bipartisan response to this simple but effective statement. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1527, relative to charitable organizations and games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Francis B Sullivan for Executive Departments and Administration This bill would change the 35% of the net that the charities are now receiving to no less than 51% of the gross. The committee felt from testimony that 35% was working well and that the formula should be retained for at least another year. The bill also called for the repeal of the \$250.00 buy-in games. The committee felt

that seeing as the buy-ins are optional, it should remain the same. The committee received no complaints about the buy-ins but did hear testimony that elimination would hurt the charities. **Vote 15-2.**

HB 1529, relative to permitting chambers of commerce to conduct games of chance.

INEXPEDIENT TO LEGISLATE.

Rep. Pamela V Manney for Executive Departments and Administration: This bill would include chambers of commerce in the definition of charitable organizations authorized to conduct games of chance. Games of chance are specifically allowed for charitable 501-C-3 organizations that raise funds for charitable purposes. Chambers of commerce, 501-C-6 organizations, although providing a wonderful service to their communities, are not organized for charitable purposes but to promote the advancement of its dues-paying members. Because the option to start a 501-C-3 is available to all chambers of commerce, the committee deemed this bill unnecessary. **Vote 15-1.**

HB 1546-FN, allowing the local chief of police to object to games of chance licenses for charitable organizations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Francis B Sullivan for the **Majority** of Executive Departments and Administration: This bill calls for the chiefs of police to have the opportunity to object to games of chance in their respective cities and towns. Presently, each chief is notified no less than twice (by the charity and the Pari-mutuel Commission) of upcoming events and the chiefs have the option to object. As the objections process is already in effect, the committee feels that the bill becomes redundant. Also, in testimony from the Pari-mutuel Commission, in the past 18 months, no objections from police chiefs were filed. **Vote 16-1.**

Rep. Peter B Schmidt for the **Minority** of Executive Departments and Administration: This bill would have given the local police chief a right to be heard regarding the granting of a license for games of chance to benefit charitable organizations, but not a veto thereof. The police chiefs have indicated their desire to have a statutorily established voice in the process. The minority supports their involvement.

PUBLIC WORKS AND HIGHWAYS

HB 1606-FN-A, relative to the rate of highway tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Graham for Public Works and Highways: This bill proposes two major actions. First, it would take the authority to approve toll increases on the turnpike system from the Governor and Council and return it to the General Court. Second, it would roll back the toll rate to what existed prior to the recent action of the Governor and Council. The committee heard an almost identical bill (HB 1365), which would have accomplished the same two objectives. The committee action on HB 1365 was to recommend that it be referred for interim study, and the full House agreed. Having taken this action on HB 1365, the committee voted to recommend that HB 1606 be found ITL. **Vote 14-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1544-FN, relative to the development of effective energy efficiency measures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael A Kaelin for the **Majority** of Science, Technology and Energy: This bill as amended would have required the PUC to complete work on time-of-day metering and electricity rate decoupling by a certain date. Since these are already active dockets at the PUC, the majority of the committee felt that this legislation was unnecessary. **Vote 9-2.**

Rep. Gene F Andersen for the **Minority** of Science, Technology and Energy: The bill with forthcoming floor amendment updates the energy policy of New Hampshire to account for climate change and resource depletion. The floor amendment will direct the PUC to reduce energy consumption to a targeted level to provide more sustainable growth in energy demand; reduce the risk of price increases and price volatility; lower energy bills and reduce risk of blackouts and energy shortages. It will minimize the need for controversial expensive and environmentally damaging energy supply projects. It will also provide a business stimulus for the state economy that produces more jobs per dollar invested in energy supply, cut greenhouse gasses and air pollutants. The bill

further directs the PUC to move forward with a decoupling docket in a forthright manner removing volume as the primary framework for compensation by the utility.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1284, establishing a commission to consider the feasibility of adopting Atlantic Daylight Savings Time. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David F Scannell for the **Majority** of State-Federal Relations and Veterans Affairs: The committee determined that concerns about confusion surrounding school schedules, bus schedules, and plane schedules that a time zone change is likely to create far outweigh any benefits a study committee is likely to find when investigating the issue. **Vote 9-7.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs: This bill creates a commission to study better management of the 15 hours of available daylight during the summer months by moving the clocks forward to coincide with a later daylight time. The commission will investigate the possible benefit of Atlantic Daylight time on the economy, energy usage and overall quality of life issues for the citizens of New Hampshire. The committee heard that there was major potential for increased tourism, increased jobs, increased meals and room taxes, several energy usages, and overall improvement in physical and mental health. The commission will provide very valuable information for the General Court to make a well informed decision.

HB 1391-FN, prohibiting the investment of state funds in the energy sectors of countries that have been identified by the United States Department of State as state sponsors of terrorism.

MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

Rep. Doreen Howard for the **Majority** of State-Federal Relations and Veterans Affairs: This bill creates a conflict between the social conscience and the legal requirement to maximize profit for the pension and state funds. Further complicating the situation is the current financial shape of the state pension fund. There were questions of: why only energy? What about corn that could be turned into ethanol? It was determined by the committee that while the intent was well supported there just wasn't enough time to work diligently on the new bill. **Vote 11-5.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs: This bill does two things. First, it will prohibit all state assets under the jurisdiction of the state treasurer, the state retirement system's board of trustees and the judicial retirement plan's board of trustee's from being invested in the energy sectors of any country identified by the U.S. Department of State as a state sponsor of terrorism (i.e., Iran, N. Korea, Sudan, Cuba and Syria). Additionally, this bill prohibits state assets from being invested in any entity that invests \$20 million dollars or more in the energy sectors of state sponsors of terrorism. Secondly, the bill repeals RSA 6:32-34 which currently requires the state treasurer to compile a list of corporations that do business in Northern Ireland and determine whether or not those corporations promote the "MacBride principles." Divesting state funds from the energy sectors of countries that sponsor terrorism has already been enacted in multiple other states, or has been implemented by the state treasurer, as was the case in New York. In a post 9/11 world, we must monitor our state's safety, transportation, and financial procedures carefully to prevent any threat of terrorism. The minority strongly believes that HB 1391 will provide a necessary safeguard over investing state monies - the people's monies - in countries that pose a real threat to Americans.

HCR 13, urging Congress to create an Office of the National Nurse. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: The Chief Nurse of the Surgeon General, Department of Health and Human Services is already in place and adding the position of chief nurse would be a duplication of job description and would add many other positions of support to the chief nurse. Instead of establishing a new symbolic national leadership position, we believe that many duties could be done on the local level, in setting the nursing standards, and recruitments through our colleges, state and local healthcare centers. **Vote 11-5.**

HCR 16, urging Congress to rescind a law allowing the President to exercise federal control over the state national guard without consent of the governor. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: The National Guard is an important part of the Department of Defense. As such the federal government provides the state of New Hampshire almost 95% of funding necessary to maintain and operate both the National and Air Guard. The state of New Hampshire along with neighboring states benefit from a state to state compact. It is very unlikely that even in a national emergency that the President of the United States would activate and order out the New Hampshire or any state's guard without speaking to that state's governor. **Vote 16-0.**

HR 26, expressing regret that New Hampshire's United States Senators voted to deny the District of Columbia the right to be represented in the Congress. **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 has a number of goals. The first and most important is requesting our New Hampshire Senators to vote in favor of invoking cloture allowing S.1257 the District of Columbia House Voting Rights Act of 2007;, upgrading the current congressman (limited to committee votes) to full voting status which passed by a vote of 9-1 (12-5 counting proxy votes) by the US Senate Homeland Security and Governmental Affairs Committee an opportunity for an up or down vote. On September 18th 2007, 57 members of the United States Senate voted to invoke cloture, falling short by 3. There are numerous arguments on both sides concerning, the constitutionality or the unconstitutionality of S.1257, many which have been noted in HR 26 as amended. Article 1, Section 8, Clause 17, grants Congress the right to exercise exclusive, extraordinary and plenary powers in all cases over the District while Article 1, Section 2, Clause 3 states that Congress has the power to apportion the number of representatives, which shall not exceed one for every thirty thousand which would require the number of federal representatives to be at the very minimum number 10,100 to be constitutional. Without question, bills such as S.1257 always raise constitutional issues. There is no case law based on US Supreme Court decisions against or for, but it can and has been argued that Congress is not the arbiter of constitutional issues. The second goal of HR 26 as amended deals with the possibility that the Supreme Court may rule S.1257 unconstitutional, leaving three possibilities for the people of Washington DC to have a voting member of congress;; granting Washington DC full statehood, retro-ceding the territory of Washington DC back to the state of Maryland, or enacting a constitutional amendment. Keeping with the founding father's desire to have a neutral seat for the federal government without denying over 600,000 people the right to representation because the constitution requires that the number of representatives be determined based on all people not just United States citizens, HR 26 asks that our United States Senators keep with New Hampshire's long tradition of empowering its citizens and vote to support a constitutional amendment. **Vote 10-6.**

Rep. Pamela D Coughlin for the **Minority** of State-Federal Relations and Veterans Affairs: The minority of the committee believes that this House Resolution does not acknowledge the U.S. Constitution, Article 1, Section 8, Clause 17 regarding the establishment of a permanent federal seat of government. The U.S. District of Columbia is important as it avoids the influence by local and state governments. The District maintains a neutral geographic area for all three branches of the federal government; however, the U.S. Congress retains control over the District's revenue and expenditures. The District of Columbia has a unique role in our Federal Government and although not electing a member of the House of Representatives, the District has considerable influence and prestige in the federal government that is recognized both nationally and internationally.

WAYS AND MEANS

CACR 24, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: This CACR would enshrine in the state constitution the provision that no new tax on personal income may be adopted in New Hampshire. While some committee members strongly oppose a new tax on personal income, they do not wish to limit the options available to future legislatures which may be required to respond to emergencies or unforeseen circumstances. CACR's on this issue have been submitted to the legislature three times in the past ten years. Each was defeated by a large margin or a voice vote. The majority of the committee believe that the New Hampshire Constitution should remain as a framework of

government. They strongly believe that a constitutional amendment is not necessary to limit legislators in performing their duties. **Vote 14-1.**

HB 1309-FN-A, relative to the definition of "cigarette". **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William A Hatch for the **Majority** of Ways and Means: This bill defines a cigarette by materials used and weight. This assures that products that, for all intent and purpose, are cigarettes are taxed and sold as cigarettes. Currently, products that are truly cigarettes have been colored, labeled and sold as cigars. It has been stated that the tobacco used to fill this product are "sweepings." Therefore they do not give a pleasurable smoke as a cigarette. That may be true for the lower quality of this product, but there are different qualities (priced from 7.99 a carton to 16.99 a carton) and the higher quality does give a pleasurable smoke as a cigarette, according to those who have used this product. It is made, packed and smoked as a "cigarette". Therefore, it is a cigarette. This bill will prevent this product from being sold as a cigar in the future. **Vote 11-6.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: The majority would have us believe that this bill simply represents an attempt to fix a loophole in the cigarette tax. In fact, it represents a new tax on cigars. The majority would have us believe that the items to be included if this bill is passed are simply cigarettes disguised as cigars. There was even testimony from proponents, "If it walks like a duck (cigarette) and quacks like a duck (cigarette), it is in fact a duck (cigarette)." The minority is convinced that walking or quacking is not the issue here, but smoking is. Clearly, these so-called mini-cigars or cigarillos do not smoke like a cigarette. One member tried to smoke one and found that unlike a cigarette but very much like a cigar, they could not be inhaled; they in fact smoked much more like cigars than cigarettes. Before voting to call these items ducks, the minority suggests representatives sacrifice their lungs and try to inhale a couple before you vote. As well intentioned as this legislation might be, an increase in revenues from smokers, this bill is clearly drafted merely to get around Senate refusal to tax cigars in the past. If we are truly serious about taxing cigars like we do other tobacco products, let's be honest. Let's not call things cigarettes when they are not cigarettes. In fact, if you want to start taxing cigars or mini-cigars or cigarillos, there is a far more appropriate vehicle to accomplish this end. It's House Bill 1510-FN-A which is currently being explored by a subcommittee of Ways and Means. The minority believes that rather than rush forward with an OTP motion for this "ducky" tax increase, we should seriously consider the entire panoply of other tobacco products as is the case in HB 1510 which nearly every advocate of smoking cessation programs (Lung, Heart, Cancer representatives, etc.) testified was better than this bill. From a revenue point of view, since so few of these so-called mini-cigars are sold, the benefit would not be great, probably less than a million dollars, but there was compelling testimony that this could negatively effect sales at Ma and Pa and other stores in border areas, the very same stores which have already been hurt with two huge cigarette tax increases in the past two sessions.

HB 1373-FN-A-L, establishing an income tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for Ways and Means: This bill establishes an income tax at the rate of 3.5 percent. Some committee members objected to it on that basis, noting their anti-tax sentiments. Others expressed concern about potential constitutional issues, citing the specified personal exemption of \$22,000, double that for a two-person household. Others questioned why earnings over \$500,000 would be exempt. Although the bill repeals the interest and dividends tax, this was not figured in calculating the fiscal note. Taken together, these objections left the committee with no assurance that the bill would, in fact, produce tax equity nor even a net increase in revenues. **Vote 15-0.**

HB 1414-FN, increasing the fee for bail commissioners. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Peyton B Hinkle for the **Majority** of Ways and Means: This bill makes a \$15 increase in the fee charged by bail commissioners resulting in a total fee of \$45. This is the first increase in eight years while costs have been increasing. The work load of bail commissioners can fluctuate and this fee will help get them over the slack periods. **Vote 13-2.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: This bill amounts to not just a simple fee increase but to a 50 percent fee increase for bail commissioners, from \$30 to \$45 per

incident. The minority is not comfortable with giving such large salary increases even when faced with the argument that this fee has not been increased for eight years. After all, the salary of State Representatives and Senators has not been increased in well over 200 years. Like State Reps, no one is forcing anyone to become a bail commissioner. Testimony before the committee was that some of these bail commissioners handle up to 20 transactions a day. If that's true, logic demands that we assume the bail commissioner is not spending a great deal of time on each transaction. Testimony that commissioners at times are required to travel was also not convincing since in rural areas, sheriffs' personnel are usually available in lieu of bail commissioners. Twenty transactions a day would amount to a \$600 a day salary with the current fee, \$900 with the fee increase, not bad for a part time job, nor is it bad if on an hourly basis if the bail commissioner handles far fewer transactions. The minority was also not impressed with the argument that this fee had to be increased since Massachusetts is in the process of increasing its \$40 fee. Nor is the minority impressed with the argument that this will not affect state revenues since the fee is paid by the accused person. The minority would point out that this accused person, not even convicted at the time he or she is forced to incur this fee, is often the poorest and least able to pay among us (although there was in fact testimony that the fee is waived for anyone who can prove indigence). In effect, what we are doing is increasing a fee for a person who may well be innocent and may well be incurring exorbitant other costs to "prove" his or her innocence.

LAI D ON TABLE

HB 76-FN, creating an environmental policy for New Hampshire. (Pending question is Ought to Pass.)

HB 174-FN, relative to regulating residential building and remodeling contractors. (Pending question is Ought to Pass.)

HB 585-FN, requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered. (Pending question is the committee report of Inexpedient to Legislate.)

HB 620-FN, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate. (Pending question is Recommit.)

HB 799-FN, establishing a criminal usury rate for interest rates. (Pending question is Ought to Pass.)

HOUSE BILLS AMENDED BY THE SENATE

HB 351, clarifying that the definition of "overseas business organization" includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining "business activity" for purposes of the business profits tax. (House Concurred 1/30/08)

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. (House Concurred 1/30/08)

COMMITTEE MEETINGS

MONDAY, FEBRUARY 4

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), NH
Employment Security Building, 32 South Main Street, Concord
9:30 a.m. Regular meeting.

COMMISSION TO DEVELOP A COMPREHENSIVE FLOOD MANAGEMENT PLAN (HB
648, Chapter 179:1, Laws of 2007), Office of Homeland Security and Emergency
Management, Smokey Bear Boulevard, Concord
1:00 p.m. Regular meeting.

COMMISSION TO STUDY THE TRAFFICKING OF PERSONS ACROSS BORDERS FOR SEXUAL AND LABOR EXPLOITATION (SB 194, Chapter 122:1, Laws of 2007), Room 304, LOB

2:00 p.m. Rescheduled regular meeting.

COMMITTEE TO STUDY ISSUES RELATED TO COOPERATIVE SCHOOL DISTRICTS (HB 914, Chapter 257:1, Laws of 2007), Room 308, LOB

11:00 a.m. Regular meeting.

COMPREHENSIVE CANCER PLAN OVERSIGHT BOARD (RSA 126-A:65), 125 Airport Road, Conference Room A, Concord

4:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room 206, LOB

1:15 p.m. Regular meeting.

TUESDAY, FEBRUARY 5

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on **HB 1386**, relative to a grandparent's rights to access court and case records involving a grandchild.

10:00 a.m. Subcommittee work session on **HB 1323**, relative to certification of out-of-state placements in juvenile proceedings.

10:45 a.m. Subcommittee work session on **HB1291**, requiring persons under 18 years of age to wear ski helmets.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 1274**, relative to certain securities professional designations and securities administration.

9:30 a.m. Subcommittee work session on **HB 1152-FN**, relative to annual reports filed by business corporations.

10:00 a.m. **HB 1195**, relative to health care provider reimbursement for services to patients without health insurance.

10:30 a.m. **HB 1402-FN**, relative to community health centers.

11:00 a.m. **HB 1530**, relative to access to mental health practitioners.

11:30 a.m. **HB 1540-FN**, relative to coverage for clinical trials under the children's health insurance program and the state Medicaid program.

1:00 p.m. Subcommittee work session on **HB 1140**, relative to insuring personal jewelry.

1:30 p.m. **HB 1602-FN**, relative to dependent health insurance coverage.

2:00 p.m. **HB 1608-FN**, requiring insurance coverage for colorectal screening for adults in New Hampshire.

2:30 p.m. **HB 1599-FN**, relative to allowable deductibles in the individual insurance market.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Subcommittee work session on **HB 1233**, relative to the privilege of habeas corpus and **HB 1130**, relative to repealed DWI laws.

10:00 a.m. Executive session on **HB 1294**, establishing the offense of public urination or defecation, **HB 1568-FN**, relative to endangering the public water supply, **HB 1638**, establishing an oversight commission on motor vehicle fines, **HB 1133**, relative to the age of majority for purposes of pornography-related offenses.

10:30 a.m. **HB 1640-FN**, relative to the classification of convicted sex offenders and offenders

- against children.
- 11:00 a.m. Subcommittee work session on **HB 1559-FN**, requiring home confinement for certain drug possession crimes.
- 1:00 p.m. Subcommittee work session on **HB 1243**, amending the timeframes for involuntary civil commitment of sexually violent predators.

EDUCATION, Room 207, LOB

- 10:00 a.m. **CACR 29**, relating to education. Providing that the recognition of local control of education in the New Hampshire constitution is reestablished.
- 10:30 a.m. **HB 1281**, prohibiting public schools from requiring health insurance as a condition of enrollment.
- 11:15 a.m. **HB 1282**, amending the pre-engineering technology curriculum.
- 1:00 p.m. **HB 1285**, relative to organization of or withdrawal from a school administrative unit.
- 2:00 p.m. **HB 1299**, establishing a commission to study the feasibility of creating a preschool incentive fund program.
- 3:00 p.m. Subcommittee work session on **HB 1161**, relative to the definition of truancy.
- 4:00 p.m. Subcommittee work session on **HB 1164**, relative to the counting of charter school pupils in the definition of average daily membership in residence.

ETHICS COMMITTEE (RSA 14-B:2) JOINT WITH EXECUTIVE BRANCH ETHICS COMMITTEE (RSA 21-G:29), Room 308, LOB (Please note room change.)

- 12:00 p.m. Joint meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 1126**, relative to eligibility for the supervisory level certificate for commercial pesticides applicators and **HB 1533**, relative to the office of the state treasurer.
- 9:15 a.m. Subcommittee work session on **HB 1276**, relative to the regulation of auctions and auctioneers by the board of auctioneers.
- 9:20 a.m. Subcommittee work session on **HB 1320**, establishing a commission to promote the celebration of Martin Luther King, Jr. Civil Rights Day.
- 9:40 a.m. Subcommittee work session on **HB 1552-FN**, relative to establishing a single liquor commissioner.
- 10:00 a.m. **HB 1153**, relative to physician assistants and physicians regulation by the board of medicine.
- 10:45 a.m. **HB 1262**, relative to continuing medical education requirements for persons licensed by the board of medicine.
- 11:30 a.m. **HB 1394-FN**, relative to procedures for approvals of nursing education programs.
- 1:00 p.m. **HB 1208**, allowing dental hygienists to engage in independent practice.

FINANCE – (DIVISION I), Room 212, LOB

- 10:00 a.m. Work session on **HB 369-FN**, relative to state reimbursement and payment for costs of bailiffs, **HB 594-FN**, granting group II retirement system status to certain positions in the department of corrections, **HB 1341-FN-A**, making an appropriation to the department of administrative services for an energy audit and system evaluation of the state house, **HB 1366**, establishing a committee to study implementation of a new statewide budget system, **HB 1367**, establishing a committee to study implementation of a new state financial accounting system, **HB 1368-FN-A**, establishing a financial benefit for returning New Hampshire national guard and army reserve unit members and make an appropriation therefor, **SB 146-FN**, relative to allowing service credit for certain court system employment.

FINANCE – (DIVISION III), Room 209, LOB

- 1:00 p.m. Work session on **HB 502-FN-A-L**, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school.
- 2:00 p.m. Work session on **HB 584-FN**, including 17-year olds in the juvenile justice system.

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

- 9:00 a.m. Subcommittee work session on **HB 1615-FN-A**, relative to the rural health and primary care program administered by the department of health and human services and making an appropriation therefor.
- 10:00 a.m. Executive session on **HB 1138**, relative to on-line patient information, **HB 1201**, allowing communities to conduct point of dispensing exercises to test emergency management operations plans, allowing certain health professionals to administer actual medications during such exercises, and granting immunity to physicians who prescribe drugs to be administered during such exercises, **HB 1380**, relative to the procedure for amending a birth record., **HB 1422**, establishing a commission on the prevention of childhood obesity, **HB 1611-FN**, relative to physical restraints used for involuntary commitments, **HB 1167**, relative to substituting generically equivalent drug products.
- 11:00 a.m. **HB 1634**, establishing the New Hampshire council on autism spectrum disorders.
- 1:00 p.m. **HB 1389**, requiring hospitals to report on criteria for placing patients on waiting lists for organ transplants.
- 2:15 p.m. Subcommittee work session on **HB 1487**, establishing a commission to study the creation of an advanced dental hygiene practitioner to increase access to oral health care.

Room 206, LOB

- 2:30 p.m. Subcommittee work session on **HB1587-FN**, relative to patient health care information.

JUDICIARY, Room 208, LOB

- 9:00 a.m. Subcommittee work session on **HB 1408-L**, relative to the right-to-know law.
- 10:00 a.m. **HB 1146**, relative to immunity for school personnel using necessary force to protect pupils.
- 11:00 a.m. **HB 1252**, limiting civil liability of liquified petroleum gas providers under certain circumstances.
- 1:00 p.m. **HB 1265**, establishing a duty for owners of businesses and institutions to provide protection to customers and employees and liability for failure to provide protection.
- 2:00 p.m. **HB 1543-FN**, relative to the citizen's petition for redress of grievances by the legislature.
- 2:30 p.m. Executive session on **HB 1179**, including certain nonprofit organizations under the right-to-know law, **HB 1415**, relative to civil unions and marriages between parties of the same sex contracted outside of New Hampshire, **HB 1183**, relative to meeting with legal counsel under the right-to-know law, **HB 1272**, relative to "meetings" under the right-to-know law, **HB 1173**, relative to the definition of a trust, **HB 1361-FN**, requiring the continuation of the appointment of marital masters by election within the judicial district and requiring marital masters to be New Hampshire residents., **HB 1494**, relative to the office of register of probate.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:00 a.m. **HB 1364-FN**, relative to public employee collective bargaining negotiations under the public employee labor relations act.
- 11:00 a.m. **HB 1436**, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees.
- 1:00 p.m. **HB 1469**, relative to public employee terms of employment, bargaining units, and dispute resolution.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 10:30 a.m. **HB 1354**, relative to security in the state house and legislative office building.
- 1:30 p.m. **HB 1371**, extending certain studies.
- 1:45 p.m. **HB 1392-FN**, relative to prohibited activities of lobbyists.
- 2:15 p.m. **HB 1416**, establishing a committee to study methods and procedures for making the

general court paperless.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1254**, relative to the ability of towns to regulate the storage and use of deicing chemicals.
- 10:30 a.m. **HB 1196**, relative to the procedure for amending municipal charters.
- 11:00 a.m. **HB 1307**, making technical corrections to town audit and reporting requirements.
- 11:30 a.m. **HB 1331**, relative to the duties and authority of the town budget committee.
- 1:00 p.m. Full committee work session on **HB 445-FN-L**, relative to the assessment of open space land.
- 1:15 p.m. **HB 1413**, relative to elimination of sign-off requirements for payroll manifests.
- 1:45 p.m. **HB 1424**, relative to notice of meetings of county conventions.
- 2:15 p.m. **HB 1486**, enabling municipalities to establish term limits for elected officials.
- 2:45 p.m. **HB 1205-FN-L**, relative to the recall of selectmen.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Continued executive session on **HB 1456**, naming route 202 in Strafford county the Charles E. Smith Memorial Highway, **HB 1145**, designating the Senator Otto Oleson Scenic Overlook in Jefferson, **HB 1181**, naming the Manchester district courthouse the Armand Capistran district courthouse, **HB 1352**, relative to biennial reporting on the comprehensive state development plan.
- 1:00 p.m. Informational session with the Department of Transportation.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Subcommittee work session on **HB 1579-FN**, relative to setback requirements from wetlands.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

- 10:30 a.m. **HB 1335**, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.
- 11:30 a.m. **HR 23**, declaring a supra-national government such as a North American union unconstitutional.
- 1:00 p.m. **CACR 25**, relating to state participation in federal programs. Providing that the state shall not participate in unfunded and partially funded federally mandated programs.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Continued public hearing on **HB 1426-FN-A**, relative to motor fuel import fees.
- 10:15 a.m. Continued public hearing on **HB 1427-FN-A**, relative to the fuel oil import fee.
- 10:30 a.m. **HB 1512-FN-L**, relative to disposition of motor vehicle fines.
- 11:00 a.m. **HB 1360-FN-A**, repealing the court civil filing fee surcharge.
- 1:00 p.m. Full committee work session on **HB 1511-FN-A**, relative to fees for laboratory services and establishing a laboratory services fund, **SB 173**, relative to regulation of private postsecondary career schools, **HB 781-FN**, relative to the duties of the department of safety.

THURSDAY, FEBRUARY 7

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 1490**, adopting the uniform child custody jurisdiction and enforcement act.
- 11:00 a.m. Executive session on **HB 1239**, relative to the legislative youth advisory council, **HB 1289**, relative to court-ordered placements for a child in need of services, **HB 1290-L**, establishing a committee to study insurance coverage and related issues for children required to do community service, **HB 1319**, relative to the reasonable cost of medical support for dependent children, **HB 1190**, establishing a commission to study issues

related to child support, **HB 1477**, relative to cellular phone and satellite television records for child support enforcement.

COMMERCE, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 1174**, relative to condominium association meetings.
- 10:00 a.m. **HB 1177**, relative to prohibited interests in on-premises liquor licensees.
- 10:30 a.m. **HB 1178**, relative to the definition of beverage.
- 11:00 a.m. **HB 1197**, relative to liquor advertising.
- 11:30 a.m. **HB 1237**, establishing a committee to study liquor advertising.
- 1:15 p.m. Public hearing on proposed amendment to **HB 686-FN**, relative to the regulation of tracking devices. The proposed amendment is relative to the regulation of tracking devices and the illegal use of payment card scanning devices or reencoders. Copies of the amendment are available from the Sergeant-at-Arms Office.
- 2:30 p.m. Executive session on **HB 1137**, relative to contracts with illegal aliens, **HB 1140**, relative to insuring personal jewelry, **HB 1152-FN**, relative to annual reports filed by business corporations, **HB 1174**, relative to condominium association meetings, **HB 1187**, regulating disclosure of personal information obtained in the course of business, **HB 1249**, relative to gasoline and diesel fuel prices, **HB 1274**, relative to certain securities professional designations and securities administration.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 9:00 a.m. Subcommittee work session on **HB 1470**, relative to vehicular pursuits by police officers.
- 9:30 a.m. Subcommittee work session on **HB 1311**, relative to impaired driver intervention programs.
- 10:00 a.m. **HB 1407**, relative to permission to discharge a firearm in the compact part of a town or city.
- 10:15 a.m. **HB 436**, expanding employee freedom of expression to all public employees.
- 10:30 a.m. Subcommittee work session on **HB 1180**, relative to the definitions of "law enforcement officer" and "judicial officer" under the capital murder law.

EDUCATION, Room 207, LOB

- 1:00 p.m. **HB 1642-FN**, relative to funding for charter schools authorized by the state board of education.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 1633-FN**, relative to the regulation of licensed alcohol and drug use counselors and **HB 1552-FN**, relative to establishing a single liquor commissioner.
- 9:30 a.m. Subcommittee work session on **HB 1630-FN**, establishing the position of administrator of contract services.
- 10:00 a.m. **HB 1288**, allowing pharmacists to administer influenza vaccines.
- 10:45 a.m. **HB 1585-FN**, relative to regulation of fuel gas fitters by the state fire marshal.
- 11:30 a.m. **HB 1627**, establishing a committee to study procedures and standards used by the state in public service contracts.
- 1:00 p.m. **HB 1516-FN**, relative to the divestiture of New Hampshire retirement assets relating to Sudan.
- 2:00 p.m. Executive session on **HB 1126**, relative to eligibility for the supervisory level certificate for commercial pesticides applicators, **HB 1278**, relative to the purchase of computer services and supplies for state agencies, **HB 1340**, relative to the special account of the judicial retirement system, **HB 1465**, establishing a committee to study the feasibility of requiring state government to consider using open source software when acquiring new software, **HB 1320**, establishing a commission to promote the celebration of Martin Luther King, Jr. Civil Rights Day, **HB 1630-FN**,

establishing the position of administrator of contract services, **HB 1533**, relative to the office of the state treasurer.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. **HB 924-FN**, relative to the deconstruction of buildings.
- 11:00 a.m. **SB 94**, relative to the office of information technology.

FINANCE – (DIVISION I), Room 212, LOB

- 1:00 p.m. **HB 65**, relative to the Pease development authority

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

- 1:00 p.m. **HB 1492**, relative to prescriptions under the controlled drug act.
- 1:30 p.m. **HB 1396-FN**, relative to requiring prescriptions to be ordered pursuant to a practitioner-patient relationship.
- 2:45 p.m. Subcommittee work session on **HB 1447-FN**, relative to Medicaid for employed adults with disabilities.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1329**, relative to the authority of elected municipal authorities in dealing with municipal utilities.
- 10:30 a.m. **HB 1409**, creating a right of first refusal for a municipality in which certain utility property or stock is proposed to be sold by a utility.
- 11:00 a.m. **HB 1444-FN-L**, relative to vacancies in county offices.
- 11:30 a.m. **HB 1449-FN-L**, allowing county commissioners to be interim administrators of the county nursing home.
- 1:15 p.m. Executive session on **HB 1149**, relative to the operation and maintenance of the Gunstock Area in Gilford, **HB 1147**, relative to statements of financial condition by counties, **HB 1163**, relative to town or district bonds or notes, **HB 1226**, allowing the town of Bristol to establish a capital reserve fund for use of the water works and sewer department, **HB 1441-L**, relative to use of the terms "selectwoman" and "selectperson," **HB 1247**, relative to

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:30 a.m. **HB 1460**, requiring the public utilities commission provide cost recovery for construction of generation assets by Public Service Company of New Hampshire.
- 1:00 p.m. Full committee work session on **HB 1561**, establishing an energy conservation and efficiency board and **HB 1268**, establishing a commission to study creating incentives for electricity conservation and efficiency by consumers.
- 2:30 p.m. Full committee work session on **HB 1628**, relative to renewable energy generation incentive programs.
- 3:30 p.m. Full committee work session on **HB 1434**, relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions.

TRANSPORTATION, Room 203, LOB

- 9:00 a.m. Subcommittee work session on **HB 1162**, relative to supervised driving time by persons completing driver education.
- 10:00 a.m. Subcommittee work session on **HB 1203**, relative to bicycles.
- 11:00 a.m. Subcommittee work session on **HB 1222**, prohibiting writing a text message while driving.

WAYS AND MEANS, Room 202, LOB

- 9:30 a.m. Executive session on **HR 28**, affirming revenue estimates for fiscal years 2008 and 2009.

FRIDAY, FEBRUARY 8

COMMISSION TO STUDY CHILDHOOD LEAD POISONING PREVENTION LAWS, POLICIES AND STANDARDS IN NEW HAMPSHIRE (SB 176, Chapter 293:10, Laws of 2007), Room 100, State House

9:30 a.m. Regular meeting.

DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE (RSA 171-A:1-c), Room 103, State House

11:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Rooms 210-211, LOB

10:00 a.m. *HB 1643-FN*, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.

FINANCE JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 210-211, LOB

10:00 a.m. *HB 1643-FN*, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB

1:30 p.m. Regular meeting.

MONDAY, FEBRUARY 11

COMMISSION TO DEVELOP A COMPREHENSIVE STATE MENTAL HEALTH PLAN (HB 691-FN-L, Chapter 175:15, Laws of 2005), Room 202, LOB

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

COMMISSION TO STUDY METHODS AND COSTS OF SEWAGE, SLUDGE, AND SEPTAGE DISPOSAL (HB 699, Chapter 253:1, Laws of 2007), Room 303, LOB

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 12

CHILDREN AND FAMILY LAW, Room 206, LOB

1:00 p.m. Subcommittee work session on *HB1189*, relative to the development and enforcement of the parenting plan.

2:00 p.m. Subcommittee work session on *HB1148*, relative to the enforcement of parenting plans.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on *HB 1497-FN*, requiring proof of motor vehicle liability insurance prior to selling a motor vehicle to a person under 21 years of age.

9:30 a.m. Subcommittee work session on *HB 1356-FN*, prohibiting the use of certain information to underwrite motor vehicle insurance coverage.

10:00 a.m. Subcommittee work session on *HB 1292*, relative to amending the charter of

- Dartmouth college.
- 10:30 a.m. Subcommittee work session on **HB 1198**, limiting the annual interest that may be charged on small loans.
- 11:00 a.m. **HB 1605-FN**, making certain technical changes in the insurance laws.
- 1:00 p.m. **HB 1557**, relative to enforcement of modular building standards.
- 1:30 p.m. **HB 1558-FN**, requiring disclosure of fees by automobile dealers.
- 2:00 p.m. **HB 1591-FN**, relative to vehicles traded to automobile dealers.
- 2:30 p.m. Continued executive session on pending legislation, if needed.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1304**, authorizing Plymouth state university to award doctoral degrees.
- 11:00 a.m. **HB 1328**, relative to disciplining school employees.
- 11:30 a.m. **HB 1330**, relative to the process for nonrenewal of teacher contracts.
- 1:00 p.m. **HB 1336**, requiring the department of education to develop a plan to educate school personnel to recognize stress-related issues in children whose parents have served in Iraq or Afghanistan.
- 1:30 p.m. Rescheduled public hearing on **HB 1489**, prohibiting the start of public school until after Labor Day.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. Executive session on **HB 1131**, relative to protection of poll workers' employment, **HB 1139**, relative to party access to voter information, **HB 1170-FN**, requiring that certain contributions be reported to the secretary of state before they may be used by a candidate, **HB 1204**, relative to the number of write-in votes required to receive a party's nomination, **HB 1218**, relative to signs at polling places, **HB 1227**, clarifying when persons elected may assume certain offices, **HB 1240**, relative to disqualification of certain election officers and relative to arrangement of polling places, **HB 1255**, relative to declarations filed by candidates for office, **HB 1271**, relative to 2008 contribution reports by candidates, **HB 1273**, establishing a commission to study "clean elections" funding, **HB 1305-FN-L**, relative to filing for election to town offices, **HB 1326**, relative to access to voter information, **HB 1327**, relative to domicile for purposes of voter eligibility, **HB 1362-FN-L**, establishing a selection process for compulsory assistant election official service, **HB 1397-FN**, relative to retention of political expenditure receipts, **HB 1398-FN**, requiring that certain political contributions be made in cash, **HB 1399-FN**, relative to the limit for political contributions, **HB 1454**, relative to electoral college electors, **HB 1554-FN**, relative to challenges of voters.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on **HB 1538**, relative to mineral extraction, mining, and reclamation in New Hampshire.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.

FINANCE, Rooms 210-211, LOB

- 1:00 p.m. Executive session on **HB 369-FN**, relative to state reimbursement and payment for costs of bailiffs, **HB 594-FN**, granting group II retirement system status to certain positions in the department of corrections, **HB 1341-FN-A**, making an appropriation to the department of administrative services for an energy audit and system evaluation of the state house, **HB 1366**, establishing a committee to study implementation of a new statewide budget system, **HB 1367**, establishing a committee to study implementation of a new state financial accounting system, **HB**

1368-FN-A, establishing a financial benefit for returning New Hampshire national guard and army reserve unit members and make an appropriation therefor, **HB 1419-FN**, relative to voting machine costs, **SB 146-FN**, relative to allowing service credit for certain court system employment, **HB 502-FN-A-L**, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school, **HB 584-FN**, including 17-year olds in the juvenile justice system, **HB 1485**, relative to state reimbursement under the housing security guarantee program, **HB 1503-FN-A**, making an appropriation to fund the reporting of hospital infections by the department of health and human services, **HB 1612-FN-L**, relative to county and state obligations for costs for nursing care and services, and for court orders for children services.

FINANCE JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.

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

10:00 a.m. Executive session on **HB 1389**, requiring hospitals to report on criteria for placing patients on waiting lists for organ transplants, **HB 1423-L**, establishing a commission on larviciding, **HB 1447-FN**, relative to Medicaid for employed adults with disabilities, **HB 1487**, establishing a commission to study the creation of an advanced dental hygiene practitioner to increase access to oral health care, **HB 1634**, establishing the New Hampshire council on autism spectrum disorders.

11:15 a.m. **HB 1637**, relative to reports to the cancer registry.

1:00 p.m. **HB 1513-FN**, relative to an evidence-based prescription drug education program.

JUDICIARY, Room 208, LOB

10:00 a.m. Rescheduled public hearing on **HB 1432**, relative to the intent of living wills.

11:00 a.m. Rescheduled public hearing on **HB 1185**, relative to the preservation of religious freedom.

1:00 p.m. Rescheduled public hearing on **HB 1322**, relative to hearings for incapacitated persons admitted to state institutions by their guardians.

2:00 p.m. Rescheduled public hearing on **HB 1333**, relative to post-foreclosure eviction actions.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:00 a.m. Executive session on **HB 1127**, relative to determining a bargaining unit in public employee labor relations, **HB 1242**, relative to the prohibition on employee consumption of beverage or liquor, **HB 1342**, relative to travel pay for certain employees, **HB 1344**, relative to negotiations between public employers and employees, **HB 1515-FN**, prohibiting "at will" employment and creating a database of employee terminations.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. **HB 1493**, relative to the commission to study the state highway trust fund.

10:30 a.m. **HB 1641-FN**, relative to collections and refunds of road tolls.

1:00 p.m. **HB 1377**, relative to state highway rest areas and welcome centers.

1:45 p.m. **HB 1209**, establishing a 6-year transportation improvement plan.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HB1448-FN**, relative to documents prepared by the department of transportation and reimbursement fees for such documents.

THURSDAY, FEBRUARY 14

CHILDREN AND FAMILY LAW, Room 206, LOB

- 9:30 a.m. Subcommittee work session on **HB 1370**, establishing a pilot program for an integrated juvenile justice information sharing system.
- 10:30 a.m. Subcommittee work session on **HB 1388**, requiring the department of health and human services to gather statistical information relative to medications prescribed to children in court-ordered placements and establishing a commission to study the issue.
- 1:30 p.m. Subcommittee work session on **HB 1148**, relative to the enforcement of parenting plans.

COMMERCE, Room 302, LOB

- 10:00 a.m. **HB 1566-FN**, prohibiting automated teller machine skimming devices.
- 10:30 a.m. **HB 1230**, requiring pharmacists to charge an insured person the usual and customary price or the copayment, whichever is less, of filling a prescription.
- 11:00 a.m. **HB 1518-FN**, relative to prescription drug marketing, restrictions, and disclosure.
- 1:15 p.m. **HB 1421**, relative to an exemption from the indoor smoking act for certain restaurants.
- 1:45 p.m. **HB 1457**, allowing smoking in smoking bars.
- 2:15 p.m. **HB 1553-FN**, banning sales of cigarettes through vending machines and banning the distribution of free samples of tobacco products.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. Executive session on pending legislation, if needed.

FISH AND GAME, Room 307, LOB

- 9:00 a.m. Subcommittee work session on **HB 1468**, relative to mosquito control policy for lands managed by the fish and game department.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1160**, establishing the women's health protection act.
- 11:00 a.m. **HB 1495-FN**, relative to parental notification.
- 1:00 p.m. **HB 1498-FN**, relative to notification of a parent or guardian by medical professionals when treating a minor.
- 2:00 p.m. **HB 1588-FN**, relative to the verification of the state of residency of an unemancipated minor seeking an abortion in New Hampshire.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Rescheduled public hearing on **HB 666-FN**, establishing a license fee for the sale of animal vaccines.

FRIDAY, FEBRUARY 15**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

- 9:00 a.m. Regular meeting.

COMMISSION TO ORGANIZE EVENTS IN CELEBRATION OF THE ABRAHAM LINCOLN BICENTENNIAL (SB 221, Chapter 124:1, Laws of 2007), Tuck Library, NH Historical Society, Concord

- 12:00 p.m. Organizational meeting.

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

- 10:00 a.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 301-303, LOB

- 9:30 a.m. Regular meeting.

STATE RETIREE HEALTH PLAN COMMISSION (RSA 100-A:56), Room 212, LOB

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 19

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **CACR 21**, relating to local public education. Providing that the local political subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding, **CACR 29**, relating to education. Providing that the recognition of local control of education in the New Hampshire constitution is reestablished, **HB 1224-FN-L**, relative to the definition of an adequate education, **HB 1281**, prohibiting public schools from requiring health insurance as a condition of enrollment, **HB 1282**, amending the pre-engineering technology curriculum, **HB 1285**, relative to organization of or withdrawal from a school administrative unit, **HB 1299**, establishing a commission to study the feasibility of creating a preschool incentive fund program, **HB 1304**, authorizing Plymouth state university to award doctoral degrees, **HB 1328**, relative to disciplining school employees, **HB 1330**, relative to the process for nonrenewal of teacher contracts, **HB 1336**, requiring the department of education to develop a plan to educate school personnel to recognize stress-related issues in children whose parents have served in Iraq or Afghanistan, **HB 1390**, relative to educational improvement and accountability, **HB 1435**, requiring certain food programs to comply with Centers for Disease Control/Institute of Medicine standards, **HB, 1482-FN-L**, requiring schools and school libraries to install Internet filters, **HB 1483**, requiring instruction in Internet safety, **HB 1489**, prohibiting the start of public school until after Labor Day.

THURSDAY, FEBRUARY 21

PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of 2007), Rooms 110-112, 29 Hazen Drive, Concord

2:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 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.

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

9:00 a.m. Regular business.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will hold a public meeting on Tuesday, **February 19** beginning at 7:00 p.m. The meeting will be held at the Belknap County Complex in the multi-purpose room, 34 County Drive, Laconia. 1. The purpose of this meeting is to approve and pass the year 2008 Belknap County Budget. We urge you to attend. 2. Other County business as necessary.

Rep. Stephen H. Nedeau, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Rockingham County 2008 Budget schedule:

Rockingham County Executive Committee will meet on Friday, **February 8** at 9:30 a.m. at the Hilton Auditorium, RCNH, Brentwood for the Subcommittee Chairs to report budget recommendations and for the Executive Committee to vote on the budget to be presented to the full Delegation.

Rockingham County Executive Committee will meet on Tuesday, **February 19** at 5:30 p.m. at the Hilton Auditorium, RCNH, Brentwood, to finalize unfinished business prior to the Delegation Meeting.

Rockingham County Delegation (RSA 24:21-b) will meet on Tuesday, **February 19** at 6:00 p.m. at the Hilton Auditorium, RCNH, Brentwood, to adopt the County Budget for 2008. Sandwiches and light refreshments will be provided. Thursday, February 21 will be the storm date.

Rep. David A. Welch, Clerk
Rockingham County Delegation

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.

Rep. Peter R. Cote, 68 Bowers Street, Nashua, New Hampshire 03060-3927.

Rep. Robert W. Forsing, Epsom Healthcare Center, Room 201, 901 Suncook Valley Highway, Epsom, New Hampshire 03234.

Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs. 91, 172, 173, 211, 285, 315, 369, 415, 432, 523, 563, 584, 594, 678, 692, 754, 765, 794, 837, 901, 1298, 1580, 1598, 1599, 1602, 1603, 1605, 1607, 1608, 1614, 1615, 1616, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1631, 1633, 1635. SBs 146, 173, 212.

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.

Northeast Delta Dental cordially invites all members of the New Hampshire Legislature, and their staffs, to its Ninth Annual Legislative Reception to be held Tuesday, **February 5** from 4:00 p.m. to 6:30 p.m. at its corporate office One Delta Drive in Concord.

Reps. Mary Jane Wallner and Michael D. Whalley

Bi-State Primary Care Association and the NH Community Health Centers invite all legislators to attend the 2008 Legislative Breakfast of Champions on Thursday, **February 7**, from 7:30 a.m. (hot breakfast) to 9:00 a.m. at the Concord Holiday Inn, 172 N. Main St., Concord. This year's topic is Barriers to Access: Building Primary Care Capacity in New Hampshire - Workforce, Capital, Coverage. We look forward to seeing you there. Snow date: February 20.

Reps. Martha McLeod and Elizabeth S. Hager

The Legislative Caucus for Young Children (LCYC) will meet on Monday, **February 11** in Room 206, LOB at 1:15 p.m. The guest speaker will be Rep. Emma Rous, Chair of the House Education Committee and Co-Chair of the Joint Legislative Oversight Committee on Costing an Adequate Education. Rep. Rous will present an update of the Joint Committee's progress to date. All members welcome.

Rep. Mary Stuart Gile

To all legislators: What is mental health? How interconnected are mental health, physical health and substance use disorders, and what impact do they have on suicide and suicide attempts? You along with your fellow legislators, NAMI NH family leaders board members and leaders from NH's Community Mental Health Centers, are invited to join a discussion about mental health services in NH. At the luncheon you will hear from a survivor of suicide; he will tell his story of the impact of mental illness and death by suicide on a family. This non-partisan event, sponsored by the National Alliance on Mental Illness will be held on **February 12** from noon to 1:00 p.m. at St. Paul's Church, 21 Centre Street, Concord. Lunch will be provided. For more information please call or email: 225-5359 or info@naminh.org.

Reps. Mary Jane Wallner and Michael D. Whalley

The NH Career & Technical Education Student Organizations will be in the Cafeteria at the State House on Wednesday, **February 13**. These include DECA - An association of marketing students, FBLA - Future Business Leaders of America, FCCLA - Family Career and Community Leaders of America, FFA - An association of agriculture students, HOSA - Health Occupations Students of America, NH Skills - An association of trade and industry students, and TSA - Technology Students Association. These are the (7) student leadership organizations that are offered throughout NH schools from middle to post-secondary. Please join the State Officers starting at 8:00 a.m. for free breakfast demo, blood pressure checks, corsage making, interactive displays, and speeches.

Rep. Mary Jane Wallner

Representative John Alger, P.E. was serving as Chairman of Science, Technology and Energy Committee at the time of his passing in 2005. In recognition of his distinguished engineering and legislative careers, the New Hampshire Society of Professional Engineers (NHSPE) renamed its annual scholarship program as the John Alger Memorial Scholarship in his honor. This is an excellent program, supporting in-state students who are pursuing careers in the engineering profession. Members who would like to support this program and honor John should contact Larry Dwyer at Ldwyer@jgieastern.com, visit the NHSPE website nhspe.org, or mail a contribution to Lawrence Dwyer, PO Box 1146, Amherst, NH 03031. John's achievements and scholarship fundraising results will be recognized at the New Hampshire Engineers Week Banquet at The Center of New Hampshire on **February 21**. Members interested in attending should contact Cecile Baldassara at 647-8700x200 or cbaldassara@sfceng.com.

Rep. Franklin T. Tilton

The House Republican Alliance will meet every Tuesday at 8:30 a.m. in the Upham Walker House.

Rep. David J. Bettencourt

The Main Street Republicans will meet every Wednesday at 8:30 a.m. at the Upham Walker House.

Rep. David H. Kidder

STATE HOUSE VISITATION SCHEDULE

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 **January & February** 2008. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the remainder of the school year and subject to changes. Please note that if your school is closed or has a delay, that their tour will be rescheduled. Please contact the Visitors' Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Caitlin A. Daniuk, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
Feb 4	10:00	Moultonborough Central School	4/43
Feb 4	11:30	Tripp Center – Franklin	Adult/12
Feb 5	9:00	Peter Woodbury School – Bedford	4/40
Feb 5	10:00	UNH – Social Work Students	College/32
Feb 6	9:00	Peter Woodbury School – Bedford	4/40
Feb 6	3:00	World Affairs Council	Adult/30
Feb 7	9:00	Peter Woodbury School – Bedford	4/40
Feb 7	10:00/11:30	Bicentennial Elementary School – Nashua	4/48
	SH/HM		
Feb 8	9:30/11:00	Jaffrey Grade School	4/68
	SH/SC/HM		
Feb 11	10:00/11:30	Stratham Memorial School	4/55
	SH/SC		
Feb 12	10:00/11:30	Bicentennial Elementary School – Nashua	4/72
	SH/HM		
Feb 13	8:30/10:15	Bishop Guertin High School – Nashua	HS/110
	SH/HM		
Feb 14	10:00/11:30	Derry Village School	4/105
	SH/HM		
Feb 15	10:00/11:30	Stratham Memorial School	4/55
	SH/SC		
Feb 19	9:30/11:30	Maplewood Elementary School –	4/60
	SH/HM	Somersworth	
Feb 19	12:30	Sunapee District Boy Scouts	11-18yrs/26
Feb 20	9:30/11:30	Maplewood Elementary School –	4/60
	SH/HM	Somersworth	
Feb 21	9:45/11:00	East Rochester School	5/75
	SH/HM		
Feb 21	1:00	Vesta Roy Excellence Group	Adult/8
Feb 21	3:00	Rivier College – Nursing Students	College/30
Feb 22	8:45	Walker School – Concord	(3 rd &4 th)/27
Feb 22	11:00	Chichester Central School	4/25

WEDNESDAY, FEBRUARY 6

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2008-0211h

Amendment to HB 503-FN

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by replacing the title with the following:

AN ACT relative to establishing a solid waste management fund and assessing a beverage container fee.

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

1 Repeal. RSA 149-M:6, XI, relative to a surcharge on out-of-state waste, is repealed.

2 Rulemaking; Solid Waste Management. RSA 149-M:7, VII is repealed and reenacted to read as follows:

VII. Administration of and standards for the assessment, payment, collection, and auditing conducted and penalties assessed pursuant to the beverage fee under RSA 149-M:60 and for disbursements made from the solid waste management fund pursuant to RSA 149-M:61.

3 New Subdivision; Funding for Solid Waste Management and Recycling. Amend RSA 149-M by inserting after section 58 the following new subdivision:

Funding for Solid Waste Management and Recycling

149-M:59 Beverage Defined. In this subdivision, “beverage” means all still and carbonated drinks; fruit juices and all beverages compounded therefrom; all bottled waters; and all packaged liquids intended for drinking. Milk and unmixed products thereof, infant formula and unmixed products thereof, are not included as “beverages” under this chapter. The term “beverage” as used in this chapter shall not apply to wine and liquor as defined in RSA 175:1.

149-M:60 Beverage Container Fee; Payment.

I. A beverage container fee of \$0.01 per container shall be paid by a beverage manufacturer, wholesaler or wholesale distributor upon the first sale of a beverage in this state which is not produced for export.

II. All fees payable during the preceding calendar month shall be paid to the department on or before the fifteenth day of the following month. A penalty of 10 percent of the fees payable shall be added and collected by the commissioner for failure to pay any part of fees payable under this section when due.

149-M:61 Solid Waste Management Fund. There is hereby established in the office of the treasurer a solid waste management fund which shall be kept distinct and separate from all other funds. All moneys received from the beverage container fee established under RSA 149-M:60 shall be credited to such fund. Such fund shall be nonlapsing and continually appropriated to the department for the planning, recycling, and regulation of solid waste and for the investigation of solid waste complaints and cleanup of abandoned solid waste sites.

149-M:62 Use of Solid Waste Management Fund.

I. Up to 35 percent of beverage fee revenues deposited into the solid waste management fund established under RSA 149-M:61 shall be available to the department for solid waste management, including administration, technical assistance, operator training, education and outreach, permitting, regulatory compliance, complaint investigation, and cleanup of abandoned solid waste sites.

II. At least 65 percent of surcharge revenues deposited into the solid waste management fund established under RSA 149-M:61 shall be available as grants for household hazardous waste collection and management, educational events, roadside cleanup, recycling, solid waste reduction, and electronic waste management, in the following proportions:

(a) At least 70 percent to municipalities for recycling related activities including electronics;

(b) Up to 2 percent to nonprofit organizations, registered and in good standing with the attorney general, for educational purposes, roadside cleanup and beautification;

(c) Up to 8 percent for seed grants or no interest loans for start-up of businesses that manufacture products in New Hampshire using New Hampshire generated recyclable materials.

(d) Up to 20 percent for household hazardous waste grants.

III. The department shall adopt rules under RSA 541-A for the administration of the grant program in paragraph II, including application forms, process, and procedures for awarding and disbursing grants.

IV. Grants made under paragraph II shall be made annually by the department upon authorization by the recycling steering committee established under RSA 149-O.

4 Recycling Steering Committee. RSA 149-O is repealed and reenacted to read as follows:

CHAPTER 149-O

RECYCLING STEERING COMMITTEE

149-O:1 Committee Established. There is established a recycling steering committee to promote recycling in New Hampshire.

149-O:2 Duties. The recycling steering committee shall have the following duties:

I. Advocating for recycling and waste reduction in New Hampshire.

II. Authorizing recycling, waste reduction, and waste management grants to be made to municipalities, businesses, and nonprofit organizations by the department using funds from the solid waste management fund established under RSA 149-M:61.

III. Establishing priorities for and amounts of grants distributed under RSA 149-O:2, II.

149-O:3 Membership.

I. The recycling steering committee shall consist of the following members, representing the major segments of the state's recycling community:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One representative of New Hampshire's environmental community, appointed by the governor.

(d) A person responsible for recycling coordination in the department of environmental services, or another appropriate representative of the department, appointed by the commissioner of the department of environmental services.

(e) A representative from the New Hampshire Municipal Association, appointed by the association.

(f) The executive director of the Northeast Resource Recovery Association.

(g) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

II. The members shall elect a chairperson and vice-chairperson.

III. Members shall be appointed for a period of 4 years.

149-O:4 Meetings. The recycling steering committee shall meet quarterly and at such other times as the chairperson may call.

149-O:5 Report. The recycling steering committee shall prepare an annual report, including any recommended legislation, detailing the committee's work, including the number, dollar amount, and recipients of grants recommended under RSA 149-O:2, II, the adequacy of funding for the program, and the effectiveness of the program. The committee shall submit the report by February 1 each year to the chairpersons of the house and senate standing committees having jurisdiction over environmental matters, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the state library, the governor, and the commissioner of the department of environmental services.

149-O:6 Mileage. Members shall serve without compensation except that legislative members shall receive legislative mileage while conducting recycling steering committee business.

5 Reference Change. Amend RSA 149-M:29, II(h) to read as follows:

(h) The status of efforts by the ~~[market development]~~ **recycling** steering committee established in RSA 149-O:1.

6 New Subparagraph; Solid Waste Management Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the solid waste management fund established by RSA 149-M:61.

7 Effective Date. This act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill establishes a solid waste management fund, establishes a beverage container fee, and changes the name, duties, and membership of the market development steering committee.

2008-0149h

Amendment to HB 1132

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

Amend RSA 570-A:2, II(l) as inserted by section 1 of the bill by replacing it with the following:

(l) A law enforcement officer in the ordinary course of the officer's duties using any device capable of making an audio or video recording, or both, and which is attached to and used in conjunction with a TASER or other similar electroshock device. A copy of any audio or video recording, or both, made by such a device shall be furnished to any person who is subject of such recording upon his or her request.

2008-0192h

Amendment to HB 1168

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Acceptance of Personal Property Donated to Towns and Village Districts. Amend RSA 31:95-e, II to read as follows:

II. Prior to the acceptance of any such gift with a value of ~~[over \$500]~~ **\$5,000 or more**, the selectmen or **board of** commissioners shall hold a public hearing on the proposed acceptance. For gifts with a value of ~~[\$500 or]~~ less **than \$5,000**, a public hearing on the proposed acceptance shall be at the discretion of the selectmen or **board of** commissioners. ***If no public hearing is held the board of selectmen or board of commissioners shall post notice of the gift in the agenda and shall include notice in the minutes of the board of selectmen or board of commissioners meeting at which such gift is discussed. The acceptance of gifts under this paragraph shall be made in public session of any regular board of selectmen or board of commissioners meeting.***

AMENDED ANALYSIS

This bill:

I. Requires selectmen or board of commissioners to hold public hearings on the acceptance of gifts to the municipality valued at \$5,000 or more.

II. Requires notice of gifts valued at less than \$5,000 if no public meeting is held.

2008-0317h

Amendment to HB 1171

Proposed by the Committee on Education - C

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

1 Commission Established. There is established a commission to study air quality issues in public school buildings.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) One member from the department of environmental services with expertise in air quality issues, appointed by the commissioner of the department of environmental services.

(d) One member from the department of education with expertise in school building issues, appointed by the commissioner of the department of education.

(e) One member from the department of health and human services, division of public health services, with experience in indoor air quality and respiratory health issues, appointed by the commissioner of health and human services.

(f) One member from the New Hampshire Health Officers' Association, appointed by that association.

(g) Up to 3 members from the public knowledgeable in the areas of school health advocacy and school building air quality, 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.

3 Duties.

I. The commission shall study air quality issues in public school buildings, and the feasibility of implementing air quality standards and performing regular air quality inspections in public school buildings.

II. The commission may solicit, accept, and expend any grants, gifts, or donations from any source, provided such grants, gifts, or donations shall be used for the purpose of retaining consultants with relevant information and expertise as deemed necessary by the commission.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

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

2008-0312h

Amendment to HB 1186

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

Amend RSA 374-F:5, II as inserted by section 3 of the bill by replacing it with the following:

II.~~(a)~~ Committee members shall be appointed to 2-year terms expiring on the first Wednesday of even-numbered years. Members may succeed themselves.

~~(b) A chairperson shall be selected by a majority of the committee members.]~~

2008-0111h

Amendment to HB 1206

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing all after section 2 with the following:

3 Reasons for Removal and Impoundment; Terminology Change. Amend RSA 262:32, VII to read as follows:

VII. A vehicle has been left unattended within a state-owned park and ride ~~[lot]~~ **facility** for a period of greater than ~~[30]~~ **21** days.

4 Vehicles Removed from Private and State Property. Amend the introductory paragraph of RSA 262:40-a, I to read as follows:

I. The owner or person in lawful possession of any private property or the manager of a state-owned park and ride ~~[lot]~~ **facility** on which a vehicle is parked without permission or is apparently abandoned may:

5 Vehicles Removed from Private and State Property. Amend RSA 262:40-a, III to read as follows:

III. The department of transportation shall give authorized persons permission to move any vehicle within a state-owned park and ride ~~lot~~ **facility** when such vehicle is improperly parked in a bus storage or travel lane which is properly marked. The owner of the vehicle shall be responsible for the costs of moving the vehicle.

6 Additional Parking Regulation; Official Signs at Park and Ride Facilities Restricting Parking. Amend RSA 265:71, IV to read as follows:

IV. The commissioner of transportation with respect to ways under ~~his~~ **the department's** jurisdiction may place signs ~~prohibiting~~ **to prohibit** or ~~restricting~~ **restrict** the stopping, standing or parking of vehicles on any way where in ~~his~~ **the commissioner's** opinion such stopping, standing or parking is dangerous to those using the way or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon **or to control the parking of vehicles at a park and ride facility**. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

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

2008-0180h

Amendment to HB 1277

Proposed by the Committee on Environment and Agriculture - C

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

1 Agricultural; Definition. Amend RSA 21:34-a, II(a)(11) to read as follows:

(11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, **viticultural**, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, **grapes**, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

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

2008-0153h

Amendment to HB 1293

Proposed by the Committee on Environment and Agriculture - R

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

1 Animal Population Control; Owner Eligibility. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. ~~[A resident of the state who has adopted an eligible dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, and such person pays a fee of \$40. The sterilization shall be performed by a participating veterinarian.]~~ Dogs and cats imported from out of state into New Hampshire animal shelters, **pet shops**, or adoption agencies shall not be eligible for this program.

II. A resident of the state who owns a dog or cat and who ~~is eligible for~~ **participates in** one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of ~~[\$25]~~ **\$35 for dogs and \$40 for cats**:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The Temporary Assistance for Needy Families Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

- (e) The medicaid program established under RSA 167.
- (f) The old age assistance program established under RSA 167.
- (g) The aid to the permanently and totally disabled program established under RSA 167.

III. A resident of the state who owns a dog or cat shall also be eligible to participate in the reduced fee companion animal population control program if the person has a household income which qualifies for participation in the New Hampshire Fuel Assistance Program (NHFAP), and if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure; and if such person pays a fee of \$35 for dogs and \$40 for cats. Standards for the NHFAP can be obtained from the New Hampshire office of energy and planning.

IV. A resident of the state who owns a dog or cat shall also be eligible to participate in the reduced fee companion animal population control program if such participation is pre-approved by the owner of a participating veterinary clinic, as described in RSA 437-A:4, with the concurrence of the state veterinarian, if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure, and if such person pays a fee of \$35 for dogs and \$40 for cats.

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

AMENDED ANALYSIS

This bill allows individuals eligible for the New Hampshire Fuel Assistance Program to participate in the animal population control program.

This bill raises the fee for owners of cats who participate in the reduced fee companion animal population control program.

This bill was requested by the state veterinarian.

2008-0251h

Amendment to HB 1298-FN

Proposed by the Committee on Education - R

Amend the bill by replacing section 3 with the following:

3 Veterinary/Medical/Optometric Education Program; Repayment Required. Amend RSA 200-J:3, IV to read as follows:

IV. Any student who shall successfully complete his **or her** program of education and graduate shall be forgiven any repayment due under a note signed in accordance with the provisions of this section.

AMENDED ANALYSIS

This bill adds dental education programs to the existing veterinary/medical/optometric education program.

2008-0345h

Amendment to HB 1302-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 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, II(f) to read as follows:

(f) If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented **or permission for use has been granted.**

2 License Applications. Amend RSA 287-D:2-a, V(c) to read as follows:

(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has been convicted of a felony **or a class A misdemeanor** within the previous 10 years which has not been annulled by a court, or a **class B** misdemeanor ~~[involving falsehood or dishonesty]~~ within the previous 5 years which has not been annulled by a court, or has

violated any statutes or rules governing charitable gambling *in New Hampshire or any other state*.

3 License Applications Charitable Organizations. Amend RSA 287-D:2-a, VI to read as follows:

VI. If a charitable organization intends to lease or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out ***or otherwise allowing a charitable organization to use*** the premises shall be licensed by the pari-mutuel commission. ***Any entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for no more than 4 game dates per calendar year shall be exempt from the licensing requirement of this paragraph.*** The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.

4 New Paragraph; License Applications. Amend RSA 287-D:2-a by inserting after paragraph IX the following new paragraph:

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

5 License Applications. Amend RSA 287-D:2-b, III-IV to read as follows:

III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the ~~[lottery]~~ ***pari-mutuel*** commission. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday ***or a Saturday***, prior to noon on a Sunday, or after 1:00 a.m. on any day.

6 Operation of Games. RSA 287-D:2-b, VIII is repealed and reenacted to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of more than \$500 and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including prizes of more than \$500 and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

7 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a) to read as follows:

(a) The name ***and social security number*** of the game operator ***or for an organization the name and federal tax identification number.*** ***The pari-mutuel commission shall not disclose any social security number submitted.***

8 Bank Accounts. Amend RSA 287-D:2-c, II(e) and (f) to read as follows:

(e) Whether a registration or license listed in subparagraph (d) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending; ~~[and]~~

(f) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business; ***and***

(g) ***The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.***

9 Licensing of Game Operators. Amend RSA 287-D:2-c, III(b) to read as follows:

(b) Has submitted a background and criminal **record** check pursuant to RSA 287-D:8; and

10 New Paragraphs; Licensing of Game Operators. Amend RSA 287-D:2-c by inserting after paragraph V the following new paragraphs:

VI. To be eligible for licensure under this chapter, a licensed game operator shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed game operator in which the money from games of chance shall be deposited and withdrawn.

VII. Game operators who operate games of chance on behalf of a charitable organization shall be responsible for all requirements that the charitable organization would otherwise be responsible for if they were operating the games of chance themselves.

11 New Paragraph; License Fees and Specifications. Amend RSA 287-D:2-d by inserting after paragraph VI the following new paragraph:

VII. Any game operator licensed pursuant to RSA 287-D:2-c shall be issued, as part of the yearly license, an identification badge by the pari-mutuel commission. The fee for such badge shall be established by the commission. The commission shall adopt rules pursuant to RSA 541-A to specify badge requirements.

12 Equipment; Inspection. Amend RSA 287-D:3, II to read as follows:

II. Any and all devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement **or pari-mutuel** officials.

13 New Paragraphs; Penalties. Amend RSA 287-D:6 by inserting after paragraph III the following new paragraphs:

IV. The commission may issue an order requiring any person or organization, to comply with this subdivision or any rule adopted hereunder, and may require such remedial measures as may be necessary.

V. The commission may impose an administrative fine scaled to reflect the violator's prior history and the scope and severity of the violation, after notice and an opportunity for a hearing, pursuant to rules adopted under RSA 541-A, for any violation of this subdivision, any rule adopted under this subdivision, any license issued pursuant to this chapter or any order issued pursuant to this subdivision, or upon any person who makes or certifies a material false statement relative to any application or report required by this subdivision. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties under this chapter. Rehearings and appeals from a decision of the commission under this paragraph shall be in accordance with RSA 541. Fines imposed by the commission shall be determined based on the following:

(a) For a minor deviation from a requirement, the fine shall be not less than \$25 and not more than \$1,500 per violation.

(b) For a moderate deviation from a requirement, the fine shall be not less than \$100 and not more than \$2,500 per violation.

(c) For a major deviation from a requirement, the fine shall be not less than \$250 and not more than \$5,000 per violation.

(d) For repeat violations, the commission may assess an additional fine.

VI. All fines imposed by the commission shall be deposited in the fund established pursuant to RSA 284:21-j.

14 New Paragraphs; Rulemaking. Amend RSA 287-D:1-b by inserting after paragraph XII the following new paragraphs:

XII-a. Administrative orders and fines pursuant to RSA 287-D:6.

XII-b. Badge specifications and fees pursuant to RSA 287-D:2-d, VII.

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

2008-0297h

Amendment to HB 1303-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 Games of Chance; Definition. Amend RSA 287-D:1 to read as follows:

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, ***those games listed in RSA 287-D:2, VII*** or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV.

2 New Paragraph; Rulemaking; Games of Chance. Amend RSA 287-D:1-b by inserting after paragraph VI the following new paragraph:

VI-a. Game rules for each authorized game of chance.

3 New Paragraphs; Games of Chance Authorized. Amend RSA 287-D:2 by inserting after paragraph VI the following new paragraphs:

VII. Only games of chance expressly authorized by statute shall be permitted. The following games of chance are authorized:

(a) Texas Hold `Em and all other poker games.

(b) Roulette.

(c) Black Jack.

(d) Craps.

(e) Chuck-A-Luck.

(f) Spinning Money Wheel.

VIII. The proceeds that a charitable organization receives from conducting games of chance shall be used to benefit the community or communities which it serves, consistent with the purpose for which the charitable organization was formed.

4 License Applications. Amend RSA 287-D:1, III (a)(2) to read as follows:

(2) Establish that the purposes for which it was organized, other than charitable gambling, are furthered through ***charitable*** activities conducted ~~[in the town or city in which the games of chance are conducted]~~ ***in the community or communities which the charitable organization serves.***

5 License Applications. Amend RSA 287-D:2-a, VII(b) to read as follows:

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered ~~[through activities conducted in the town or city in which the charitable organization is organized]~~ ***in the community or communities which the charitable organization serves by conducting games of chance as authorized under this chapter.***

6 Effective Date. This act shall take effect January 1, 2009.

2008-0356h

Amendment to HB 1338

Proposed by the Committee on Municipal and County Government - C

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

AN ACT establishing an arboviral illness task force and relative to mosquito control and abatement.

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

1 New Paragraph; Eligibility for Mosquito Control Fund Reimbursement Clarified. Amend RSA 141-C:25 by inserting after paragraph IV the following new paragraph:

IV-a. Following a determination of eligibility under paragraph IV, the city, town, or mosquito control district shall be eligible for funding for mosquito control and abatement activities occurring during the same calendar year prior to or after a determination of a public health threat under paragraph III.

2 Rulemaking. The department of agriculture, markets, and food shall review its rules relating to the implementation of mosquito control and abatement activities and may initiate rulemaking if it finds that the reorganization, integration, augmentation or clarification of these rules is in the public interest.

3 Arboviral Illness Task Force Established.

- I. There is established an arboviral illness task force.
 - II. The members of the task force shall be as follows:
 - (a) The state epidemiologist, or designee.
 - (b) The state veterinarian, or designee.
 - (c) The state entomologist, or designee.
 - (d) The director of public health laboratories, department of health and human services, or designee.
 - (e) The director of the New Hampshire veterinary diagnostic laboratory, at the university of New Hampshire, or designee.
 - (f) An entomologist from the university of New Hampshire, designated by the commissioner of health and human services.
 - (g) A representative of the department of education, designated by the commissioner of education.
 - (h) A representative of the department of resources and economic development, designated by the commissioner of resources and economic development.
 - (i) A representative of the fish and game department, designated by the executive director of the fish and game department.
 - (j) A representative of the department of environmental services, designated by the commissioner of environmental services.
 - (k) Two local public health officers or regional public health network coordinators, designated by the commissioner of health and human services.
 - (l) The state public health veterinarian, or designee.
 - III. The task force shall serve without compensation and may solicit any information from any person or entity the task force deems relevant to its purpose.
 - IV. The committee shall review current knowledge and address future needs of arboviral ecology, disease, prevention, and control in New Hampshire so that accurate and timely information can be used to guide personal, local, and state responses to these diseases.
 - V. The commissioner of health and human services shall appoint a chairperson from among the members. The first meeting of the task force shall be called by the chairperson. Seven members of the task force shall constitute a quorum.
 - VI. The task force shall report its findings and any recommendations to the commissioner of the department of health and human services on a regular basis as determined by the commissioner of the department of health and human services.
- 4 Duties of State Committee on Mosquito Control Revised. Amend RSA 430:10 to read as follows:
- 430:10 State Committee. There is established a state committee on mosquito control to govern over the 6 regions of the state and their respective mosquito control districts. The committee is composed of the state entomologist, the executive director of the fish and game department, the director of the division of forests and lands, the director of the division of parks and recreation, the commissioner of the department of environmental services, the commissioner of the department of health and human services, and ~~the pesticides inspector employed by the pesticides~~ **a representative of the pesticide** control board. Any member may be represented by a deputy or by some other person designated by the member, in writing. ***The committee shall provide oversight and coordination of interagency efforts with regard to mosquito prevention and control, and in particular to provide recommendations to the commissioner of the department of health and human services regarding, but not limited to, public health threat determinations under RSA 141-C:25.*** The members of the committee shall serve without salary, but may be reimbursed for expenses incurred while doing the work of the committee. The state committee shall be known in this subdivision as “the committee.” The division of public works of the department of transportation, known in this subdivision as “the department”, shall serve as the fiscal agent for the committee. The functions of the department in this respect shall be performed by a member of the division designated by the commissioner of transportation.
- 5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

- I. Establishes an arboviral illness task force.
- II. Expands the mosquito control and abatement activities that are eligible for funding.
- III. Revises the duties of the state committee on mosquito control.

2008-0095h

Amendment to HB 1351

Proposed by the Committee on Fish and Game - C

Amend the bill by replacing section 8 with the following:

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

2008-0227h

Amendment to HB 1376

Proposed by the Committee on Commerce - C

Amend the bill by replacing sections 2-4 with the following:

- 2 Insurance Department; Violations. Amend RSA 400-A:15, III to read as follows:

III. Any person who knowingly violates any **statute**, rule, regulation, or order of the commissioner may, upon hearing, except where other penalty is expressly provided, be subject to such suspension or revocation of certificate of authority or license, or administrative fine not to exceed \$2,500 ~~[in lieu of such suspension or revocation]~~ **per violation**, as may be applicable under this title for violation of **the statute or** the provision to which ~~[such]~~ **the** rule, regulation, or order relates.

3 New Section; Market Conduct; Penalties. Amend RSA 400-B by inserting after section 11 the following new section:

400-B:12 Penalties. Any insurer or related entity who knowingly violates any provision of this chapter may, upon hearing, except where other penalty is expressly provided, be subject to suspension or revocation of its certificate of authority or license, and an administrative fine not to exceed \$2,500 per violation.

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

2008-0226h

Amendment to HB 1378

Proposed by the Committee on Commerce - C

Amend the bill by replacing section 5 with the following:

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

2008-0143h

Amendment to HB 1383

Proposed by the Committee on Children and Family Law - C

Amend RSA 458-E:6, II as inserted by section 1 of the bill by replacing it with the following:

II. In the hearing on a petition under this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child. If the evidence shows that the parent preparing to leave is fleeing domestic violence, the court shall consider that any order restricting departure or transferring custody may pose safety issues for the respondent and the child, and therefore, shall be imposed only if the court determines that the risk of abduction, the likely harm from the abduction, and the chances for recovery outweigh the risk of harm to the respondent and the child.

2008-0231h

Floor Amendment to HB 1403-FN

Proposed by Rep. Sorg

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

AN ACT imposing a criminal penalty under certain circumstances on a person who performs an abortion on another.

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

1 Second Degree Assault; Unborn Child. Amend RSA 631:2 to read as follows:

I. A person is guilty of a class B felony if ~~he~~ **such person**:

- (a) Knowingly or recklessly causes serious bodily injury to another; or
- (b) Recklessly causes bodily injury to another by means of a deadly weapon, except that if the deadly weapon is a firearm, he **or she** shall be sentenced in accordance with RSA 651:2, II-g; or
- (c) Recklessly causes bodily injury to another under circumstances manifesting extreme indifference to the value of human life; or
- (d) Purposely or knowingly causes bodily injury to a child under 13 years of age; or
- (e) Recklessly or negligently causes injury to another resulting in miscarriage or stillbirth.

(f) Performs or assists in performing an abortion on another under circumstances where a medical examination by a competent physician has established or, exercising reasonable professional care, could have established to a reasonable degree of medical certainty that the other's life was then in no unusual danger by reason of the pregnancy and that the fetus was then viable.

II. In this section:

(a) "Miscarriage" means the interruption of the normal development of the fetus other than by a live birth and not an induced abortion, resulting in the complete expulsion or extraction of a fetus~~[-and]~~.

(b) "Stillbirth" means the death of a fetus prior to complete expulsion or extraction and not an induced abortion.

(c) "Abortion" means the use or prescription of any medicine, drug, substance, instrument, or device to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove an ectopic pregnancy or the products of a spontaneous miscarriage.

(d) "Viable" means the point at which there is a reasonable medical certainty that the fetus, either on its own or with the use of medical technology of the kind employed to assist babies born prematurely, could live outside of the womb.

2 Effective Date. This act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill makes performing or assisting in the performance of an abortion on another, under certain circumstances, a class B felony.

2008-0107h

Amendment to HB 1411

Proposed by the Committee on Fish and Game - C

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

AN ACT relative to rulemaking under the native plant protection act.

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

1 New Paragraph; Native Plant Protection Act. Amend RSA 217-A:10 by inserting after paragraph III the following new paragraph:

IV. No rule adopted by the department under the provisions of this chapter shall cause undue interference with normal agriculture or silvicultural practices.

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

AMENDED ANALYSIS

This bill provides that rules adopted by the department of resources and economic development under the New Hampshire native plant protection act shall not cause undue interference with normal agriculture or silvicultural practices.

2008-0291h

Amendment to HB 1430

Proposed by the Committee on Environment and Agriculture - C

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

2 New Paragraph; Cruelty to Animals; Racetracks. Amend RSA 644:8 by inserting after paragraph V the following new paragraph:

VI. This section shall not limit the enforcement provisions or enforcement authorities under RSA 284.

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

2008-0232h

Amendment to HB 1446

Proposed by the Committee on Education - C

Amend RSA 198:15-e as inserted by section 4 of the bill by replacing it with the following:

198:15-e Proration and Unexpended Funds. If in any year, the amount appropriated for distribution as school building grants in accordance with RSA 198:15-b is insufficient therefor, ***grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget,*** the appropriation shall be prorated proportionally among the districts entitled to a grant. Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

2008-0096h

Amendment to HB 1451

Proposed by the Committee on Fish and Game - C

Amend RSA 208:14, I as inserted by section 1 of the bill by replacing it with the following:

I. Any transportation of deer not covered in RSA 208:12 and 13 shall be allowed only under the terms of a special permit, signed by the executive director or an agent of the executive director, except that a ~~resident child~~ **person** under 16 years of age, hunting without a license but accompanied by a licensee 18 years of age or over or a person with a valid hunting license issued pursuant to RSA 214:7-a ***or RSA 214:9-c or a bow and arrow license issued pursuant to RSA 214:9-cc, or a resident landowner pursuant to RSA 214:2,*** may transport a deer killed by such ~~resident child~~ **person**, by identifying it with a tag bearing such ~~resident child's~~ **person's** name, residence, and the date taken, until such time as the ~~resident child~~ **person** is able to secure a special permit from the executive director.

2008-0359h

Amendment to HB 1459-FN-A

Proposed by the Committee on Commerce - C

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

1 Definition of Approved Third Party Inspection Agency and Board. Amend RSA 205-C:1, I to read as follows:

I. “Approved third party inspection agency” means an entity or organization, public or private, ~~[determined]~~ **certified** by the department to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to evaluate and certify building manufacturers and factory assembled modular construction.

I-a. “Board” means the state modular building board established in RSA 205-C:9.

2 New Paragraph; Definition of Dealer. Amend RSA 205-C:1 by inserting after paragraph V-a the following new paragraph:

V-b. “Dealer” means any person who engages in the business of retail selling or offering for sale, leasing, brokering, or distributing modular buildings, primarily to persons who purchase the buildings for residential use.

3 Definition of Installation. RSA 205-C:1, VII is repealed and reenacted to read as follows:

VII. “Installation” means the assembly of modular buildings on site and the process of affixing modular buildings or building components to the foundation at the building site. Installation includes installing basement lally columns, assembling and fastening structural components, including the manufacturer supplied roof system, and making the assembled building weathertight.

4 New Paragraph; Definitions of Installer. Amend RSA 205-C:1 by inserting after paragraph VII the following new paragraph:

VII-a. “Installer” means a person engaged in the business of installing or servicing state certified modular buildings.

5 New Paragraph; Definition of Licensee. Amend RSA 205-C:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. “Licensee” means a person licensed by the board as a dealer or installer.

6 Definition of Modular Building. Amend RSA 205-C:1, XI to read as follows:

XI. “Modular building” means any building of closed construction, which is made or assembled in manufacturing facilities off the building site, for installation, or assembly and installation, on the building site. ***This definition includes presite built housing as defined in RSA 674:31-a.*** This definition shall not be construed to include any structure labeled in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, nor shall it include any recreational vehicle or park trailer as defined in American National Standards Institute A119.2, Standard for Recreational Vehicles, or A119.5, Standard for Park Trailers, or any building type not subject to the requirements of nationally recognized model building codes.

7 Modular Building Standard. Amend RSA 205-C:2, II to read as follows:

II. All modular buildings and building components bearing a label of certification pursuant to the requirements of this chapter shall be deemed by local enforcement agencies as meeting the modular building code, however, such certification shall not be deemed to preempt enforcement of any state or local standards governing ~~[installation or]~~ work performed on the building site, including but not limited to site grading, foundations, driveways, on-site water and sewer systems or connections to off-site systems, and electrical line connections to the power source.

8 Certification of Modular Buildings, Third Party Inspectors, and Manufacturers Required. RSA 205-C:3 is repealed and reenacted to read as follows:

205-C:3 Certification of Modular Buildings, Third Party Inspectors, and Manufacturers Required.

I. No person shall sell, lease, or install for use in this state any modular building or building component unless such building or building component bears a label of certification issued by the department.

II. No person shall engage in the practice of third party inspection of any modular building or building component for use in this state unless such person has been certified by the department.

III. No person shall manufacture for use in this state any modular building or building component, unless such person has been certified by the department.

9 Rulemaking. RSA 205-C:4 is repealed and reenacted to read as follows:

205-C:4 Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. Requirements for the certification of third party inspection agencies by the department.

II. Requirements for approved third party inspection agency certification of the manufacturing facilities of any person who engages in the business of manufacturing modular buildings or building components for installation in this state.

III. Requirements for approved third party inspection agency certification and labeling of modular buildings and building components for sale, lease or installation in this state.

IV. Investigation of complaints of noncompliance by certified manufacturers and certified third party inspection agencies.

V. Enforcement procedures, including standards for revocation and suspension of certification.

VI. Imposition and collection of fees, administrative fines, and penalties for certification.

10 Fees. Amend RSA 205-C:6 to read as follows:

205-C:6 Fees. The commissioner shall by rule establish fees to defray the costs of administering ***the certification programs established under*** this chapter. Such rules shall specify fees for the certification of third party inspection agencies by the department; certification of manufacturing facilities by approved third party inspection agencies; ~~and~~ certification of modular buildings and building components by approved third party inspection agencies; ***and renewal fees, late fees, and fees for reinstatement of certification.*** All fees collected by the department shall be deposited into the general fund.

11 New Sections; Licensing of Dealers and Installers; Modular Building Board Established. Amend RSA 205-C by inserting after section 7 the following new sections:

205-C:8 License Required.

I. No person shall sell, lease, broker, or distribute for use in this state, any modular building or building components unless such person is licensed as a “dealer” by the board.

II. No person shall install for use in this state, any modular building or building components unless such person is licensed as an “installer” by the board.

III. Employees or subcontractors working under the direction of a licensee shall not be required to be licensed under this chapter.

IV. Notwithstanding paragraph II, a consumer who installs a modular building for his or her personal residential use shall not be required to be licensed under this chapter. Persons working under the direction of the consumer shall not be required to be licensed under this chapter, although such persons shall be required to be licensed under any other applicable licensing law or regulation. The consumer shall sign a form, to be filed with the board, stating that the manufacturer’s warranty in RSA 205-B:2 applies to the building.

205-C:9 Board Established; Members; Terms; Chairperson; Compensation.

I. There is hereby created a state modular building board consisting of the commissioner of the department of safety or the commissioner’s designee and 8 additional members appointed by the commissioner of safety as follows:

(a) Two public members who are not in any way associated with the modular housing industry.

(b) One installer of modular housing, nominated by the New Hampshire Manufactured and Modular Housing Association.

(c) One structural engineer or architect licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.

(d) One dealer, nominated by the New Hampshire Manufactured and Modular Housing Association.

(e) One builder, nominated by the New Hampshire Homebuilders and Remodelers Association.

(f) One manufacturer of modular housing, nominated by the New Hampshire Manufactured and Modular Housing Association.

(g) One municipal building code official, nominated by the New Hampshire Building Officials Association.

II. The state fire marshal or the fire marshal’s designee shall be a non-voting member of the board.

III. Each person shall serve for a 3-year term and until a successor is appointed and qualified; provided, however, that the initial appointments shall be as follows:

(a) Members appointed pursuant to subparagraphs I(a), (b), (c), and (d) shall serve 3-year terms.

(b) Members appointed pursuant to subparagraphs I(e), (f), (g) shall serve 2-year terms.

IV. At the initial organizational meeting of the board, the commissioner shall appoint a chairperson from among the members.

V. Any vacancy on the board shall be filled for the remainder of the unexpired term.

VI. The board shall hold meetings every 90 days and may meet more frequently as deemed necessary by a majority vote of the board or the chairperson. A quorum of the board shall consist of not less than 4 members.

VII. The board shall be administratively attached to the department of safety.

VIII. Members of the board shall serve without compensation, but shall be reimbursed for their legitimate expenses incurred in the performance of their duties.

205-C:10 Duties of the Board. The board shall:

I. Assess compliance with state adopted codes and standards, including the state building and fire codes, as amended.

II. Establish licensing and training standards for dealers and installers.

III. Require appropriate inspections of the installation of modular buildings in conjunction with local enforcement agencies and the state fire marshal.

IV. Provide a fair and effective recourse for consumers through the complaint process established in RSA 205-C:12; and provide a dispute resolution program for timely resolution of disputes between consumers, manufacturers, dealers, and installers that arise during the one-year period beginning on the date of installation.

205-C:11 Inspectors; Certificate of Occupancy.

I. The local enforcement agency, or if there is no local enforcement agency, the state fire marshal or the state fire marshal's designee, shall:

(a) Conduct appropriate inspections to ensure compliance throughout the state with installation practices consistent with the provisions of this chapter and rules adopted under this chapter.

(b) Enter any premises on which an installation is being or has been completed subject to regulation under this chapter for the purpose of making such inspection as is necessary to carry out his or her duties under this chapter. Inspections shall be done prior to occupancy of the modular building.

(c) Order the correction of any violation of this chapter, or rule adopted under this chapter.

(d) Order any installer to discontinue installation until the violations are corrected.

(e) Approve the continuation of work on the installation upon being satisfied that violations have been corrected.

(f) Issue a certificate of occupancy upon satisfaction that a modular building has been installed in compliance with this chapter and the rules adopted under this chapter.

II. Whenever a local enforcement agency, or if there is no local enforcement agency, the state fire marshal or the state fire marshal's designee, orders the correction of a violation under subparagraph I(c), he or she shall immediately notify the board.

III. A certificate of occupancy shall be required for occupancy.

IV. Any installer aggrieved under the provisions of this section may file a complaint in accordance with RSA 205-C:12.

205-C:12 Complaints.

I. A consumer, manufacturer, dealer, or installer aggrieved or having a dispute regarding the installation of a modular building may file a complaint with the board.

II. All complaints shall be in writing and reviewed by the board.

III. To be accepted for filing, complaints shall be filed on a form provided by the board.

IV. All complaints shall be filed with the board within one year of the date of occupancy.

V. If the board determines that a complaint requires further investigation, it shall be acted upon within 60 days. The board shall establish procedures for expedited hearings on complaints where the circumstances set forth in the complaint warrant it.

VI. Upon confirmation that a complaint complies with this section, the board shall schedule a hearing on the complaint in accordance with the provisions of RSA 541-A.

VII. Disposition of all complaints shall be voted on by the board.

205-C:13 Qualifications for License. The board shall issue a license to any applicant who, at a minimum:

I. Has attained the age of 18.

II. Has 2 years experience as a dealer or installer or proves to the board's satisfaction equivalent installation experience.

III. Has successfully completed 8 hours of training on modular building construction and the state building and fire codes.

IV. Complies with the requirements of RSA 205-C:14.

205-C:14 Financial Requirements of Licensees.

I. The board shall not issue a license to any person, unless the person has posted a letter of credit, proof of products/completed operations liability insurance, or surety bond to be held by the state treasurer in an amount of:

(a) \$300,000 for an installer; or

(b) \$1,000,000 for a dealer.

II. No letter of credit, proof of products/completed operations liability insurance, or surety bond shall be accepted unless it is with a company authorized to do business in this state.

III. Any person who is damaged by any violation of this chapter may bring an action against the letter of credit, liability insurance, or bond to recover damages suffered and any other amounts allowable by law. The attorney general, in any action brought under this chapter or any other applicable provisions of the law, may likewise proceed against the letter of credit, liability insurance, or bond.

205-C:15 Application for License.

I. Applications for licensure shall be made on forms adopted by the board.

II. Applications for licensure shall be accompanied by proof of financial requirements as required by this chapter, and payment of the license fee.

III. The board may require each applicant to provide additional information about the applicant's background and trustworthiness as is reasonably necessary.

205-C:16 Expiration and Renewal.

I. All licenses issued by the board shall expire on the last day of the month of the licensee's birth, but may be renewed during the following month, retroactive to the first day of the month. Upon failure to pay the renewal fee within the required period, a licensee may renew his or her license retroactive to the first of the month, by submitting the required fee plus a late fee before the last day of the second month following the month of his or her birth.

II. Persons licensed as dealers or installers are eligible for renewal of their licenses if they:

(a) Are not in violation of this chapter;

(b) Meet any requirements for continuing education established by the board in rules adopted pursuant to RSA 541-A; and

(c) Submit evidence of compliance with the financial requirements in RSA 205-C:14.

205-C:17 Fees.

I. The board shall establish, pursuant to RSA 541-A, fees for license applications, licensure, license renewal, reinstatement of licensure, and late renewal of licensure, inspections conducted by the state fire marshal, and the installer's warranty seal.

II. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

III. The fee for the installer's warranty seal shall not exceed \$50.

IV. The fee for inspections carried out by the state fire marshal shall not exceed \$100.

V. The board shall establish fees for the first year of its operation based upon its estimate of expenses necessary to carry out the provisions of this chapter during that fiscal year. The comptroller is authorized upon request of the department of safety to establish necessary budgetary components and operating accounts in the department and to transfer revenues received from the fees in this section and in RSA 205-C:6 to the department to carry out the responsibilities of the board and the responsibilities of the state fire marshal in conducting inspections under this chapter.

VI. If an inspection is conducted by a local enforcement agency, the local enforcement agency may charge fees established pursuant to RSA 674:51, III(d).

205-C:18 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon a sworn written complaint of any person which charges that a licensee has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Conduct sufficient to support disciplinary proceedings under this section shall include, but is not limited to, any of the following:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.
- (b) Willful or repeated violation of the provisions of this chapter.
- (c) Suspension or revocation of a license similar to one issued under this chapter in another jurisdiction and which has not been reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

- (a) By reprimand.
- (b) By suspension, limitation, or restriction of license for a period of up to 5 years.
- (c) By revocation of license.
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient.
- (e) By imposing a fine not to exceed \$1,500 for each offense.

205-C:19 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board. A hearing shall be held on all written complaints received by the board within 90 days of the date that notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

205-C:20 Penalty. Any person acting as a dealer or installer without a license, or knowingly or willingly violating any of the provisions of this chapter, shall be guilty of a class B misdemeanor if a natural person, or a felony if any other person.

205-C:21 Consumer Protection Act. Nothing in this chapter shall preclude an aggrieved party from seeking redress under RSA 358-A, the consumer protection act, for any unfair or deceptive trade practice committed relative to the selling, leasing, brokering, distributing, or installation of modular buildings.

205-C:22 Warranty Seal. Prior to finalizing the installation of a modular building in this state, the installer shall first obtain from the board an installer's warranty seal and attach the seal to the modular building.

205-C:23 Rulemaking Authority. With the approval of the commissioner, the board shall adopt rules under RSA 541-A relative to:

- I. The design and content of all forms and applications required under this chapter.
- II. The application procedure for a license to practice under this chapter.
- III. The qualifications of license applicants set under this chapter.
- IV. How an applicant shall be trained, including the minimum education requirements and training standards.

V. How a license to practice under this chapter shall be renewed, including any requirements for continuing education.

VI. The establishment of fees required under this chapter.

VII. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards.

VIII. The establishment of complaint procedures, including investigations and expedited hearings procedures.

IX. Procedures for the conduct of hearings consistent with the requirements of due process.

X. The establishment of a program for the timely resolution of disputes between manufacturers, dealers, and installers regarding responsibility, for the issuance of appropriate orders, and for the correction or repair of defects in modular buildings that are reported during the one-year period following the date of installation.

12 New Section; Notice of Complaint Procedures. Amend RSA 205-C by inserting after section 3 the following new section:

205-C:3-a Notice of Complaint Procedures. Any person who sells or leases a modular building or building component in this state shall provide the consumer with written notice of the complaint procedures, adopted by rule under RSA 205-C:4, IV, and contact information for the state modular building board established in RSA 205-C:9 and the modular building inspector or other person authorized by the department to receive complaints.

13 Warranty on Presite and Prefabricated Homes. Amend the introductory paragraph of RSA 205-B:2 to read as follows:

205-B:2 Manufacturer's Warranty. No person shall sell at retail a new prefabricated or presite built home in this state without a written manufacturer's warranty to the buyer which shall ***be presented to the retail customer and which shall*** include the following terms:

XI. The establishment of financial requirements as set forth under this chapter.

14 Applicability. To allow time for the establishment of the modular building board and for implementation of this act, no dealers or installers shall be required to be licensed pursuant to this act until 90 days after the board has adopted rules pursuant to RSA 205-C:23. On or before July 1, 2009, the board shall initiate rulemaking proceedings in accordance with RSA 541-A.

15 Repeal. RSA 205-C:5, relative to interagency coordination for certification of modular buildings, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Requires the department of safety to certify manufacturers and third party inspectors of modular buildings.

II. Requires licensure of dealers and installers of modular buildings.

III. Establishes the modular building board to regulate modular building practices in the state.

IV. Requires persons who sell or lease modular buildings to provide the consumer with written notice of the complaint procedures.

V. Requires the dealer to provide the retail buyer of a presite or prefabricated home with a copy of the manufacturer's warranty.

2008-0360h

Amendment to HB 1496-FN

Proposed by the Committee on Transportation - R

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

1 Drivers' Licenses; Examinations; Road Test. Amend RSA 263:6 to read as follows:

263:6 Examination. Before a license is granted to any person, the applicant, if not previously licensed to drive a motor vehicle in this state, shall pass such examination as to the person's qualifications as the director may prescribe. ***Such examination shall include a road test of the applicant's driving skills.*** Such examination may ***also*** include an examination for visual acuity

as prescribed by the director. All license examinations shall be conducted by department of safety personnel. No license shall be issued until the director is satisfied that the applicant is a proper person to receive it. No physical defect of an applicant shall prohibit the applicant from receiving a license unless it can be shown by common experience that such defect results in an incapacity to safely drive a motor vehicle, except as provided in RSA 263:13.

2 New Section; Learner's Permit. Amend RSA 263 by inserting after section 25 the following new section:

263:25-a Learner's Permit. Upon application and payment of the fee provided in RSA 263:42 and attaining a passing score on a written examination administered by the department, the department shall issue a learner's permit to a person who is 15-1/2 years of age or older. The commissioner shall develop the written examination and determine a passing score based on the minimum necessary knowledge of the rules of the road required for safe operation of a motor vehicle. The permit shall be valid for one year from the date of issuance or until the holder of the permit obtains a youth license, whichever is sooner.

3 New Paragraph; Driver's License Fees; Learner's Permit. Amend RSA 263:42 by inserting after paragraph I-a the following new paragraph:

I-b. For each learner's permit issued under RSA 263:25-a, \$20.

4 Exception for Persons Learning to Drive. Amend RSA 263:25, I to read as follows:

I. Except as provided in paragraph II, a person who does not possess a driver's license **but possesses a learner's permit issued under RSA 263:25-a** may drive a motor vehicle while being taught to drive, when accompanied by a person holding a driver's license of the appropriate class and type for the vehicle being driven, who is occupying the seat beside, or, in the case of a bus, immediately adjacent to, the person who is being taught to drive. This exception shall not apply to persons whose driving privileges or driver's licenses have been suspended or revoked for cause, persons less than 15-1/2 years of age, and persons learning to drive commercial motor vehicles unless they meet the requirements of paragraph II. For all unlicensed drivers the person accompanying them shall be a certified driving instructor, parent, legal guardian, or responsible adult who is 25 years of age or older and who is a licensed driver. The person accompanying the unlicensed driver shall be liable for the violation of any provision of this title or rules adopted hereunder committed by such unlicensed driver. A person who is learning to drive pursuant to the provisions of this section shall have in his **or her** possession proof of the fact he **or she** meets the age requirement **and a learner's permit issued under RSA 263:25-a**.

5 New Paragraph; Learner's Permit Waiver. Amend RSA 263:25 by inserting after paragraph II the following new paragraph:

III. In-state providers of education for persons with disabilities may apply to the director for a waiver of the learner's permit requirement for the purpose of providing driver education to resident and nonresident students, provided that all of the other requirements of paragraph I are met. The waiver may be reviewed, suspended, or revoked at the discretion of the director or the director's designee.

6 Youth Operators' Licenses; Eligibility and Restrictions. Amend RSA 263:14, II(a)-(c) to read as follows:

II.(a) The director shall issue a youth operator's license to applicants who are 16 years of age or older and under 21 years of age. The youth operator license shall expire on the 21st anniversary of the applicant's date of birth. In addition to any other requirements established by law, no such license shall be issued to applicants under 18 years of age unless the applicant **possesses a learner's permit issued under RSA 263:25-a**, meets the requirements of RSA 263:17, ~~or furnishes written consent from the applicant's parent or legal guardian~~ **provides a document signed by the applicant's parent or legal guardian verifying that the parent or legal guardian has supervised at least 40 hours of driving by the applicant, including at least 10 hours during the period from ½ hour after sunset to ½ hour before sunrise, and furnishes a** certificate of successful completion of a driver education course as provided in RSA 263:19.

(b) The holder of a youth operator's license shall not operate a motor vehicle between the hours of ~~[1:00 a.m.] 12:00 a.m.~~ and ~~[5:00] 6:00 a.m.~~ ~~[nor shall such holder operate a motor vehicle~~

~~when the number of occupants exceeds the number of safety restraints in the vehicle]~~ ***unless accompanied by a licensed responsible adult who is at least 25 years of age; additional passengers during such hours are prohibited unless one of the passengers is a parent or legal guardian of the operator.***

(c) During the first ~~[6 months]~~ **year** after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle with more than one passenger ~~[less than 25 years of age]~~ who is not a member of the holder's family ~~[unless accompanied by a]~~; ***such additional passengers shall at all times include one*** licensed responsible adult who is at least 25 years of age ***and there shall be a passenger restraint for every person in the vehicle.***

7 Driver Education; Supervised Driving Time. Amend RSA 263:19, II to read as follows:

II. To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of ~~[20]~~ **40** hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25, ***and that at least 10 of the hours of additional supervised driving time were during the period from 1/2 hour after sunset to 1/2 hour before sunrise.*** The commissioner shall adopt rules relative to the method of certification.

8 Effective Date. This act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill:

I. Requires learners' permits for persons learning to drive and modifies certain restrictions on youth operators.

II. Requires that the examination given to first-time driver's license applicants include a road test.

III. Increases the hours of supervised driving time required to complete driver education and adds a requirement that 10 of those hours be at night.

2008-0219h

Amendment to HB 1508-FN

Proposed by the Committee on Election Law - R

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

AN ACT relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions.

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

1 Elections; Prohibited Acts; Bribing, Intimidation, and Suppression. RSA 659:40 is repealed and reenacted to read as follows:

659:40 Bribing; Intimidation; Suppression.

I. No person shall directly or indirectly bribe any person not to register to vote or any voter not to vote or to vote for or against any question submitted to voters or to vote for or against any ticket or candidate for office at any election.

II. No person shall use or threaten force, violence, or any tactic of coercion or intimidation to knowingly induce or compel any other person to vote or refrain from voting, vote or refrain from voting for any particular candidate or ballot measure, or refrain from registering to vote.

III. No person shall engage in voter suppression by knowingly attempting to prevent or deter another person from voting or registering to vote based on fraudulent, deceptive, misleading, or spurious grounds or information. Prohibited acts of voter suppression include:

(a) Challenging another person's right to register to vote or to vote based on information that he or she knows to be false or misleading.

(b) Attempting to induce another person to refrain from registering to vote or from voting by providing that person with information that he or she knows to be false or misleading.

(c) Attempting to induce another person to refrain from registering to vote or from voting at the proper place or time by providing information that he or she knows to be false or misleading about the date, time, place, or manner of the election.

IV. Whoever violates the provisions of this section or whoever conspires to violate the provisions of this section shall be guilty of a class B felony.

V. This section is not intended to preclude prosecution or sentencing under any section of RSA 640.

2 Political Expenditures and Contributions; Applicability of Chapter. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall ~~not~~ **only** apply to presidential preference primaries **as provided in this section**. The provisions relating to political advertising, **push polling, and enforcement**, RSA 664:14 through ~~[17-a]~~ **RSA 664:22**, shall additionally apply to **presidential primary**, city, town, school district, and village district elections. ~~[The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress.]~~

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill establishes the offense of voter suppression. This bill also makes political advertising and push polling restrictions apply to presidential primary elections.

2008-0241h

Amendment to HB 1526

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

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

AN ACT relative to the use of images of New Hampshire residents who died in the line of duty.

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

1 New Section; Unauthorized Use of Images of New Hampshire Residents Who Died in the Line of Duty. Amend RSA 644 by inserting after section 9 the following new section:

644:9-a Unauthorized Use of Images.

I. No person may financially benefit from making disparaging or derogatory use of any recognizable facial image of a New Hampshire resident who died or was killed in the line of duty while serving in the armed forces of the United States unless such person has obtained the written authorization of the decedent's next of kin.

II. Any person who violates the provisions of this act shall be guilty of a violation and shall, notwithstanding RSA 651:2, IV(a), be fined not less than \$1,000 or more than \$2,500.

III. Whenever there is a violation under paragraph I an application may be made by the attorney general in the name of the people of the state to a court having jurisdiction to issue an injunction, and upon notice to the defendant of not less than 5 days, to enjoin and restrain the continuance of the violation. If the court is satisfied that the defendant has, in fact, violated this section, an injunction may be issued by the court, enjoining and restraining any further violations, without requiring proof that any person has in fact been injured or damaged.

IV. Media outlets, including but not limited to magazines and newspapers, shall be exempt from the provisions of this section.

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

AMENDED ANALYSIS

This bill prohibits unauthorized use of images of New Hampshire residents who died in the line of duty.

2008-0178h

Amendment to HB 1528-FN

Proposed by the Majority of the Committee on Transportation - R

Amend the bill by replacing section 1 with the following:

1 New Section; License Suspension or Revocation; Suspension for Gasoline Theft. Amend RSA 263 by inserting after section 56-f the following new section:

263:56-g Suspension for Gasoline Theft.

I. This section shall apply to any person convicted of theft under RSA 637 under circumstances where the theft involved a person driving his or her motor vehicle off the premises of an establishment where gasoline or diesel fuel is offered for retail sale, after dispensing gasoline or diesel fuel into his or her own motor vehicle or a portable fuel container, and failing to remit payment by cash or credit for the fuel that was dispensed.

II. In addition to the penalty for theft provided under RSA 637, a court shall order the suspension of a driver's license for a person convicted of theft under circumstances described in paragraph I, for a period not to exceed 6 months. For a second such offense, the court shall order the suspension of a driver's license for a period of 6 months. For a third or subsequent offense, the court shall order the suspension of a driver's license for a period of 1 year.

III. The license of any person whose license was suspended pursuant to this section shall be reinstated upon payment to the director of a fee of \$100, which shall be in lieu of any other reinstatement fee, and which shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(b)(5).

2008-0289h

Amendment to HB 1532

Proposed by the Committee on Commerce - R

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

1 New Section; Obstruction of Parking Place for Persons with Walking Disability. Amend RSA 265 by inserting after section 74 the following new section:

265:74-a Obstruction of Parking Place for Persons with Walking Disability.

I. No property owner shall permit snow, mud, debris, or large objects, such as trash containers, to accumulate or otherwise unreasonably obstruct any parking place or access aisle, whether on public or private property, specifically designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol. Any property owner who violates the provisions of this section may be fined up to \$250 and up to an additional \$250 for each day the violation continues.

II. Testimony under oath with clear photographic evidence from a person with a walking disability that a property owner permitted the obstruction of a parking place or access aisle specifically designated for a person with a walking disability shall be sufficient evidence to prove that a property owner has violated this section, unless such evidence is rebutted or contradicted.

2 Effective Date. This act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill makes it a violation to permit snow, mud, debris, or large objects to accumulate or obstruct parking places and access aisles designated for disabled persons.

2008-0323h

Floor Amendment to HB 1532

Proposed by Reps. Winters and Hunt

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

1 New Section; Obstruction of Parking Place for Persons with Walking Disability. Amend RSA 265 by inserting after section 74 the following new section:

265:74-a Obstruction of Parking Place for Persons with Walking Disability.

I. No property owner shall permit snow, mud, debris, or large objects, such as trash containers, to unreasonably obstruct any parking place or access aisle, whether on public or private property, specifically designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol. Any property owner who violates the provisions of

this section may be fined up to \$250 and up to an additional \$250 for each day the violation continues.

II. Testimony under oath with clear photographic evidence from a person with a walking disability who has a special number plate issued under RSA 261:86, I(a) or a walking disability special number plate or placard issued under RSA 261:88, or the driver of a vehicle with such a plate or placard transporting the person or persons with a walking disability that a property owner permitted the unreasonable obstruction of a parking place or access aisle specifically designated for a person with a walking disability shall be sufficient evidence to prove that a property owner has violated this section, unless such evidence is rebutted or contradicted.

2 Effective Date. This act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill makes it a violation to permit snow, mud, debris, or large objects to accumulate or obstruct parking places and access aisles designated for disabled persons.

2008-0105h

Amendment to HB 1537

Proposed by the Committee on Environment and Agriculture - C

Amend RSA 184:111, II as inserted by section 2 of the bill by replacing it with the following:

II. Any person who knowingly violates any provision of this section shall be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

2008-0301h

Amendment to HB 1545-FN-A

Proposed by the Committee on Executive Departments and Administration - R

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

1 Fees. Amend RSA 284:12-a, II to read as follows:

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, ~~and~~ RSA 284:20-b, **and RSA 284:22-a**. Funds received hereunder and not expended for such investigations shall lapse to the general fund 2 years after receipt of such funds.

2 Pari-Mutuel Pools. Amend RSA 284:22 to read as follows:

284:22 Pari-Mutuel Pools. During the calendar years of 1941-2029, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

I. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8 1/4 percent of each dollar wagered in all pari-mutuel pools, said 8 1/4 percent to be paid by the licensee out of the commission on such pools. ~~[In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such~~

~~breakage was paid.]~~ Each licensee shall pay the tax provided for in RSA 284:23. ***In addition to the commission, 3/4 of breakage shall be retained by the licensee and 1/4 of breakage shall be paid to the state treasurer for deposit in the general fund. For purposes of this paragraph, “breakage” means the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10.***

II. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which harness horse races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 25 percent of each dollar wagered in such pools and not more than 26 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live harness horse racing after written notice to the commission and, in the absence of such written notice, at the rate of 25 percent of each dollar wagered in such pools. ~~[In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as “breakage”, shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid.]~~ Each licensee shall pay the tax provided for in RSA 284:23. ***In addition to the commission, 3/4 of breakage shall be retained by the licensee and 1/4 of breakage shall be paid to the state treasurer for deposit in the general fund. For purposes of this paragraph, “breakage” means the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10.***

III. For the purposes set forth in this section, an “agricultural fair” means an association which provides for and pays premiums of \$5,000 or more, annually, as is determined by the commissioner of agriculture, markets, and food, in accordance with RSA 284:25.

IV. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live dog racing after written notice to the commission and, in the absence of such written notice, at the rate of 26 percent of each dollar wagered in such pools. ~~[In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as “breakage”, shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid.]~~ Each licensee shall pay the tax provided for in RSA 284:23. ***In addition to the commission, 3/4 of breakage shall be retained by the licensee and 1/4 of breakage shall be paid to the state treasurer for deposit in the general fund. For purposes of this paragraph, “breakage” means the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10.***

3 Sales. Amend RSA 284:22-a, II(a)(1) to read as follows:

(1) Such sales are within the enclosure of the racetrack at which the licensee holds a license for the current year to conduct live racing in this state ***or, if such licensee makes an agreement as provided pursuant to RSA 284:22-a, II(a)(3)(B), within the enclosure of the racetrack maintained by such licensee as provided in RSA 284:22-a, II(a)(3)(B)(ii);***

4 Pari-Mutuel Pools on Simulcast Racing. RSA 284:22-a, II(a)(3) is repealed and reenacted to read as follows:

(3)(A) The licensee, if the licensee is licensed to conduct live running horse racing or harness horse racing, has scheduled at least 50 calendar days of such live racing in the calendar year in which the licensee simulcasts, or if the licensee does not have scheduled at least 50 calendar days of such live racing in such calendar year, the licensee conducts such live racing on the day on which the licensee simulcasts; or

(B) The licensee, if the licensee is licensed to conduct live dog racing, has scheduled at least 25 days of such live racing in the calendar year in which the licensee simulcasts, or if the licensee has not scheduled at least 25 calendar days of such live racing in such calendar year, the licensee conducts such live racing on the day on which the licensee simulcasts; provided, however, a licensee may schedule its 25 days of live dog racing to be held at another facility licensed within the state, provided that:

(i) Such agreement is in writing and is approved by the commission after notice and hearing;

(ii) The licensee maintains its racetrack in a condition which is capable to conduct live dog racing as previously conducted and such condition is approved by the commission after notice and hearing; and

(iii) The licensee pays a fee of \$5,000 to the commission for each calendar year of any such agreement; and

5 Pari-Mutuel; Pools on Simulcast Racing. RSA 284:22-a, IV is repealed and reenacted to read as follows:

IV.(a) A licensee authorized to conduct live running horse racing or live harness racing which has scheduled less than 50 calendar days of such live racing in a calendar year may simulcast on a day on which such live racing is scheduled at the licensee's race track, without conducting such live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based on weather or the condition of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than 50 days of live running horse racing or live harness horse racing shall be limited to no more than 10 such cancellations in a calendar year.

(b) A licensee authorized to conduct live dog racing which has scheduled less than 25 calendar days of such live racing in a calendar year may simulcast on a day on which such live racing is scheduled at the licensee's race track, without conducting such live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based on weather or the conditions of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than 25 days of live dog racing shall be limited to no more than 10 such cancellations in a calendar year.

6 Committee Established. There is established a committee to study standardizing the treatment of racing dogs.

7 Membership and Compensation.

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

(a) No more than 5 members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the environment and agriculture committee.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

8 Duties. The committee shall study the following issues as related to dogs at racetracks:

I. Minimum standards for cage size for racing dogs at racetracks.

II. Requirements for the time dogs spend outside of their cages at racetracks.

III. The euthanasia policy of racetracks.

IV. The illness treatment policy of racetracks.

V. The adoption policy of racetracks.

VI. Feeding standards of racetracks.

VII. Any other issues related to dogs at racetracks.

9 Chairperson; Quorum. 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.

10 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the chair of the house environment and agriculture committee, the president of the senate, the senate executive departments and administration committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

11 Effective Date.

I. Sections 6 through 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2010.

2008-0265h

Amendment to HB 1549-FN

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - R

Amend the bill by replacing section 1 with the following:

1 Aid to the Permanently and Totally Disabled; Duration of Disability. Amend RSA 167:6, VI to read as follows:

VI.**(a)** For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act~~[-, except that the minimum required duration of the impairment shall be 48 months. In determining disability,].~~ ***For purposes of determining disability:***

(1) A determination of eligibility for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) pursuant to Title II or Title XVI of the Social Security Act shall constitute a determination of disability for purposes of aid to the permanently and totally disabled; and

(2) The standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies.

(b) No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

AMENDED ANALYSIS

This bill replaces the state requirement that an impairment exist for 48 months for the aid to the permanently and totally disabled program with the 12-month requirement used by the Social Security Administration. This bill also declares that a determination of eligibility for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) constitutes eligibility for aid to the permanently and totally disabled.

2008-0234h

Amendment to HB 1563-FN

Proposed by the Committee on Education - R

Amend the bill by inserting after section 3 the following and renumbering the original section 3 to read as 4:

3 New Paragraph; Regional Vocational Education; Funding for Renovation and Expansion. Amend RSA 188-E:10 by inserting after paragraph II the following new paragraph:

III. Public academies receiving funds through the capital budget process shall comply with all contracts or agreements required by department of education rules adopted pursuant to RSA 541-A.

2008-0163h

Amendment to HB 1569-FN

Proposed by the Committee on Fish and Game - C

Amend the bill by replacing section 1 with the following:

1 New Section; Fish and Game; Use of Drugs on Wildlife. Amend RSA 207 by inserting after section 8-b the following new section:

207:8-c Use Of Drugs On Wildlife.

I. In this section:

(a) "Drug" means any chemical substance, other than food or mineral/vitamin supplements, that affects the structure or biological function of any mammal, bird, reptile, or amphibian under the jurisdiction of the fish and game department.

(b) "Normal animal husbandry practices" means practices related to the production and care of animals in accordance with RSA 21:34-a, II(a)(4).

II. No person shall administer any drug, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation, to any mammal, bird, reptile, or amphibian under the jurisdiction of the fish and game department without the written authorization from the executive director or his or her designee, except as provided in paragraph III or IV.

III. This section does not apply to the use of a drug as an aid in normal animal husbandry practices.

IV. This section shall not be construed to limit employees or agencies of the state, the United States, or local animal control officers or licensed wildlife rehabilitators in the performance of their official duties related to public health, wildlife management, wildlife rehabilitation, or wildlife removal. However, a drug shall not be administered by any person for fertility control or growth stimulation without the written authorization of the executive director or his or her designee, except as provided in paragraph III.

V. An officer of the fish and game department may take possession of any mammal, bird, reptile, or amphibian under the jurisdiction of the department, if the officer has probable cause to believe the animal has been administered drugs in violation of this section.

VI. A person who violates this section is guilty of a class B misdemeanor.

2008-0284h

Amendment to HB 1578-FN

Proposed by the Committee on Commerce - C

Amend RSA 417:29, II as inserted by section 4 of the bill by replacing it with the following:

II.(a) If the unit's papers, documents, reports, or evidence relative to the subject of investigation under this section have been disclosed in a criminal action, the commissioner may use those papers, documents, reports, evidence or other investigative materials of the unit disclosed in the criminal action in the furtherance of a non-criminal regulatory or legal action brought as part of the commissioner's duties. Any of the unit's papers, documents, reports, evidence or other investigative materials not disclosed in the criminal action shall remain, pursuant to paragraph I, confidential and privileged and shall not be subject to subpoena, discovery, public inspection pursuant to RSA 91-A, or any other disclosure;

(b) If a substantial need exists and disclosure will not jeopardize the unit's evidence-gathering ability or any ongoing criminal investigation or criminal action, the commissioner may use the unit's papers, documents, reports, evidence or other investigative materials in the furtherance of a non-criminal regulatory or legal action brought as part of the commissioner's duties. Any of the unit's papers, documents, reports, evidence, or other investigative materials not used in the furtherance of a non-criminal regulatory or legal action shall remain, pursuant to paragraph I, confidential and

privileged and shall not be subject to subpoena, discovery, public inspection pursuant to RSA 91-A, or any other disclosure; and

(c) The recipient of any information furnished pursuant to this paragraph shall hold the information in confidence until such time as its release is required pursuant to a civil or regulatory proceeding or pursuant to any statutory requirement.

Amend the bill by replacing section 10 with the following:

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

2008-0328h

Amendment to HB 1584-FN-A

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

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

AN ACT creating a commission to study the recycling and disposal of electronic waste.

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

1 Commission Established. There is established a commission to study the recycling and disposal of electronic waste.

2 Membership and Compensation.

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

(a) Six members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) A member from the waste management division of the department of environmental services, appointed by the commissioner of the department of environmental services.

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

3 Duties. The commission shall study:

I. Other states' electronic waste programs, including manufacturer takeback programs and programs involving an advanced recycling fee structure.

II. Definitions of electronic waste.

III. Costs and effects of a ban on the disposal and incineration of electronic waste products.

IV. Expansion of electronic waste recycling to residential areas, municipalities, local government offices, and businesses.

V. Performance goals for electronic waste recycling.

VI. Possible end-points for recycled electronic waste.

VII. Manufacturer incentives to produce electronic products that create little to no electronic waste.

VIII. Any further information that would expand the commission's knowledge of electronic waste collection and recycling.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2008.

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

AMENDED ANALYSIS

This bill creates a commission to study the recycling and disposal of electronic waste.

2008-0329h

Amendment to HB 1594-FN

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by replacing all after section 2 with the following:

3 Commission Established. There is established a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

4 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

(d) The state fire marshal, or designee.

(e) Five members of the business community, appointed by the Business and Industry Association.

(f) A member of the New Hampshire Motor Transport Association, appointed by that organization.

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

5 Duties. The commission shall study the sources of funding and expenditures related to programs for hazardous waste, as defined in RSA 147-B:2, VII, and hazardous materials, as defined by RSA 147-B:2, VIII, in New Hampshire. The commission's study shall include:

I. A compilation of the various different sources of income and the dedicated funds associated with hazardous waste and hazardous materials programs.

II. A compilation of the expenditures associated with hazardous waste and hazardous materials programs.

III. An examination of the relationship between the incomes and the expenditures of the funds used in hazardous waste and hazardous materials programs.

IV. An examination of the uniformity of the relationship between income and expenditures above and recommendations on improving the uniformity of that relationship.

V. An examination of the possibility of improving program effectiveness thru consolidation of the various funding sources or programs.

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

7 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

8 Repeal. The following are repealed:

I. RSA 154:35-37, relative to hazardous materials reporting requirements and fees.

II. RSA 6:12, I(b)(269), relative to the hazardous materials emergency response program fund.

9 Effective Date.

I. Section 8 of this act shall take effect July 1, 2013.

II. Sections 1 and 2 of this act shall take effect July 1, 2008.

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

AMENDED ANALYSIS

This bill creates a hazardous material reporting requirement and establishes fees for hazardous materials facilities and employees.

This bill includes a 4 year sunset provision for the reporting requirement and fees.

This bill also establishes a study commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

2008-0298h

Amendment to HB 1596-FN-LOCAL
Proposed by the Majority of the Committee on Ways and Means - R

Amend RSA 261:74-d as inserted by section 1 of the bill by replacing it with the following:

261:74-d Additional Fees Charged by Agents. Each registration agent may charge an applicant not more than ~~[\$2.50]~~ **\$3** in addition to the fees otherwise required to issue, renew, or transfer a motor vehicle registration. This fee shall be retained either by the municipality if the registration agent receiving the fee is on salary to the municipality, or by the agent ~~[himself]~~ if ~~[he]~~ **the agent** is not on salary to the municipality but is paid on a fee basis.

2008-0276h

Amendment to HB 1601-FN-A

Proposed by the Committee on Public Works and Highways - R

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

1 Capital Budget; Pease Development Authority. Amend 2007, 264:1, XII to read as follows:

XII. Pease Development Authority.

A. Market Street Marine Terminal Pier	2,300,000
Less Other*	<u>-2,300,000</u>
Net state appropriation subparagraph A	0
B. Rye Harbor Commercial Fish Pier	1,560,000
Less Other[*] **	<u>-1,560,000</u>
Net state appropriation subparagraph B	0

*To provide funds for the appropriations made in ~~[subparagraphs A and B]~~ **subparagraph A**, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$3,860,000]~~ **\$2,300,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42. For the appropriation made in subparagraph A, the Pease development authority and the attorney general shall seek reimbursement or restitution for the cost of repairs of damage to the facility, and the appropriation may not be expended until approval is received by the capital budget overview committee. **For the project authorized in subparagraph A, the Pease development authority shall determine the availability of any other division of ports and harbors funds to make payments of principal and interest. The authority shall recommend any funding changes to the capital budget overview committee for future legislation.**

**** (a) The sum of \$1,560,000 for the fiscal year ending June 30, 2008 is hereby appropriated to the Pease development authority for the Rye harbor commercial fish pier capital project. The sum appropriated under this subparagraph shall be a charge against the sums received and held be the treasurer under subparagraph (b).**

(b) The Pease development authority shall pay to the state treasurer by June 30, 2008 from the fund in RSA 12-G:37 the sum of \$1,560,000, and the state shall reduce by said sum the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10.

Total state appropriation paragraph XII \$0

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

AMENDED ANALYSIS

This bill revises the authority and funding for the Pease development authority capital projects in the 2007 capital budget.

2008-0339h

Amendment to HB 1604-FN

Proposed by the Committee on Transportation - R

Amend the bill by replacing section 3 with the following:

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

2008-0340h

Amendment to HB 1618-FN-A

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

Amend the bill by deleting section 1 and renumbering the original sections 2-10 to read as 1-9, respectively.

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

6 Fines Paid to Director of the Division of Motor Vehicles. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to ~~his~~ **the** summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of **the division of** motor vehicles within 30 days of the date of the summons. The director of **the division of** motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the ~~commissioner of administrative services, or to such department or agency of the state as the law provides,~~ **general fund** within 14 days of their receipt.

7 Effective Date.

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

II. Section 3 of this act shall take effect July 1, 2013.

III. The remainder of this act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill:

I. Establishes the allocation of gross highway fund appropriations in the operating budget for the biennia beginning July 1, 2009, July 1, 2011, and July 1, 2013.

II. Requires that the department of safety deposit title fees in the highway fund and motor vehicle fines in the general fund.

2008-0330h

Amendment to HB 1618-FN-A

Proposed by the Minority of the Committee on Ways and Means - R

Amend the bill by replacing section 1 with the following:

1 New Section; Allocation of Motor Vehicle Fines. Amend RSA 6 by inserting after section 12-f the following new section:

6:12-g Allocation of Motor Vehicle Fines. The treasurer shall assure the total amounts, exclusive of penalty assessments, paid over for motor vehicle violations during the fiscal year pursuant to RSA 262:44 and RSA 502-A:8 are credited equally to the general fund and to the highway fund. At the close of each fiscal year, the treasurer shall examine the receipts for each fund and cause a transfer to be made so that each fund will have received 1/2 of the motor vehicle fines received during the fiscal year.

Amend the bill by replacing all after section 7 with the following:

8 Effective Date.

I. Section 3 of this act shall take effect July 1, 2011.

II. Section 4 of this act shall take effect July 1, 2013.

III. The remainder of this act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill:

I. Establishes the allocation of gross highway fund appropriations in the operating budget for the biennia beginning July 1, 2009, July 1, 2011, and July 1, 2013.

II. Requires that the department of safety deposit title fees and motor vehicle fines in the highway fund.

III. Requires that total motor vehicle fine revenue be divided equally between the general fund and the highway fund.

2008-0255h

Amendment to HCR 17

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by inserting after the 9th Whereas clause the following:

Whereas, research indicates that the use of reusable bags would have no negative impact on the New Hampshire timber and paper industry and would have little or no effect on New Hampshire plastic bag manufacturers, while creating markets for “New Hampshire Made” reusable bags; and

2008-0282h

Amendment to HR 26

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

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

A RESOLUTION urging New Hampshire’s United States Senators to support a voting seat for the District of Columbia in the House of Representatives.

Amend the resolution by replacing all after the title with the following:

Whereas, Article 1, Section 2 of the United States Constitution states that the number of representatives and direct taxes shall be “apportioned among the several states which may be included with this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons,” it can reasonably be believed that the framers of the Constitution had no intention of denying any United States citizen who is subject to direct taxes the right to a voting member in the House of Representatives; and

Whereas, Congress allowed residents of land ceded from Maryland and Virginia the opportunity to vote in federal elections for 10 years; and

Whereas, the 23rd Amendment provides the citizens of the District of Columbia the right to take an active role in the election of the President and Vice President and provides the District of Columbia with 3 electoral college votes; and

Whereas, the United States Supreme Court upheld the authority of Congress to treat the District of Columbia as a state in National Mutual Insurance Company of the District of Columbia v. Tidewater Transfer Company Inc., 337 U.S. 582 (1949); and

Whereas, the District of Columbia House Voting Rights Act of 2007, S.1257, would provide for expedited judicial review of constitutional challenges to the act by permitting the action to be filed in the U.S. District Court for the District of Columbia and to be heard by a 3-judge panel. Appeals would be made directly to the Supreme Court by filing an appeal within 10 days and filing a jurisdictional statement within 30 days of the lower court’s final decision; and

Whereas, in keeping with the intention of our founding fathers and John Langdon and Nicholas Gilman of New Hampshire, who on September 17, 1787, approved and provided some of the first signatures on the United States Constitution, thereby creating the opportunity for Josiah Bartlett and John Wentworth Jr. to sign and ratify the document on behalf of the state of New Hampshire, it is requested that New Hampshire’s 2 current United States Senators follow in the footsteps of New Hampshire’s founding sons and allow S.1257 to come to the Senate floor for an up or down vote potentially allowing the District of Columbia’s approximately 600,000 citizens or 1 in 500 United States citizens the opportunity to have the same voting representation in Congress other American citizens enjoy; and

Whereas, if S.1257 fails to gain majority support in the United State Senate or in the unlikely event that the Supreme Court determines that Article 1, Section 8, clause 17 granting Congress the right to exercise exclusive, extraordinary and plenary powers in all cases over the District is not a constitutional justification to grant Washington D.C. a voting member to Congress, it is hoped that New Hampshire's Senators would support a constitutional amendment allowing the citizens of the District of Columbia one voting member to the House of Representatives; and

Whereas, the citizens of the District of Columbia should be afford the same opportunity that the New Hampshire general court provides the citizens of New Hampshire by requiring a vote on every single piece of legislation; now, therefore, be it resolved by the House of Representatives:

That the New Hampshire house of representatives urges the United States Senators from New Hampshire to support the right of the citizens of the District of Columbia to be fully represented in the Congress of the United States either by passing S.1257 or, if necessary, by adopting a constitutional amendment providing the citizens of the District of Columbia with one voting member in the House of Representatives; and

That the New Hampshire house of representatives formally declares its support for full representative democracy for all United States citizens, including the residents of the District of Columbia; and

That the house clerk transmit copies of this resolution to Senator Judd Gregg, Senator John E. Sununu, the Mayor of the District of Columbia, and the Chairman of the Council of the District of Columbia, so that they may be apprised of the sentiments of the New Hampshire house of representatives on this matter.

AMENDED ANALYSIS

This resolution urges New Hampshire's United States Senators to support the District of Columbia's right to a voting seat in the House of Representatives.